

Representor 385/76 (R D Chandler)
Matter 5
Other Housing Allocations
and Reserve Sites

Melton Local Plan
2011 to 2036

R D Chandler
Highfield Farm
Hose Lane
Long Clawson
Melton Mowbray
Leicestershire
LE14 4NQ

HRL Ref: H0009/03/LP/ Hearing Statement
January 2018
Version 01 Final

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared in connection with the Examination in Public of the Melton Local Plan 2011 – 2036.
- 1.2 The Hearing Statement supplements the representations previously made in relation to the Pre-Submission Draft and the Focussed Changes consultation stages of the Melton Local Plan.
- 1.3 The Statement deals specifically with the questions posed by the Inspector in connection with Matter 5.
- 1.4 This Statement has been prepared by David A Haston Dip Est Man MRICS who is a Director of Haston Reynolds Ltd.
- 1.5 The Statement has been prepared on behalf of Mr R D Chandler of Highfield Farm, Hose Lane, Long Clawson, Melton Mowbray, Leicestershire, LE14 4NQ. Mr Chandler jointly owns Canal Farm farmstead which is referred to as Site LONG5.

2. MATTER 5

2.1 Question 5.1

i) has an appropriate selection of potential sites been assessed?

2.1.1 It is not possible to consider every conceivable site as to do so would involve an assessment of all land within the Borough irrespective of whether it has been put forward within a 'call for sites' and irrespective of its location.

2.1.2 Having regard to the proposed Development Strategy, the assessment of potential sites within and around Service Centres and Hubs is considered appropriate and proportionate.

ii) has an appropriate methodology been used and has it been applied consistently?

2.1.3 Whilst the assessment methodology covers a relatively wide range of considerations, the scoring system itself is too simplistic and does not adequately reflect the relative importance of the matters being considered within each category.

2.1.4 As a consequence, each consideration is capable of resulting in a score of - -, -, 0, + or ++ irrespective of the relative importance of the subject matter.

2.1.5 For example, the development of a site which would result in substantial harm to or loss of designated heritage assets of the highest significance, which the NPPF advises should be 'wholly exceptional', would result in a score of - -. The same - - score would however also be achieved in the event that the site lies within an area classified as Grade 3a agricultural land even though the NPPF only requires local planning authorities to '*take into account the economic and other benefits of the best and most versatile agricultural land*' where the loss of agricultural land is not significant. The NPPF goes on to advise that only where significant loss of agricultural land is demonstrated to be necessary should local planning authorities seek to use areas of poorer quality land in preference to that of a higher quality.

2.1.6 The scoring system used by the Council is therefore in principle skewed and does not appropriately reflect the relevant characteristics and impacts of the sites that have been assessed.

2.1.7 Furthermore, there are concerns about some of the judgments made by the Council in undertaking its assessments.

- 2.1.8 For example it is clear that the Council does not understand the Agricultural Land Classification system, having attributed a - - score to the LONG5 site on the basis that it is '*Mostly 2 (small part to the north of site 3b)*'.
- 2.1.9 The Provisional Agricultural Land Classification (ALC) England and Wales was based on surveys undertaken by the then Ministry of Agriculture Fisheries and Food in the 1960s. The Reports accompanying the Provisional ALC maps explain that '*care is needed in interpreting the map for several reasons*'. The limitations inter alia included:
- The field work was based on Ordnance Survey sheets at a scale of 1:63,360, supplemented as necessary with sheets at 1:25,000 and was essentially of a reconnaissance nature; any enlargement in the scale of the map without further field inspection could be misleading;
 - Although on the map the change from one grade to another is indicated by a line, in reality boundaries are rarely so sharply defined; and
 - Unless divisions between grades are determined by obvious physical features, or detailed information on soil was available, it was not feasible to delineate areas of less than about 200 acres (80 hectares).
- 2.1.10 Whilst the Provisional ALC map grades are now available digitally on the magic.gov.uk web site, the differentiation of Provisional ALC Grades cannot realistically be deduced at a site specific level using that platform. See Appendix 1.
- 2.1.11 Furthermore, the original Provisional ALC maps did not differentiate between sub grades 3a and 3b; they were simply identified as Provisional Grade 3.
- 2.1.12 The identification of sub Grades 3a and 3b can only be definitively established by way of detailed on-site survey taking into account a range of factors including: gradient; flood risk in summer, flood risk in winter, soil texture, soil structure, soil depth, soil stoniness, chemical limitations, soil wetness, droughtiness, soil erosion etc.
- 2.1.13 More recent adhoc post 1988 survey data (which is produced at a site-specific level and does in some instances differentiate between sub grades 3a and 3b) on the magic.gov.uk web site is extremely limited in coverage and does not extend to the Long Clawson area. See Appendix 2.
- 2.1.14 It is therefore somewhat surprising that the Council has been able to identify that the northern part of the LONG5 site is classified as Grade 3b agricultural land.

