

Scalford Parish Neighbourhood Development Plan 2019-2036

**A report to Melton Borough Council on the Scalford
Parish Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Melton Council in March 2020 to carry out the independent examination of the Scalford Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 21 March 2020.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding its distinctive rural character. The key success of the Plan is its very sharp focus on a set of bespoke policies. It has been prepared in an efficient and effective order.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Scalford Parish Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
19 May 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Scalford Parish Neighbourhood Development Plan 2019-2036 ('the Plan').
- 1.2 The Plan has been submitted to Melton Borough Council (MBC) by Scalford Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in both 2018 and 2019.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes two housing allocations.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MBC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MBC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the various appendices.
- the Basic Conditions Statement.
- the Consultation Statement
- the MBC SEA/HRA screening report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Melton Local Plan 2014 to 2036.
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 21 March 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised MBC of this decision once I had received the Parish Council's response to the questions in the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from June to July 2019.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the establishment of the Advisory Committees and the theme groups;
 - the initial consultation events (January and April 2018);
 - the circulation of leaflets and flyers;
 - the delivery of a community questionnaires to every household (August 2018);
 - the organisation of community consultation event (September 2018);
 - engagement with landowners (June 2019); and
 - the use of the Parish Council's website.
- 4.4 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan (Appendix 3 of the Statement). It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion. The Statement also comments about consultation with various statutory bodies and organisations.
- 4.6 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. MBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by the Borough Council for a six-week period that ended on 20 February 2020. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- Environment Agency
 - Highways England

- Historic England
- National Grid
- The Coal Authority
- Highways England
- Leicestershire County Council
- Mrs and Mrs Golding
- Natural England
- Melton Borough Council

4.8 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation concerned in this report.

4.9 In most cases the various bodies raise no comments or objections on the submitted Plan. This reflects the collaborative way in which the Plan has been produced in general, and the positive way in which has incorporated the earlier comments from these and other bodies in particular.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Scalford. In 2011, it had a population of 608 persons living in 253 households. It was designated as a neighbourhood area on 30 November 2017.
- 5.2 The neighbourhood area sits in attractive open countryside to the west of the A607 and to the east of A606 approximately 3 miles to the north of Melton Mowbray. It is irregular in shape. It embraces the villages of Scalford, Chadwell and Wycomb.
- 5.3 Scalford is the principal settlement in the neighbourhood area. It is heavily influenced by its location in its wider natural landscape. It has an attractive layout with a series of streets leading into and out of Church Street. Its agricultural heritage and traditions are clear, and several farms continue to operate from within the village. Many of its traditional buildings are constructed using attractive ironstone. Chadwell and Wycomb are located to the east of Scalford. They are small, free-standing settlements.

Development Plan Context

- 5.4 The Melton Local Plan 2011-2036 was adopted in October 2018. It sets out the Council's policies for the use and development of land across the Borough. Policy SS2 (Development Strategy) of the Local Plan provides a focus for development by way of a settlement hierarchy as follows: the Melton urban area, the service centres, the rural hubs and the rural centres. Within this hierarchical approach Scalford is identified as a 'service centre' and both Chadwell and Wycomb are identified as 'rural settlements'
- 5.5 In the Melton Borough hierarchy service centres are villages that act as a local focus for services and facilities in the rural area. They have essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. Policy SS2 comments that Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential development.
- 5.6 Rural settlements are small villages or hamlets that have little or no local services, where residents are entirely dependent upon travelling to a nearby settlement or town or city for work, recreation and service provision. Policy SS2 comments that Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as

'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites.

- 5.7 The Local Plan includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following Local Plan policies have been particularly important in underpinning policies in the submitted Plan:

SS3 Sustainable Communities (unallocated sites)
 C2 Housing Mix
 C4 Affordable Housing
 C7 Rural Services
 EC2 Employment Growth in Rural Areas
 EC4 Other Employment and Mixed-use proposals
 EC8 Sustainable Tourism
 EN1 Landscape
 EN2 Biodiversity and Geodiversity
 EN3 Green Infrastructure Network
 EN5 Local Green Spaces
 EN6 Settlement Character

- 5.8 It is clear that the submitted Plan has been prepared within the context provided by the Local Plan. In doing so it has relied on up-to-date information and research. This is good practice and reflects key elements included in Planning Practice Guidance on this matter.

