

20th March 2017**BY EMAIL**

Dear Sirs

FRISBY ON THE WREAKE – NEIGHBOURHOOD PLAN

I am writing on behalf of my client, Mr David Cook, to object to the Frisby on the Wreake Neighbourhood Plan. As detailed below, our principle objection relates to the approach, evidence, site assessment and public consultation which the Frisby on the Wreake Neighbourhood Plan Advisory Committee (NPAC) has undertaken in preparing the emerging Neighbourhood Plan.

In preparing these representations, consideration has been had to the guidance set out in the National Planning Practice Guidance in respect of the preparation of Neighbourhood Plans.

Positive and Proactive Approach

The guidance seeks a proactive and positive approach with the Local Planning Authority, sharing evidence and seeking to resolve any issues to ensure that the draft Neighbourhood Plan has the greatest chance of success at independent examination. The guidance goes on to state that it is important to minimise any conflicts in the Neighbourhood Plan and those in the emerging Local Plan, including housing supply policies (Paragraph 009, Reference ID 41-009-20160211, Revision date 11.02.2016).

The NPAC has sought to engage with the LPA in preparing Frisby Neighbourhood Plan, but has only had regard to the advice provided insofar as its own position is benefited. The Officers at Melton Borough Council have on a number of occasions provided the NPAC with guidance and feedback on the emerging Frisby on the Wreake Neighbourhood Plan, most recently providing written feedback on the draft Plan ahead of its consultation. This feedback has been ignored in its entirety in progressing the Plan for consultation.

Robust and Credible Evidence

Further to the above, the extensive evidence base the Borough Council has prepared in formulating the emerging Local Plan has been entirely ignored in the preparation of the Neighbourhood Plan. The evidence available, as part of the Local Plan, provides a robust assessment of all the possible development sites around Frisby; drawing conclusions on those which should be allocated following a robust assessment of sites.

The evidence prepared by the Borough Council in the preparation of the emerging Local Plan and the proposed site allocations identified having regard to this extensive body of evidence is in contrast to the four evidence documents the NPAC has prepared which include a Traffic Survey, Environmental Inventory, Tree Survey and Wildlife Survey. This evidence cannot be considered 'robust' evidence. The

Traffic Survey has been undertaken by various residents, utilising different forms of data capture; the Tree Survey is a record of trees within the village, it does not seek to categorise trees according to their quality as you would expect a Tree Survey to; similarly the Wildlife Survey is a record collated from sightings of wildlife provided by villagers, it is not a full ecological survey.

Assessment of Options

The appraisal of options and assessment of sites is a key part of any Neighbourhood Plan preparation where the Neighbourhood Plan seeks to allocate sites for development. The National Planning Practice Guidance is clear in this regard that an appraisal of options and an assessment of individual sites against a clearly identified criteria is required (Paragraph 042, Reference ID 41-042-20140306, Revision date 06.03.2014).

An appraisal of options, based on the evidence being prepared to support the Borough Council's emerging Local Plan, was undertaken by the NPAC's appointed and qualified consultant team, Your Locale; this assessment was published in June 2016. At the time this document was prepared, the Borough Council and the NPAC were considering land to deliver 48 dwellings in Frisby in total. The sites considered included:

- 'Great Lane Extension Site'
- 'Cooks Expansion Site – rear of School'
- 'Water Lane Extension Site'

A site assessment framework (Final Sustainability – Housing Land Site Assessment Framework) was prepared to inform the site assessment. As set out above, a qualified, independent consultant team, 'Your Locale', was appointed to undertake an assessment of each site against the framework. The sites were scored as follows:

Site	Red Scores	Amber Scores	Green Scores	Rank and 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

Table 1: Summary Table - Site Scoring as detailed within the Your Locale, June 2016 Report

The assessment concluded, *"The Your Locale independent sustainability analysis of the three competing development sites in the Parish has concluded that only two of the sites are sustainable, Cook's Development's [rear of school], and Water Lane and these merit further consideration. Great Lane was considered to be least sustainable of the three options"*.

In reporting the findings, the Your Locale report advised that *"A further community consultation exercise is now required to enable the community to be brought up to date with the content of the Sustainability and Opinion Survey"* with *"the advantages and disadvantages of the sites [Water Lane and Cooks Expansion] explained to them to allow them to consider the full situation and agree which site to proceed with"*. This exercise would no doubt have been updated to allow for the increase in dwelling numbers that the Borough Council and the NPAC has since had to plan for.