- 2.1.15 An explanation from the Council explaining how the definitive Agricultural Land Classification grades of the LONG5 site have been deduced as Grades 2 and 3b would therefore be welcomed.
- 2.1.16 Irrespective of how the Council has deduced the Agricultural Land Classification grades of the LONG5 site, they are fundamentally flawed as the majority of the site is already developed with permanent structures including buildings, silage clamps, concrete bunkers, concrete and other yards and slurry handling and storage facilities. This area cannot, as a matter of fact, fall within detailed ALC grades 1, 2, 3a, 3b, 4 or 5. The appropriate category as set out in the MAFF Revised guidelines and criteria for grading the quality of agricultural land (1988) is ‘*Agricultural buildings*’. See Appendix 3.
- 2.1.17 Other examples relating to considerations such as brownfield land, loss of employment or other beneficial use, access, flooding/drainage, visual impact and noise or other pollutants are detailed in the Responses to the Pre-Submission Draft and Focussed Changes Consultations.
- 2.1.18 It is also still unclear as to how the - -, -, 0, +, ++ scores for individual sites translate into the numerical scores and hence rankings of sites.
- 2.1.19 Notwithstanding this querying being posed of the Council’s Officers by way of telephone conversation, email (see Appendix 4) and then representations themselves, no explanation has been received to date. The Council’s response to the Focussed Changes Representation (75) is not particularly enlightening either as it merely states.

‘Noted, but consider that ther authority’s evidence is robust and proportionate’

- 2.1.20 Indeed, this in fact appears to be a standard response to the earlier email query rather than the duly submitted formal representations themselves.
- 2.1.21 In the absence of any explanation to the contrary, it is assumed that:
- ++ = plus 2 points
 - + = plus 1 point
 - 0 = 0 points
 - = minus 1 point
 - = minus 2 points.

- 2.1.22 However, when the Council’s scores for each of the Long Clawson sites are added up, the overall scores for each site are between 2 and 4 points adrift. i.e. they appear to have have been added up incorrectly. When coupled with the inequitable

methodology and the flawed assessments of a number of the considerations, the Council's overall assessment of sites is unreliable and the Plan is not therefore adequately justified.

iii) are the reasons for selecting the preferred sites and rejecting the others clear and sufficient? Would any inaccuracies in the assessments significantly undermine the overall conclusions?

- 2.1.23 In light of the range of flaws identified in the response to Question 5.1 ii), the reasons for selecting the preferred sites and rejecting others are not accurate, transparent or sound.
- 2.1.24 The inaccuracies in the assessments are both numerous and significant and have resulted in the inappropriate selection of some of the proposed allocated sites.
- 2.1.25 This was aptly demonstrated at the special Planning Committee meeting of Melton Borough Council held on 4 December 2017 which was due to consider five planning applications for residential development around Long Clawson.
- 2.1.26 Having undertaken site inspections, Members resolved to:
- approve the outline planning application for the Canal Farm LONG5 site (notwithstanding its 'Reserve' status in the emerging Local and Neighbourhood Plans) and the outline planning application for the Birleys Garage LONG3 site;
 - defer determination of the Hickling Lane LONG2 site; and
 - refuse planning permission for the Sandpit Lane LONG4 site.
- 2.1.27 The application for the Back Lane/Mungies (MBC/028/13 formerly LONG2) site was withdrawn by the applicant prior to the consideration of the applications.
- 2.1.28 It was evident from the discussion by Members at the meeting, that notwithstanding its proposed allocation, they felt that insufficient weight had been given by officers to the heritage impacts arising from the development of the Sandpit Lane (LONG4) site. They also felt that insufficient weight had been attributed to the existing developed condition of the majority of the Canal Farm (LONG5) site and the benefits of removing the intensive dairy unit from the village.
- 2.1.29 The views expressed by Members in the determination of these application lend weight to the observations made above in relation to the reliability of the Council's site assessment methodology. Indeed, the action of Members in refusing an application for a site proposed for allocation and in approving an application for a site proposed as a reserve site demonstrates that inaccuracies in the assessments

would have a significant effect on the conclusions reached and the deliverability of the Local Plan as currently proposed.