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 21 March 2020.
- 5.10 I drove into Scalford from Clawson Lane/Landyke Lane to the north. This highlighted the way in which the neighbourhood area sits in the wider landscape. I saw the way in which the village of Scalford related well to this wider agricultural setting.
- 5.11 I looked initially at the overall character and appearance of Scalford village. I saw its vernacular buildings and the attractive way in which the built development was positioned in relation to public and private open spaces. I also saw the distinction between the historic part of the village (around Church Street) and the more modern parts (off South Street). I looked at the two proposed housing allocations in the Plan itself and at the site allocated for housing purposes in the Local Plan.
- 5.12 I took the opportunity to look in detail at the proposed local green spaces. I saw that they were very distinctive and individual in their character and appearance. I saw the impressive Churchyard and its prominence within the village. I walked along the footpath from South Street into the countryside so that I could see the two proposed local green spaces to the immediate west of the village.

- 5.13 Thereafter I walked to the east of the village past the dismantled railway line and up to important view 6 (Mill Mound). I was rewarded for my efforts with extensive views of the neighbourhood area and the surrounding landscape in bright and breezy conditions.
- 5.14 Thereafter I drove to Wycomb. I saw its attractive layout and vernacular ironstone buildings. I looked at the proposed open space identified in the village.
- 5.15 I then drove to Chadwell. I saw the attractive St Mary's Church on the entrance to the village. I saw that the village had a more open character than that of both Scalford and Wycomb. As with the other two villages I saw several fine vernacular ironstone buildings.
- 5.16 I finished the visit by driving to Melton on the Melton Spinney Road. This helped me to understand the relationship of the neighbourhood area with the Melton urban area to its south.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Scalford Parish Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the Melton Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies on the scale and nature of new development. It proposes the designation of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing development (Policies H1-4) and to stimulate rural employment and diversification (Policies BE1-5). In the social role, it includes policies on affordable housing (Policy H5) and community facilities (Policies CFA1/2). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy H6) and on a range of environmental matters (Policies ENV1-11). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Melton Borough in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement MBC published screening report on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the Rutland Water SPA and Ramsar site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on this or another other European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the

evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a community action.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The community action is addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-6) done

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the Plan area and its subsequent policies. The Plan is well-presented. It is helpfully supported by photographs, figures and maps. In the event that the Plan is made I recommend that the policies are included within policy boxes. This will make their distinction from the supporting text absolutely clear. It will also consolidate the otherwise excellent presentation of the Plan and the way in which developers and the Borough Council will be able to navigate their ways through its contents and policies.

Capture the Plan's policies within coloured policy boxes.

- 7.9 Sections 1 and 2 introduce the Plan and identify how it would fit within the wider planning system. It provides information about the background to the preparation of

the Plan. It describes the nature of a neighbourhood plan in general terms, and the circumstances in which one has been prepared for Scaford Parish. It is a particularly effective and concise introduction to a neighbourhood plan.

- 7.10 Section 3 sets out details about the neighbourhood area. It includes commentary about its history together with a variety of topographic and socio-economic information about its present circumstances. It sets the scene well for the remainder of the Plan. It also provides a useful context to its various policies.
- 7.11 Section 4 sets out a Vision for the Plan. It properly describes the essence of sustainable development within the Parish.
- 7.12 Section 5 describes the way in which the Plan was prepared. It overlaps with the submitted Consultation Statement.
- 7.13 Section 6 introduces the concept of sustainable development. It draws attention to the way in which its various policies would contribute to the delivery of the economic, social and environmental objectives of sustainable development.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy H1: Residential allocation

- 7.15 This policy proposes the allocation of two sites for housing purposes. The first is land off Melton Road (the first part of the policy). The second is the former Pilgrim's Service Station (the second part of the policy). In both cases the sites have planning permission. The two sites would supplement the allocated housing site to the south of Melton Road (23 dwellings) in the Melton Local Plan.
- 7.16 The two parts of the policy use a series of overlapping criteria. I recommend detailed modifications to the wording used in both parts of the policy to bring the clarity required by the NPPF. MBC comments that the car parking requirements in the second part of the policy should more generally comply with the County Council's car parking standards. I can see that the policy has attempted to take account of the size of the dwellings that have already been permitted on the site. I address MBC's point in recommended modifications to the supporting text.
- 7.17 MBC suggests that the Local Plan housing allocation should be shown on Figure 2 alongside the two sites allocated in this Plan. Such an approach would not normally be required to ensure that the Plan meets the basic conditions. However, in this case it is required for clarity given that the supporting text on page 15 provides detail about the site allocated in the Local Plan. I recommend accordingly.
- 7.18 I sought advice from the Parish Council on the deliverability of the two proposed sites. I was advised that the Parish Council was confident that both sites are

commercially viable and deliverable within the Plan period. In particular it commented that:

