

# Somerby Parish Neighbourhood Plan 2018 -2036

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## **Initial Comments of the Independent Examiner**

**Prepared by**

**JOHN SLATER BA(Hons), DMS, MRTPI**

**John Slater Planning Ltd**

**28th September 2020**

## Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Somerby Parish Neighbourhood Plan. I have carried out my initial review of the Plan and most of the accompanying documents which I have been sent. I visited the 4 villages on 21<sup>st</sup> and 22<sup>nd</sup> September, spending the afternoon and the following morning, visiting all the sites and I walked through Pickwell, Somerby and Burrough on the Hill. I also saw the relationship with the delightful Leicestershire countryside and appreciated the many fine views available from the high ground across the parish. I also spent some time at the Memorial to the 10<sup>th</sup> on Tuesday morning. I experienced for myself the traffic conditions in Somerby, especially around the village school.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but that may only be necessary if there are issues that emerge from the responses to this note, which I feel warrant further exploration. If I were to have to call a hearing, it would have to be via a video conference call, in the current COVID 10 climate.
3. Set out in the following paragraphs are a number of matters that I wish to receive either clarification or further comments from the Parish Council or in some cases from Melton Borough Council. Such requests are quite normal during the examination process and the replies will help me prepare my report and come to my conclusions.

## Regulation 16

4. I would firstly like to offer the Parish Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation.

## Reserve Sites

5. I understand the status of reserve sites and the basis for the policy in Policy HR1. Is there a scenario where both sites could be developed e.g. where, in the future, a shortfall is shown to remain even after Site RSOM1 is developed? The wording of the final paragraph seems to suggest that it is one site or the other.
6. I would ask Melton BC to comment on whether the trigger for bringing forward reserve sites is a shortfall in housing sites coming forward in the parish or the wider district.
7. Is the expectation of Melton planners that if the Pickwell Site were to be developed then the reserve site status on SOM3 would fall away?

## Limits of Development

8. I note that the plan is proposing the enlargement of the limits of development beyond what had previously been adopted. I found the criteria used helpful. However, it would assist me greatly, in understanding the changes, if a plan could be prepared which showed the previous boundaries superimposed on the new limits of development. I am only looking for a hand drawn map but I want to understand how much scope has been given to future expansion of the villages through this change.
9. Would it be possible to show the extent of the Local Plan allocation sites on Figure 3.4 as the boxes around the identification numbers could be misconstrued as defining site boundaries, especially in the case of SOM1.
10. Could the Melton planners comment on whether they would treat that any windfall housing in Somerby would count against the Somerby housing numbers as set out in Table 6 or whether it would count against the windfall figure for the Parish. Also, could they comment on whether development only taking place with limits of development, is consistent with Policy SS3 which refers to new residential development “within or on the edge of existing settlements”. I am treating that as a strategic policy.
11. I note that some of the limits of development include open land up to the new boundary which seems to indicate that they would be appropriate sites for development under the terms of Policy HR 2 and also Policy HR 4 criteria e) but I do not see how it would meet the criteria set out in criteria b) of the latter policy, regarding being a restricted gap or surrounded by buildings. One example is the land on the opposite side of the road from the reserve site RSOM1 in Pickwell which is also part of the HP1 open space shown on Figure 9.4.
12. Should the restriction of windfall housing be limited to new homes within the Limits of Development or should it allow development that is supported by paragraph 70 of the NPPF?

## Affordable Housing

13. Does the Borough Council currently accept funding in lieu of on-site provision for non-social rented housing e.g. Starter Homes?
14. Does the Council’s housing allocation policy give priority to eligible housing in the Parish? My view is that this is a housing allocation policy and is not a policy for the use and development of land.

## Local Green Spaces

15. It would be helpful if the Parish Council could explain how the community were asked to identify the particular sites being put forward as Local Green Space. I was struck on my site visits, by the fact that similar types of open spaces are protected in some villages, but are not in others, which from an outsider’s

perspective seem seems to be somewhat inconsistent. Were the LGS sites identified by public survey or how were some sites judged to be “demonstrably special to a local community” and worthy of the highest level of protection from development and others not?

### **Sites of Environmental Significance**

16. Is it possible for Figure 8 to be produced at a larger scale as it would be difficult for a decision maker to identify whether particular properties are affected by Policy ENV2?
17. Could the Borough Council confirm whether the existing designations, other than locally significant sites, are already protected by existing local plan and national policy? If they are already protected, I would welcome views whether the neighbourhood plan should only be identifying these sites not already protected, but which are felt to be locally valued i.e. those shown as solid blue and solid yellow on Map 8.

### **Ridge and Furrow**

18. Can Figure 11.1 be provided at a larger scale, maybe A4 and include a key which explains the dotted green and the dotted purple designations?

### **Area of Separation**

19. I note that the land on both the east and west side of the road between Somerby and Pickwell, as shown in Figure 12 is within the Area of Separation and covered by Policy ENV 6 whilst the same land on the west side is shown as falling within the Settlement Character Area on Figure 13, which is to be protected by Policy ENV7. Is there a case that the Area of Separation covered by Policy ENV6 should just relate to the land on the east side and allow the land to the west to be covered by Policy ENV 7?

### **Important Views**

20. This policy refers to publicly accessible viewpoints. I consider that it is important that decision makers can identify the specific viewpoint when assessing a development proposal. Figure 16 shows arrows showing the direction of the views. Can I ask that the plan is prepared at a larger size and shows the actual viewpoints so there is clarity at development management stage as to from which point a view is to be assessed. It may be necessary to split up the plan into the 4 villages as other plans have done.

## Biodiversity

21. Is there a link between the first part of Policy ENV10 and the locally identified biodiversity sites of environmental significance set out in Policy ENV 2? Would it be clearer to the plan users and the decision makers to have one policy protecting biodiversity, covering designated and non-designated sites, wild life corridors and a commitment to create new habitat and another to protect sites of historical importance? Such a policy could then incorporate the requirements of Policy ENV 14.

## Trees and Hedgerows

22. I am intrigued why the requirements of Policy ENV 11 includes a minimum threshold for matters to become relevant, re protection of trees / hedgerows and to take account of landscape character. Why was the threshold for 5 and 3 chosen, when they could be equally relevant considerations for development of a single plot, or a pair of dwellings? Equally they could be relevant considerations for non-residential development.

## Flood Risk

23. Can the Borough Council outline its requirements as set out in the Local Validation Checklist in terms of which applications are required to submit a Flood Risk Assessment? I have concerns that this policy is too onerous to be applied to all development proposals

## Traffic Volume

24. What is expected to be the threshold of development applications, in terms of development type or size, which are expected to demonstrate that they do not have a severe direct or cumulative impact? Is that expected to be done via a Transport Assessment?

## Community Infrastructure Levy

25. Has the Borough Council got any plans for introducing CIL?

## Concluding Remarks

26. I am sending this note direct to Somerby Parish Council, as well as Melton Borough Council. I would request that both parties' responses to my questions should be sent to me by 5 pm on **13th October 2020**. If either party needs extra time to respond please let me know but I wish to maintain the momentum on this examination.

27. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the LPA's websites

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Somerby Neighbourhood Plan.

28<sup>th</sup> September 2020