

Melton Neighbourhood Plan 2016-2030 - Submission Stage Consultation March 2017

Introduction

As part of the requirements of the Localism Act 2011 and Regulation 16 of the Neighbourhood Planning (General) Regulations 2015 (as amended), Melton Parish Council is undertaking Submission Stage Consultation on the Draft Melton Neighbourhood Plan. Once adopted, the Melton Neighbourhood Plan will form part of the development plan for the area, along with the Suffolk Coast District Local Plan – Core Strategy & Development Management Policies (July 2013).

These representations are prepared in respect of our client's interest in an area of land to the north of Woods Lane, Melton. The land is situated immediately east of *Land to the North of Wood Lane, Melton* which was the subject of appeal APP/J3530/A/14/2225141 and was granted planning consent recently at the High Court. The land in question is identified at Appendix 1 and is hereafter referred to as 'The Site' for clarity. The full extent of The Site is within our client's ownership and is available for development.

Previous representations were made on the Pre-Submission version of the Melton Neighbourhood Plan in respect Land North of Woods Lane back in June 2016.

Assessment of Plan Against Basic Conditions

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 dictates that a Neighbourhood Plan meets the 'Basic Conditions' if:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, 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);
- (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

Basic Condition (a) requires a Neighbourhood Plan to have regard to national policies and advice contained in guidance issued by the Secretary of State; this is supplemented by Basic Condition (d) which requires a Neighbourhood Plan to contribute towards the achievement of sustainable development.

5 Year Housing Land Supply Shortfall

The adopted Coastal Suffolk Local Plan 2013 allocated circa 940 new dwellings to be found across the Market Towns of the district, of which Woodbridge is identified. The Local Plan is clear that the settlement of Woodbridge includes parts of Melton Parish. The Pre-Submission version of the Site Allocations document confirms that 200 new allocations are needed to be found within the Woodbridge area. The adopted Local Plan acknowledges the physical and environmental constraints in respect of expanding Woodbridge, but notes that 'further significant expansion of Woodbridge (and Melton) will be sympathetically considered having regard to the local character and key physical thresholds.'

In respect of Key and Local Service Centres, the adopted Local Plan identifies a need for circa 780 new dwellings across the settlements. Of these, the Pre-Submission version of the Site Allocations document confirms that 10 dwellings will need to be found in or around Melton village.

The Draft Melton Neighbourhood Plan proposes an allocation of circa 55 dwellings on Land off Wilford Bridge Road. Land off Wilford Bridge Road is a brownfield site and may be difficult to deliver given likely unknown costs that can result from the development of previously-developed land and the impact on development viability this can have. The 180 dwellings granted consent on Land North of Woods Lane, Melton will count against the 200 dwelling requirement for Woodbridge. Notwithstanding this, the housing policies of the Coastal Suffolk Local Plan 2013 were found to be out-of-date by virtue of the fact that the Council is currently unable to demonstrate a 5 year housing land supply.

The affect of being unable to demonstrate a 5 year housing land supply is, as per the provision of paragraphs 49 and 14 of the NPPF, that those policies of the development plan, that relate to the supply of housing, should not be considered up-to-date. In a recently recovered decision on a site at Earl's Barton, the Secretary of State agreed with an appeal Inspector's conclusions that the lack of a 5 year housing land supply engaged paragraph 49 of the NPPF and rendered the Neighbourhood Plan housing policies, which form part of the development plan, out of date and therefore such policies should carry limited weight in decision-making. However, a recent Ministerial Statement released by Government confirms that made Neighbourhood Plans should be regarded as up to date if all the following circumstances apply:

- the written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

It should be noted that the Ministerial Statement is currently being challenged in Court by a number of developers; the outcome of this is as yet unknown.

The Court of Appeal (reference [2016] weca Civ 168) recently considered two conjoined appeals: 1) Suffolk Coastal District Council and Hopkins Homes Limited, and SofS for Communities; and 2) Richborough Estates Partnership LLP and Cheshire East Borough Council, and SofS for Communities. The judgement was handed down on the 17th March 2016. The Court of Appeal was presented with several options for the interpretation of paragraph 49 which ranged from 'narrow' interpretation, meaning only policies dealing with the numbers and distribution of new housing were caught, to a 'wider' interpretation which included both policies that provided positively for the supply of new housing and other policies whose effect was to restrain the supply of housing by restricting development in certain parts of a Local Planning Authority's area.