- 2.1.30 In respect of Long Clawson, this could be remedied through the identification of the Canal Farm LONG5 site as a site allocated for housing.

iv) has a reasonable balance been struck between the residual requirements figure for each of the settlements in Table 4 and the allocation of sites to meet the residual requirement as closely as possible?

- 2.1.31 The residual requirement figure for Long Clawson will need to be reviewed in light of the MBC Planning Committee resolutions at the special meeting held on 4 December 2017.

2.2 5.2 Overall, will the allocations provide sufficient flexibility to help deliver the spatial strategy?

- 2.2.1 With a 15% allowance for windfall sites in the rural area and an allocation surplus of just 9 dwellings over the residual requirement, there appears to be little margin available in the event of non-delivery of allocated sites. This could have an implication for delivery of the spatial strategy.

2.3 5.3 Are the specific policy requirements for the allocations in Appendix 1 justified and effective? Together with the Plan policies as a whole, is there reasonable assurance that the development of the allocations will be sustainable and in accordance with national planning policy?

- 2.3.1 There cannot be a reasonable assurance that the development of the allocations will be sustainable or represent the most sustainable options when the underlying site assessments upon which those allocations are based are so fundamentally flawed.

- 2.3.2 The inclusion of policies for each site may provide some additional safeguards, however they do not overcome the underlying flaws in the assessment or in any way remedy the inappropriate selection of sites.

2.4 5.4 Is the identification of ‘reserve sites’ in Policy C1 (B) appropriate in principle?

- 2.4.1 The identification of ‘reserve sites’ is in principle supported. This provides a mechanism for bringing alternative sites forward in the event that allocated sites are not delivered or windfall site delivery falls below projected levels.

- 2.4.2 The use of ‘reserve sites’ would also provide a relatively flexible mechanism for reducing the risk of under-delivery and reducing the likelihood of a lack of a five year supply.
- 2.4.3 The circumstances under which ‘reserve sites’ could be brought forward need to be clearly defined.
- 2.5 **5.5 Has the basis for their identification been robust? Is there clear justification for the identification of the individual sites as reserve sites?**
- 2.5.1 The answer to both these questions is ‘No’, for the reasons cited in response to Questions 5.1 i) to 5.1 iv) above.
- 2.6 **5.6 Are the policy criteria of Policy C1(B) justified and effective? How will criteria iii) and iv) be assessed?**
- 2.6.1 It is considered that these policy criteria are unnecessary and unjustified. Applications for ‘reserve sites’ should be treated on their merits in the same way that any other application would be considered. It would be illogical and inequitable for these policy requirements to be imposed on applications for ‘reserve sites’ when applications for unallocated windfall sites in those same settlements would not be faced with similar policy hurdles or requirements.
- 2.6.2 Subject to a thorough, accurate and sound site assessment process having been carried out by the Council in the preparation of its Local Plan, the ranking of sites should in principle be sufficient to inform the merits of a reserve site coming forward without the need for an arbitrary community support contest.
- 2.6.3 In any event, no indication is given as to the level or proportion of public support that would need to be achieved for the policy to be satisfied, so the policy is in itself, imprecise and effectively meaningless.

Haston Reynolds Ltd
January 2018

Representor 385/76 (R D Chandler)
Matter 5
Other Housing Allocations
and Reserve Sites

