



**Landmark
PLANNING**

REPRESENTATIONS BY LANDMARK PLANNING ON BEHALF OF MRS S NOBLE TO THE FRISBY ON THE WREAKE NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

1. Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc).
Submission Plan
Page Number (if applicable).
Page 14
Paragraph/Policy (if applicable)
H1:Housing Provision

2. Do you believe that this policy/section of the Neighbourhood Plan:

	Yes	No	Unsure
Meets European obligations.	✓		
Has regard to national planning policies		✓	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		✓	
Contributes to the achievement of sustainable development.		✓	

Do you

Support this policy/part of the plan	
Support this policy/part of the plan subject to modifications	
Object to this policy/part of the plan	✓
Neither support nor object to this policy/part of the plan	

Comments

Landmark Planning is of the view that policy H1 does not meet the basic

conditions in respect of (1) having regard to national policies and advice and (2) achieving sustainable development.

The Town and Country Planning Act 1990 Schedule 4B s116 paragraph 8(2) describes the basic conditions that a Neighbourhood Plan (NP) needs to satisfy. The first of these is that the Plan should have *“regard to national policies and advice contained in guidance issued by the Secretary of State.”* The Secretary of State in the National Planning Policy Framework (NPPF) sets out in paragraph 16 that:

“Critically, it will mean that neighbourhoods should:

Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;”

Further paragraph 184 of the NPPF explains that:

“Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” and that:

“Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”

Paragraph 009 ID 41-009-20160211 Rev 11022016 of National Planning Practice Guidance (NPPG) deals specifically with the issue of a NP coming forward before an up-to-date plan is in place. It notes that although a draft NP is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

The saved policies of the adopted Local Plan are now significantly out of date and there is therefore little to be gained from reflecting their strategic requirements within the NP (although general conformity will still be required to meet the basic conditions). Basing the housing needs of the NP on the evidence base underpinning the emerging policies of the draft Melton Local Plan (MLP) is therefore a logical approach to take and one that is consistent with advice of the NPPG.

NPPG also advises that *“Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan”*. (Paragraph 009 ID 41-009-20160211 Rev 11022016).

The pre-submission draft of the MLP was subject to consultation in November 2016. In respect of Frisby on the Wreake, the MLP identifies 3 suitable sites for housing development with capacity for 94 dwellings, including site FRIS2 at Water Lane. The policy makes clear that all of these

sites will be considered appropriate to new housing subject to meeting policy requirements. A reserve site for 24 dwellings was also included, although this has subsequently been withdrawn from consideration by the landowner.

The draft MLP also refers to the need for flexibility to deal with changing circumstances and the consequent requirement for some additional capacity to deal with non-delivery, etc. However, the draft NP seeks only to allocate 2 sites to deliver its identified requirement for 78 houses in Frisby on the Wreake. One of these sites includes FRIS1 land off Great Lane (which has the benefit of outline permission for 48 houses) and the other is FRIS1A, also off Great Lane and adjoining FRIS1. FRIS1A is estimated to be capable of delivering a further 25 – 30 dwellings, which at the lower end would result in shortfall against the NP Policy H1 requirement. The requirement for only 78 houses in policy H1 is made notwithstanding Melton Borough Council's representations to the Regulation 14 consultation highlighting the need for flexibility.

Progress has been made recently on the MLP with additional evidence and recommendations being presented to the Full Council on the 4th July 2017. The Council has agreed to make a series of amendments to the draft MLP and will carry out further consultation on these changes.

Whilst the precise details of the agreed amendments are yet to be made public, the Council officers recommended to Members a number of changes to the draft policies relating to housing in Frisby. This includes deletion of the reserved site FRIS4 and increased capacities on the Council's proposed housing allocations in the village, based on additional site evidence being made available.

The recommended total housing for Frisby is now proposed to increase to 137, reflecting the identified increased capacity referred to above. It also deals with the need to have a 'buffer' across rural hubs as a whole to provide flexibility. This is important as the report to the Full Council meeting of 4th July 2017 for Agenda Item 3E in respect of housing allocations notes at paragraph 5.14 that

"Frisby on the Wreake is the only settlement in the Rural Hubs category with more potentially suitable sites than area required and therefore FRIS3 is retained to provide this flexibility in capacity across the Rural Hubs category".