‘the site to the north of Melton Road is a greenfield site with no obvious abnormal development costs. The site already benefits from planning permission, with outline consent for six dwellings having been granted in June 2018. More recently, an application for full planning permission for six dwellings was submitted in December 2019 and is currently being determined by Melton Borough Council. These positive actions in bringing the site forward suggests development is commercially viable and deliverable within the early part of the Plan period. The site of the former Pilgrim Service Station is previously developed land and there will be some specific costs associated with preparing it for redevelopment. There is, however, nothing to suggest that such costs are likely to render development unviable. The site recently secured full planning permission for two dwellings (in January 2020) and it is now advertised that it has been sold subject to contract. Both of these positive events strongly suggest that the site’s redevelopment is commercially viable and development should hopefully take place early on in the Plan period’

- 7.19 On the basis of all the information available to me I am satisfied that the sites are both viable and deliverable. Subject to the recommended modifications below the policy meets the basic conditions.

In part 1 of the policy replace ‘Land on.... subject to’ with ‘The development of land off Melton Road for six dwellings will be supported subject to the following criteria’

In criterion a replace ‘detrimentally’ with ‘unacceptably’

In criterion c replace ‘shall be in line with policy H6’ with ‘should accord with the design principles included in Policy H6 of this Plan’

Replace criterion d with ‘The design and layout of the proposal includes satisfactory arrangements for vehicular access to Melton Road’

In part 2 of the policy replace ‘Former Pilgrim.... subject to’ with ‘The development of land at the former Pilgrim Garage on King Street for two dwellings will be supported subject to the following criteria’

Replace criterion a with: ‘The height, scale and mass of the dwellings does not impact unacceptably on the residential amenity of the occupiers of adjoining buildings’

In criterion d replace ‘shall be in line with policy H6’ with ‘should accord with the design principles included in Policy H6 of this Plan’

Replace criterion e with ‘The design and layout of the proposal includes satisfactory arrangements for vehicular access to King Street and for vehicles to turn within the site’

At the end of the final paragraph of supporting text on page 16 add: 'In both cases parking requirements are included in the policy criteria. In the event that development schemes for the Pilgrim Service Station site incorporate larger homes than those already included in the proposal with planning permission the County Council's car parking standards would apply to any such dwellings'

Show the Local Plan allocated housing site to the south of Melton Road on Figure 2.

Policy H2: Limits to development

- 7.20 This policy proposes limits to development for Scalford. Whilst the generality of a limits to development approach was included in the 1999 Local Plan for Melton Borough, MBC moved away from such an approach in the current development plan. Nonetheless I am satisfied that the definition of limits to development in the submitted Plan is in general conformity with the strategic policies in the Local Plan. In particular they have been defined to facilitate sustainable development.
- 7.21 The proposed limits to development closely aligns with the built-up area of the village. The Plan comments that the boundaries of the limited to development have been defined using the following principles:
- the development site allocated by this Neighbourhood Plan have been incorporated within the boundary of the Limits to Development;
 - the residential site, to the South of Melton Road, allocated within the Melton Borough Local plan has been included within the limits to development;
 - identifying boundaries which follow defined physical features such as walls, hedgerows, fences and roads; and
 - the exclusion of land which is countryside, agricultural, paddock, meadow, and/or other green field use that has been identified as being critical to maintaining the countryside and to protect natural wildlife habitats.
- 7.22 In general terms I am satisfied that the proposed limits to development takes account of the existing built form of the village. In particular the Parish Council has followed its own principles as set out above.
- 7.23 The definition of the limits to development has attracted a representation from the owners of Nether Hall Farm. It comments that whilst the Neighbourhood Plan states that the new boundary follows defined physical features such as walls, hedgerows, fences and roads, this principle has not been followed to the south of Nether Hall Farm where a more arbitrary boundary has been defined. The representation suggests that the limits to development should follow the boundary defined by the former Village Envelope. The representation also suggests that this approach would be consistent with the Conservation Area boundary.
- 7.24 I looked at this part of the village very carefully when I visited the neighbourhood area. I saw the extent to which the Parish Council had needed to make a judgement on this issue.