APPENDICES

Melton Local Plan
2011 to 2036

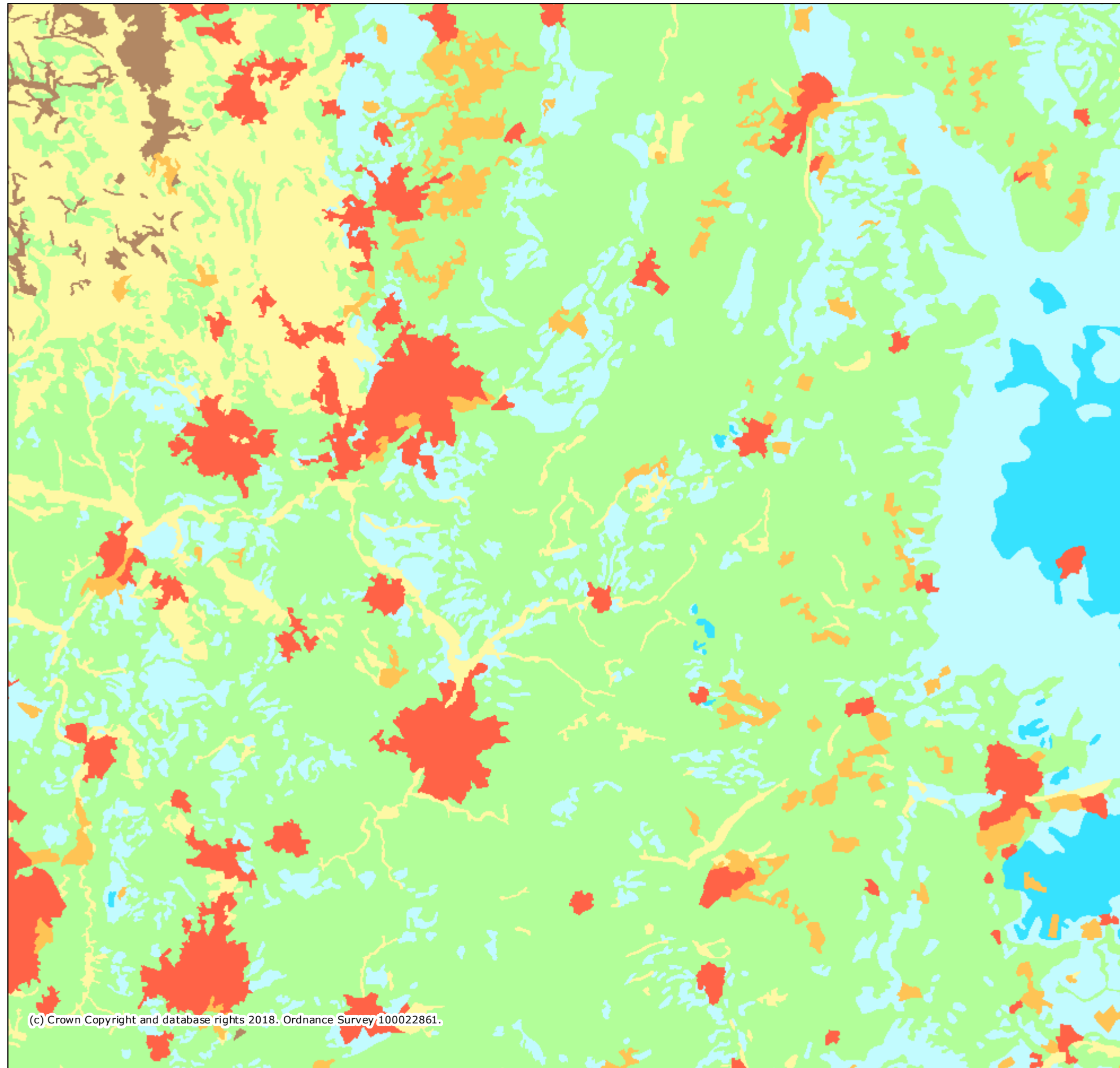
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APPENDIX 1
PROVISIONAL AGRICULTURAL LAND CLASSIFICATION MAP

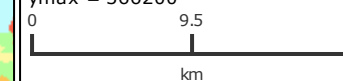


Legend

Agricultural Land Classification - Provisional (England)