The case for additional housing in Frisby is also reinforced by the fact that the village now benefits from superfast broadband. In addition to the existing services and facilities that are present in Frisby, there is an argument to be made to MBC that the village should be designated a Service Centre within the settlement hierarchy.

It is, of course, accepted that this approach has not been the subject of consultation or examination and thus it cannot be afforded significant weight at the present time. However, it is based on up to date evidence and indicates the Council's 'direction of travel' with housing allocations across the

Rural Hubs category, as well as demonstrating the importance attached to accommodating change, as required in the NPPF.

The Frisby NP in its current form fails to address the housing requirements for Frisby (and across the Rural Hubs) as evidenced in the emerging local plan process and will almost certainly underprovide by seeking to only allocate sites for 78 dwellings. It is also possible that the plan could fail to deliver on this target if delivery of site FRIS1A is at the lower end of the NP's estimated capacity for this site. In not planning to meet adequately the housing needs of the village, the NP cannot be judged to be helping to achieve sustainable development. It is also inconsistent with both the advice in the NPPF and NPPG. In these respects, it is our view that the NP would not meet the basic conditions for a neighbourhood plan.

Please suggest any amendments to the plan/policy here.

The NP should liaise with Melton Borough Council as the Local Planning Authority (LPA) and agree a way forward on housing requirements for Frisby to minimise any conflicts with future housing supply policies. Policy H1 should refer to an increased housing requirement agreed with the LPA which allows for some flexibility and provides a buffer should development not proceed or not deliver the anticipated number of houses.

This will necessitate the allocation of additional sites in the NP. It is our view that site FRIS2 at Water Lane should be allocated to ensure conformity with the emerging Local Plan. Further detail is given in support of the suitability of this site for development in our response to other matters.

1. Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc).
Submission Plan
Page Number (if applicable).
Page 18
Paragraph/Policy (if applicable)
Policy H2

2. Do you believe that this policy/section of the Neighbourhood Plan:

	Yes	No	Unsure
Meets European obligations.	✓		
Has regard to national planning policies		✓	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		✓	
Contributes to the achievement of sustainable development.		✓	

Do you

Support this policy/part of the plan	
Support this policy/part of the plan subject to modifications	
Object to this policy/part of the plan	✓
Neither support nor object to this policy/part of the plan	

Comments

<p>The policy seeks to allocate two adjoining sites off Great Lane, FRIS1 and FRIS1A, to meet the NP's identified housing requirement. FRIS1 already has outline planning permission for 48 units and the rationale behind inclusion of this site as an allocation is therefore clear; notwithstanding concerns about the sustainability of development of this site (indeed, some of the detracting issues of the site are referred to on page 15 of the draft NP).</p> <p>However, the allocation of the adjoining site to the east, FRIS1A, would only result in a repeat of these concerns and in our view would not contribute to achieving sustainable development. It is incredulous that this site is favoured by the NP, when it is so divorced from the village core.</p>

Paragraph 072 Reference ID: 41-072-20140306 Rev 06032014 of NPPG states that sufficient and proportionate evidence should be presented on how the draft neighbourhood plan guides development to sustainable solutions. Paragraph 40 ID: 41-040-20160211 states that proportionate, robust evidence should support the choices made and approach taken. It is not considered that this is the case with the Frisby NP and Landmark Planning is of the view that the supporting evidence and process that has informed site selection is both limited and flawed.

Due to the late submission of site FRIS1A Great Lane, it was subject to only one week's public consultation after the end of the official Regulation 14 consultation period. It also appears that the evidence to support the suitability of site FRIS1A was not available to people wishing to make representations to inform their responses at this stage of the consultation. Furthermore, site FRIS1A has not been subject to any independent professional assessment in contrast to other sites that were considered by Your Locale as part of their work on the NP. This raises serious concerns about the way in which the NP Advisory Committee has arrived at the proposed site allocation. It is our view that this is a very flawed process especially with both the selective way evidence has been used or in the case of FRIS1A not used at all.

Further comments on Appendix F and the site selection methodology are made later on in these representations and are relevant to the concerns raised here about the sustainability of the proposed allocations and the robustness of the evidence base.