The independent assessment of the sites, undertaken by Your Locale, are reported by the NPAC (Appendix I: Consultation and Open Events, Neighbourhood Plan) to have been rejected by the public at the Parish Council meeting on 7th June 2016. The reason for the rejection being that the assessments were *"not being objective, accurate or sufficiently professional to be submitted to MBC as evidence"*.

This is notwithstanding that the assessments had been undertaken by a team of qualified consultants with extensive experience of working on other Neighbourhood Plans with successful outcomes.

It is interesting to note that there are no further reports (Appendix I: Community Consultation and Open Events, of the Neighbourhood Plan) of Your Locale's involvement in the preparation of the Neighbourhood Plan following the Parish Council meeting on 7th June 2016.

As with the Council's evidence base, discussed above, it is clear that the NPAC has deliberately chosen to ignore the professional advice of Your Locale.

This is evidenced through the NPAC subsequently undertaking its own assessment of sites as set out in Appendix F: Site Selection Methodology of the Neighbourhood Plan. This assessment is presumably considered by the NPAC to be a more 'objective, accurate and professional' assessment of the sites than that undertaken by Your Locale; albeit there is no date provided as to when the assessment was undertaken, nor who the author of the assessment was. Furthermore, and as detailed above, there is no new credible evidence available to the NPAC on which to base the revised scoring and justify revised site scoring from that undertaken by Your Locale.

The table below illustrates the differences in scoring of that undertaken by Your Local in May 2016, and that undertaken by NPAC.

Site	Increase in Positive Scoring since Your Locale Assessment	Increase in Negative Scores since Your Locale Assessment
Cooks Expansion Site	4	4
Water Lane Extension Site	0	6
Great Lane Extension Site	12	1

Table 2: Summary of increased Positive and Negative Scores in Site Assessment since the Your Locale Assessment

The increase in the positive scores associated with the Great Lane site, may have resulted following a review of the planning application documents which were available in the public domain at the time the re-assessment was undertaken. However, if this is the case, substantially increased positive scoring would be expected for the Cooks expansion, south of the school, as a planning application and its supporting information was also available for review.

Separate to the above, but worth noting, there are some errors in adding within the NPAC's tables contained in Appendix F of the Neighbourhood Plan.

In respect of my client's land, Cooks Expansion – rear of school, it is worth noting the differences in scoring between Your Locale and the NPAC assessment, as illustrated in the table below.

Site Assessment Criteria	Score Change	Comment
Topography	Amber to Red	The topography of the site has remained exactly the same since the Your Locale Assessment was undertaken- the revised scoring cannot be justified.
Safe Access to Public Transport on A607	Amber to Red	As confirmed through the Great Lane planning application and the Highway Authority response to the Cook, land to the south of the school, application, there

		are no highways objections in respect of safe access to the A607.
Flood Issues	Amber to Red	Flood issues have not changed since the Your Locale Assessment was undertaken- the revised scoring cannot be justified. Further work has been undertaken and submitted in with the planning application which confirms the sites suitability for development in this respect.
Drainage Issues	Amber to Red	Drainage Issues have not changed since the Your Locale Assessment was undertaken- the revised scoring cannot be justified. Further work has been undertaken and submitted in with the planning application which confirms the sites suitability for development in this respect.

Table 3: Summary of key differences in scoring between Your Locale and NPAC Assessment

It is also worth commenting on the scoring of the additional site, land at Rotherby Lane [Zion House] which receives 17 'Green' scores in the NPAC's assessment of the site (6 'Green Scores ahead of the second highest scoring site). Again the credibility of the scoring is questioned. The site has scored 'Green' against the criteria "Any contamination issues"; the site is an operational farmyard and therefore cannot without a contamination assessment score so well against this criterion without the appropriate evidence. This is just one example, of many.

As set out above, the NPAC has no new credible evidence on which to make the amendments to the site scoring from that undertaken by Your Locale. It is therefore unclear as to why the scoring has been revised. The 2016 assessment of sites was undertaken by a team of qualified consultants, with extensive experience of helping communities prepare Neighbourhood Plans (Your Locale). In contrast, the 2017 assessment lacks any transparency as to the assessment and the revised scoring, is considered to be fundamentally flawed, and should not, and cannot, be relied on to progress the Neighbourhood Plan.

In considering whether to progress the Neighbourhood Plan to Examination, the NPAC should have regard to the recent Examiners report in respect of the Weedon Bec Neighbourhood Plan, which in response to the assessment of housing sites concluded that "*whilst the sites have been appraised, there is a lack of apparent transparency in the selection of sites*". The Examiner went on to state "too many of the Plan's policies and proposals including the site allocations, lack robust and proportionate evidence to support them. It is not clear how some of the allocations and proposals have come about and as a result the process appears to lack transparency. The Plan does not include proportionate, robust evidence to support the approach taken and the choices made". The Examiner recommended that the Plan should not proceed to referendum.