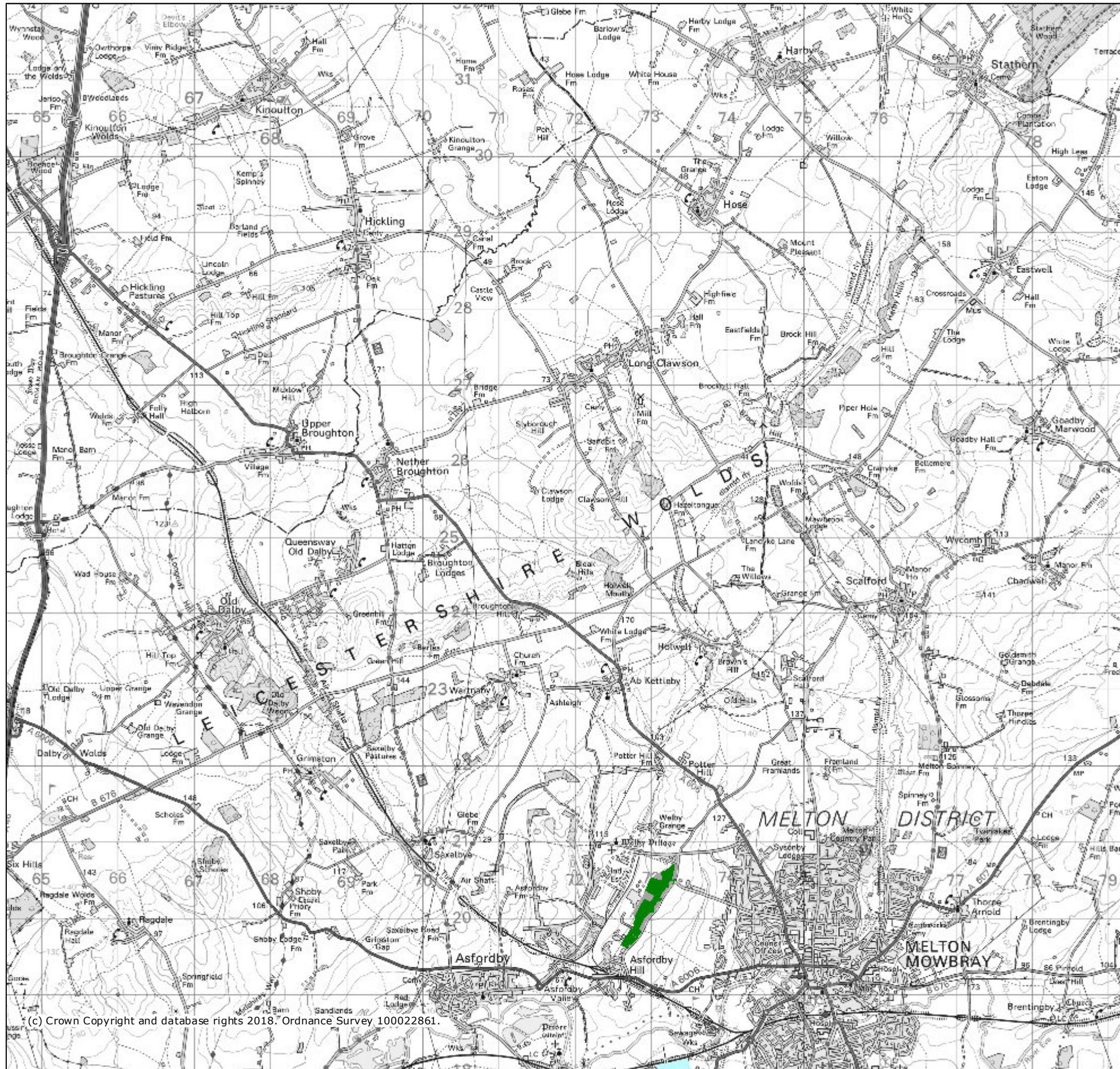
- Grade 1
- Grade 2
- Grade 3
- Grade 4
- Grade 5
- Non Agricultural
- Urban

Projection = OSGB36
 xmin = 374700
 ymin = 284500
 xmax = 569100
 ymax = 366200



Map produced by MAGIC on 8 January, 2018.
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APPENDIX 2
POST 1988 AGRICULTURAL LAND CLASSIFICATION MAP



Legend

Post 1988 Agricultural Land Classification (England)

- Grade 1
- Grade 2
- Grade 3a
- Grade 3b
- Grade 4
- Grade 5
- Not Surveyed
- Other

Projection = OSGB36
 xmin = 459700
 ymin = 319500
 xmax = 484000
 ymax = 330500



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APPENDIX 3
AGRICULTURAL LAND CLASSIFICATION – DEFINITION OF GRADES



MINISTRY OF AGRICULTURE, FISHERIES AND FOOD

**AGRICULTURAL LAND CLASSIFICATION
OF
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*Revised guidelines and criteria for grading
the quality of agricultural land*

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SECTION 2

DESCRIPTION OF THE GRADES AND SUBGRADES

The ALC grades and subgrades are described below in terms of the types of limitation which can occur, typical cropping range and the expected level and consistency of yield. In practice, the grades are defined by reference to physical characteristics and the grading guidance and cut-offs for limitation factors in Section 3 enable land to be ranked in accordance with these general descriptions. The most productive and flexible land falls into Grades 1 and 2 and Subgrade 3a and collectively comprises about one-third of the agricultural land in England and Wales. About half the land is of moderate quality in Subgrade 3b or poor quality in Grade 4. Although less significant on a national scale such land can be locally valuable to agriculture and the rural economy where poorer farmland predominates. The remainder is very poor quality land in Grade 5, which mostly occurs in the uplands.