The shortcomings of the NP are even more apparent in light of the fact that the draft MLP seeks to allocate FRIS 2 Water Lane for housing (indeed, the recent report to Full Council 4th July 2017 proposes to increase numbers on the site to 22). Presumably with the stringent soundness tests that are applied to producing a Local Plan, the Borough Council must be confident that there is a sound sustainability case for allocation of the site. It is wondered how the NP could come to such a different conclusion without ignoring the evidence available for the FRIS2 site. In these circumstances it cannot be concluded that the housing allocations in the NP represent sustainable development.

Please suggest any amendments to the plan/policy here.

The policy should be revised to reflect the higher number of houses/increased flexibility as outlined in our response to policy H1. It should therefore include additional allocations to meet this requirement. It is our strong view that evidence is available to support the allocation of FRIS2 Water Lane and that allocation would be consistent with the emerging MLP. Greater justification should be given for the proposed allocation of site FRIS1A Great Lane, particularly bearing in mind earlier concerns raised about sustainability in relation to FRIS1.

1. Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc).
Submission Plan Appendix F
Page Number (if applicable).
Paragraph/Policy (if applicable)

2. Do you believe that this policy/section of the Neighbourhood Plan:

	Yes	No	Unsure
Meets European obligations.	✓		
Has regard to national planning policies		✓	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		✓	
Contributes to the achievement of sustainable development.		✓	

Do you

Support this policy/part of the plan	
Support this policy/part of the plan subject to modifications	
Object to this policy/part of the plan	✓
Neither support nor object to this policy/part of the plan	

Comments

<p>Site selection has been based on a RAG (Red-Amber-Green) rating system, as appended to the draft NP as Appendix F. The basis of this analysis was, it is understood, first based on an independent assessment by the Frisby Neighbourhood Plan Committee advisors, Your Locale. Indeed in an e-mail dated 3rd October 2016 from them this methodology is again advocated.</p> <p>The results of the Your Locale assessment ranked FRIS2 Water Lane first in order of suitability with the Great Lane site (FRIS1) ranking third after the Cooks expansion site. The Your Locale evaluation is not now available and so the following table has had to be reproduced courtesy of other submissions to the NP consultation process. We have no reason to think that</p>

this table would not accurately reflect the Your Locale scoring.

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

This assessment has now been significantly altered by the NP Committee to produce different preferred sites. Moreover the altered judgements are not based on known facts that are available in the public domain.

Appendix I of the Plan lists the Community Consultation and Open Events. Sustainability Assessments were commissioned from Your Locale in May 2016 (page 2). However, their assessment, presumably prepared by professionally qualified people, was rejected on August 9th 2016 “as not being objective, accurate or sufficiently professional to be submitted as evidence...” So what did a professional company prepare and how was the analysis revised? By whom? On what objective basis? And how were the changes justified?

So, for example reviewing FRIS2, Water Lane, the scoring evidence on page 5 of Appendix F first remarks that a planning application has been received and then proceeds to score the site, ignoring the evidence it knows is available as part of that application submission. There are a number of inaccuracies and inconsistencies. Without listing all the errors, but as an indication of the concerns:

Criterion 1: Site capacity meets the MLP expectations (the emerging Local Plan requires at least 14 dwellings of this site). This is achieved so a red is inappropriate and instead should be a green. Furthermore, there is not requirement for the residual housing need to be met on a single site.

Criterion 8: Landscape Quality is shown as red, but ignores the evaluation made of the site in the Landscape Study that was included as part of the application. There is also inconsistency in the scoring in this criterion. FRIS1/1A is noted to be unmodified and of very high quality with wide panoramic views, yet is given an Amber scoring. FRIS2, noted to be a modified site, is scored as Red without adequate justification.

Criterion 19: Safe Highway Access is shown as red, but the planning application clearly shows that this is acceptable and this has been confirmed by the County Highway Authority in their response to the proposals.

Criterion 26: The planning application supporting information relating to noise confirms that this issue has been resolved. The site selection table suggests that it is aware that mitigation would be feasible but still gives a Red rating.

Criterion 28: The site is scored as Red based on anecdotal evidence of flooding issues. As the planning application clearly shows not only is this not a problem, but the proposal can resolve the problem already identified in the NP in terms of flooding to Water Lane. The proposal is a positive benefit not a negative and should be scored accordingly. Furthermore, the site has been established through technical assessment to lie wholly within Flood Zone 1. This means that it is suitable for residential development in flood risk terms and does not need to be subject to sequential testing. Counsel's opinion has been obtained on this point to confirm this position.