Consultation

In April 2016, the NPAC undertook a village survey, seeking resident's opinion on three potential development sites:

- 'Cooks Expansion Site – rear of School'
- 'Water Lane Extension Site'
- 'Great Lane Extension Site'

The results of this consultation found that land to the rear of the school was favoured by 48% of respondents and 33% of respondents, if the development was to include a combination of sites. The table below summarises the responses from residents; respondents were asked whether they preferred a single site location or a combination of sites. The table is taken from the 'Frisby on the Wreake Community Consultation (May 2016)', report to Melton Borough Council by Frisby Neighbourhood Plan Advisory Committee.

PREFERRED SITE	Location 1	Location 2	Location 3	Combination
Including those preferring a combination of sites	33%	15%	24%	28%
If development was on a single site only	48%	21%	31%	

Table 4: Summary of responses received to the April 2016 consultation. Note: Location 1 is 'Cooks, Land to the rear of school, Location 2 is Land off Water Lane, Location 3 is Land at Great Lane.

Having regard to the above, it is clear that as at April 2016, when residents were first able to comment on proposed allocations, land to the rear of the school was the most preferred whether brought forward as the only site in the settlement, or in combination with another site.

Notwithstanding the above results, the NPAC undertook a further consultation with the community in October 2016. This consultation included an additional site, land at Rotherby Lane.

The NPAC reports the result of this consultation as the combination of the Great Lane site and "the brownfield" Zion House site [Rotherby Lane site]; preferred by 61.4% of villagers.

The consultation undertaken in October 2016, cannot however be considered to be a fair and comparable exercise to that undertaken in April 2016. In April 2016, residents were asked to consider each site separately, as well as in combination with another site. The October 2016 consultation sought opinion on a combination of sites only.

In addition, and far more concerning is that the consultation material sent to residents has been misleading. Residents were advised that the land to the rear of the school could deliver between 48 and 340 dwellings. This was in contrast to the reporting of the other site combinations, which reported far lower numbers.

The NPAC were very well aware of the proposals for land to the south of the school and had full knowledge that the land to the east of the development area is proposed as open space, as part of the development, and would not therefore be built on in future; limiting the number of dwellings on the site to 48 dwellings not the 340 dwellings suggested.

Furthermore, the additional site at Rotherby Lane [Zion House] was described as brownfield land. Again, this is a misleading statement as agricultural land and associated farmyards, are not classified as brownfield land.

The questions posed to residents were deliberately misleading, and arguably influenced the way in which respondents chose to respond.

In addition, the Rotherby Lane site appeared on all five options consulted upon, with Great Lane featuring for approx. 80% of the options, Water Lane, 60% of the options and Land to the south of the school, only featuring for 40% of the options. Residents were only able to choose one option; a totally flawed consultation process.

It is considered that the information gathered through the October 2016 consultation cannot be relied on in any way, in supporting the proposed allocations in the emerging Neighbourhood Plan. The questions put to residents by the NPAC were deliberately misleading.

Legal

Finally, the Neighbourhood Plan documents are held across two separate websites (Parish Council and Frisby Neighbourhood Plan), which makes it difficult to understand the evidence and work undertaken in respect of the Neighbourhood Plan. It is not clear having looked at the two websites whether the NPAC has met its legal requirements in respect of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), and whether the Plan has been properly screened as such.

Conclusion

It is considered that the Frisby Neighbourhood Plan is fundamentally flawed in its preparation. Robust and credible evidence, prepared by the Borough Council has been disregarded, as to has the advice the Borough Council has provided throughout the preparation of the Plan. The NPAC has sought to prepare evidence of its own however, the robustness and credibility of this is challenged. The assessment of sites undertaken by the NPAC, in 2017, lack transparency and any evidence on which the amended site scoring has been prepared. Most concerning of all however is that the community has been misled in the consultation exercise undertaken in October 2016; the Neighbourhood Plan cannot therefore be considered to represent the views of the community.

I trust the above comments will be taken into consideration by the NPAC in deciding whether to progress the Neighbourhood Plan to Examination in its current format. If you would like to discuss any aspect of the above in more detail, please do let me know.

Yours sincerely

For and behalf of Fisher German LLP

A handwritten signature in blue ink, appearing to be 'Liberty Stones'.

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