Descriptions are also given of other land categories which may be used on ALC maps.

Grade 1 – excellent quality agricultural land

Land with no or very minor limitations to agricultural use. A very wide range of agricultural and horticultural crops can be grown and commonly includes top fruit, soft fruit, salad crops and winter harvested vegetables. Yields are high and less variable than on land of lower quality.

Grade 2 – very good quality agricultural land

Land with minor limitations which affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown but on some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1.

Grade 3 – good to moderate quality agricultural land

Land with moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in Grades 1 and 2.

Subgrade 3a – good quality agricultural land

Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops.

Subgrade 3b – moderate quality agricultural land

Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

Grade 4 – poor quality agricultural land

Land with severe limitations which significantly restrict the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops (eg cereals and forage crops) the yields of which are variable. In moist climates, yields of grass may be moderate to high but there may be difficulties in utilisation. The grade also includes very droughty arable land.

Grade 5 – very poor quality agricultural land

Land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

Descriptions of other land categories used on ALC maps

Urban

Built-up or 'hard' uses with relatively little potential for a return to agriculture including: housing, industry, commerce, education, transport, religious buildings, cemeteries. Also, hard-surfaced sports facilities, permanent caravan sites and vacant land; all types of derelict land, including mineral workings which are only likely to be reclaimed using derelict land grants.

Non-agricultural

'Soft' uses where most of the land could be returned relatively easily to agriculture, including: golf courses, private parkland, public open spaces, sports fields, allotments and soft-surfaced areas on airports/airfields. Also active mineral workings and refuse tips where restoration conditions to 'soft' after-uses may apply.

Woodland

Includes commercial and non-commercial woodland. A distinction may be made as necessary between farm and non-farm woodland.

Agricultural buildings

Includes the normal range of agricultural buildings as well as other relatively permanent structures such as glasshouses. Temporary structures (eg polythene tunnels erected for lambing) may be ignored.

Open water

Includes lakes, ponds and rivers as map scale permits.

Land not surveyed

Agricultural land which has not been surveyed.

Where the land use includes more than one of the above land cover types, eg buildings in large grounds, and where map scale permits, the cover types may be shown separately. Otherwise, the most extensive cover type will usually be shown.

APPENDIX 4
EMAILS WITH MBC RE SITE SCORING AND RANKINGS

David Haston

From: James Beverley <jbeverley@melton.gov.uk>
Sent: 11 August 2017 15:30
To: 'David Haston'
Subject: RE: MELTON LOCAL PLAN - LONG CLAWSON SITE SCORES AND RANKINGS

Hi David,

Apologies no one contacted you earlier, I am out of the office today and had previously forwarded your email on to the team as I do not deal with this element of the Local Plan particularly much. I will do the same with your last email and emphasise the urgent nature of its contents.

The difficulty we will have is the member of staff who completed this has since left the authority so we will likely need to look into this further.

Kind regards,

James Beverley
Planning Policy Officer
Regulatory Services
Melton Borough Council
Tel: 01664 502321
Email – jbeverley@melton.gov.uk



Melton Local Plan
The Borough's Future

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Join us at a drop-in event for questions about the changes or...



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From: David Haston [<mailto:david@hastonreynolds.co.uk>]
Sent: 11 August 2017 15:27
To: James Beverley
Cc: Ian Reynolds; 'richard.chandler01'
Subject: MELTON LOCAL PLAN - LONG CLAWSON SITE SCORES AND RANKINGS
Importance: High

Dear James

I am just looking through the scores for the sites in Long Clawson (page 196 of the Service Centres update document 30 May 2017) and am trying to work out how the ++, +, 0, - and -- impacts for each topic translate into the numerical scores given on page 196, but I am having some difficulties.

I had assumed that:

- ++ would equal 2 points
- + would equal 1 point
- 0 would equal 0 points
- would equal -1 point
- would equal -2 points.

However, when I apply that to LONG4, the score for that site equates to 18 points rather than the 22 points awarded to it in the table on page 196.

Have I missed something or is this a numerical error in the table?

If you could let me know this afternoon it would be much appreciated.

Kind regards

David

David A Haston Dip Est Man MRICS
Haston Reynolds Ltd
01952 770055

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