Criterion 29: In respect of the drainage the site is again scored Red, yet it is unclear what evidence the NP committee have had to come to conclude that mitigation solutions would be very costly, the inference being that is unacceptable. This criterion for site FRIS1A also remarks on it being waterlogged but the need for mitigation solutions is accepted and an Amber scoring given. It is again, unclear on what evidence this is based.

Later in Appendix F page 8 the view upon FRIS2 Water Lane is summarised. *"It is well placed to be integrated into the village and has easy access by foot to all amenities, with good views across the countryside. However, major concerns surround the development in terms of its proximity to the railway line and the river, as well as its impact on local traffic."*

The planning application that has been submitted has resolved the three technical issues to the satisfaction of the statutory bodies, so these should not be an issue. This evidence is available in consultation responses to the planning application and in the officer's report to the Planning Committee of 16th March 2017, which was deferred.

It is concerning that this site selection scoring seems to be critical to the selection of sites in the NP for allocation, yet is clearly flawed and not based on evidence.

Please suggest any amendments to the plan/policy here.

There should be greater co-operation with the LPA in respect of the available evidence base and a more robust and credible site assessment analysis undertaken to ensure that the most sustainable sites are being selected for allocation.

1. Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc).
Submission Plan
Page Number (if applicable).
Page 19
Paragraph/Policy (if applicable)
Policy H3

2. Do you believe that this policy/section of the Neighbourhood Plan:

	Yes	No	Unsure
Meets European obligations.	✓		
Has regard to national planning policies		✓	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		✓	
Contributes to the achievement of sustainable development.		✓	

Do you

Support this policy/part of the plan	
Support this policy/part of the plan subject to modifications	
Object to this policy/part of the plan	✓
Neither support nor object to this policy/part of the plan	

Comments

<p>The proposed limits to development (LTD) are based on amending the current village envelope to accommodate the NP's proposed housing allocations. If, as suggested in our representations, additional sites need to be allocated, these LTD will require revision.</p> <p>The policy wording is also unduly restrictive and not consistent with the NPPF. Whilst it is inferred that the intention is to deal with housing, the policy seeks to restrict all types of development unless location within the LTD. The neighbourhood plan area extends beyond the LTD and to meet the basic conditions, the plan should deal with other forms of development in the neighbourhood plan area or make clear that the LTD are only relevant in</p>

respect of housing proposals.

Please suggest any amendments to the plan/policy here.

This policy may require revision to accommodate further development.
Greater clarity is needed in the policy to accord with the NPPF.

1. Please indicate which part of the submitted Neighbourhood Plan or supporting documents this representation relates.

Which document does this representation relate - (for example Submission Plan, Policy Map, etc).
Submission Plan
Page Number (if applicable).
Page 64
Paragraph/Policy (if applicable)
Policy ENV6

2. Do you believe that this policy/section of the Neighbourhood Plan:

	Yes	No	Unsure
Meets European obligations.	✓		
Has regard to national planning policies		✓	
Is in general conformity with the strategic policies of the Local Plan/Is compatible with adjoining Neighbourhood Plans		✓	
Contributes to the achievement of sustainable development.		✓	

Do you

Support this policy/part of the plan	
Support this policy/part of the plan subject to modifications	
Object to this policy/part of the plan	✓
Neither support nor object to this policy/part of the plan	

Comments

<p>This policy seems to have been drawn up based upon casual observations expressed by villagers. To use it as a criterion for “strongly resisting development” requires at the very least a proper evaluation in terms of a Landscape Visual assessment. The lack of rigour can easily be seen in terms of View E, for example, where it lists the view west from residential gardens. In planning policy there can be no right to private views.</p> <p>Furthermore, the photograph within the NP of the ‘green dots’ denoting the importance attached by villagers to views within the settlement, it is noteworthy that there are a significant number on and around the proposed housing allocation at Great Lane. Protection of these views out of the village</p>
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to the east are not included within policy ENV6 with no apparent justification, notwithstanding the fact that there are substantial views eastwards in this location. Again the evidence and analytical basis for what is a policy with significant impact is lacking and cannot be demonstrated to help achieve sustainable development.

Please suggest any amendments to the plan/policy here.

Further work is required to justify this policy, which it is considered will require review and updating.