Ultimately the Court favoured the 'wider' interpretation. Paragraph 32 of the judgement states that the meaning of the words 'relevant policies for the supply of housing' when construed objectively in their proper context should be 'relevant policies affecting the supply of housing'.

To summarise, whilst it is accepted that the Melton Neighbourhood Plan seeks to reflect the Spatial Strategy adopted by the Coastal Suffolk Local Plan 2013, it is considered that in order to avoid the 'relevant policies for the supply of housing' of the Neighbourhood Plan becoming out-of-date should a 3 or 5 year (depending on conformity with the Ministerial Statement and the outcome of its current challenge) housing land supply shortfall emerge across the Coastal Suffolk district, the Neighbourhood Plan should plan proactively and consider including a potential reserve site. This approach would allow the community of Melton Parish further control going forward should a district wide housing land supply shortfall emerge and paragraphs 49 and 14 of the NPPF become engaged.

Full and Objectively Assessment Housing Need (FOAN)

Since earlier representations were made to the Neighbourhood Plan back in June 2016, there have been a couple of matters that have moved on that are worthy of note. The Council is at present claiming a 5.8 year supply of housing land; this figure of 5.8 years is based on the 7,900 dwelling requirement set out in the Regional Plan. In a fairly recent appeal decision (APP/J3530/W/15/3129322 – June 2016) an Inspector concluded that the figure of 7,900 dwellings was unlikely to represent Full and Objectively Assessed housing Need (FOAN) but that no more recent data/evidence was available. A Memorandum of Understanding (MoU) was agreed in June 2016 by the 4 local planning authorities and Suffolk County Council which commits them to continued joint working in order to agree FOAN for the Ipswich Housing Market Area (the local authority areas of Ipswich Borough, Mid Suffolk, Babergh and Suffolk Coastal); the Council will be consulting on Issues and Options consultation in Spring 2017 and this is likely to set out FOAN for the district. In any event, the adopted Coastal Suffolk Local Plan 2013 made a commitment to an early review, which is now significantly overdue.

The Melton/Woodbridge area is a sustainable location for growth and in the inevitable event that FOAN increases beyond the 7,900 dwelling requirement, the Council is likely to increase the quantum of housing directed to the Melton/Woodbridge area. The implications of this will be that the Melton Neighbourhood Plan no longer conforms with the Suffolk Coastal Local Plan (which will take precedent once close to adoption). In order to ensure that the Melton Neighbourhood Plan continues to have weight in the determination of planning applications

as the Local Plan gathers weight, and also to ensure that the community of Melton Parish retains some control going forward, it is considered that the Neighbourhood Plan should plan proactively and consider including a potential reserve site.

Land North of Woods Lane, Melton

In his assessment of the case during appeal APP/J3530/A/14/2225141 in respect of Land North of Woods Lane, Melton, the Inspector concluded at paragraphs 48 – 60 that the site is within a sustainable location in terms of its proximity to services and facilities, as well as its accessibility to sustainable modes of transport. The Site is located to the immediate east of Land North of Woods Lane, Melton and it thus performs even better in respect of its proximity to all of the services and facilities of the village of Melton.

Furthermore, now that permission has been granted for the development of Land North of Woods Lane, Melton, The Site is now a logical extension to the settlement and its development would have very limited environmental impact, particularly in respect of landscape and visual impact.

As such, it is considered that Melton Parish Council should allocate The Site, as identified at Appendix 1 of these representations, as a suitable reserve site to come forward in the event of a housing land supply shortfall or if the housing requirement for Melton increases as a result of an inevitable increase in FOAN going forward.

Care Provision

There has also been interest expressed from a care provider who is enthusiastic about the site's potential to accommodate a care home and/or retirement living housing. This is a credible and serious alternative option that is being explored currently through a number of meetings.