- 7.25 I sought the Parish Council's clarity on this representation in general terms, and how it had identified the limits to development in this part of the village in particular. It advised that:

'While the boundary line for the Limits to Development has been informed by the village envelope included in the Melton Local Plan of 1991 to 2006, it is not merely a duplication of it. It has, instead, been drawn to best reflect the circumstances as they exist now. The boundary line has been defined using, as far as possible, the criteria set out at page 19 of the Neighbourhood Plan. In the most part, the boundary line is able to clearly follow obvious and strong physical features (such as a boundary wall) in order to delineate between land which can reasonably be considered to form part of the built extent of Scalford (or will in the future) and land on the edge of the village whose open aspect means it is more closely associated with the wider countryside. In certain locations, however, such strong physical features are less obviously available and, where this is the case, a careful judgement has had to be made as how best to position the boundary line.

In the case of the boundary line in the vicinity of Nether Hall Farm, the judgement was made that it would be most appropriate to follow the line of the curtilages of 20 and 24 South Street and then cut across Nether Hall Farm, following, as best as possible, the building line of those physical structures present, and then continue along the southern curtilage of Nether Hall Barn. In this respect, the boundary is able in the most part to follow a line formed by clear and strong physical boundaries and structures. It was considered appropriate to exclude the land on the edge of the village to the south of this line because it is open in aspect and visually and functionally more closely related to the wider countryside than it is to the built extent of the village. The fact that this means parts of Nether Hall Farm fall on either side of the boundary line does not alter this situation. Those uses on that part of the site outside the boundary, such as a sand paddock, are commonly found within the countryside.

Moving from Nether Hall Farm northwards towards Melton Road, the line has generally followed the rear boundary line of those residential properties on South Street which border the countryside. It has then been drawn to include the field on the south side of Melton Road, which is allocated for housing development in the latest adopted Melton Local Plan. It was felt appropriate to include this area, which is around 0.9 hectares in size, because it will in due course form part of the built extent of the village. Immediately to the south of the allocated housing site is an area of around 0.7 hectares which is used for agricultural uses, commercial storage and the stabling of horses. The site is predominately open but contains within it a handful of barns, stables and other buildings of varying sizes. Given the site's general open aspect and its primary use for agriculture, it was considered appropriate to exclude it from the boundary line of the Limits to Development'

- 7.26 I have considered all the information available to me very carefully. Firstly, I am satisfied that the Parish Council has taken a judgement which looks to the future rather than to the past. It has sought to identify boundaries for the limits to development that reflect current circumstances and which will provide effective

guidance for development within the Plan period. Secondly, I am satisfied that the Parish Council has properly and sensitively defined the limits to development around Nether Hall Farm. In particular it has made an appropriate distinction between those areas which relate to the built-up part of the village and those which relate to the surrounding countryside in accordance with its criteria and principles on page 19 of the Plan.

- 7.27 The policy itself seeks to concentrate new development within the limits to development. This spatial approach will assist in contributing towards the delivery of sustainable development in the Parish. It meets the basic conditions subject to detailed modifications to ensure that the policy has the clarity required by the NPPF.

Replace ‘will be viewed positively’ with ‘will be supported’

Policy H3: Housing Mix

- 7.28 This policy sets out expectations about the size of new houses which come forward on development sites. It sets out a general support for the development of houses with one to three bedrooms. On sites of five dwellings or more the policy comments that 80% of the new homes should be of three or few bedrooms.
- 7.29 I am satisfied that the policy is both distinctive to the neighbourhood area and is evidence-based. In particular it relies on information in both the MBC Housing Needs Study (2016) and the Leicester and Leicestershire HMA Housing and Economic Needs Assessment (2017).
- 7.30 The policy is drafted in a way which comments about an ‘expectation’ for the housing mix included in the policy. This may generate uncertainty with the Plan period. In addition, it does not provide the clarity required by the NPPF. I recommend a more prescriptive form of wording to remedy this matter. I also recommend that the supporting text comments about circumstances where abnormal development costs for the site concerned and/or viability issues may make the full extent of the approach included in the modified policy impracticable. Otherwise the policy meets the basic conditions.

In the third sentence delete ‘it is expected that all’

In the fourth sentence delete ‘it is expected that’

*At the end of the first substantive paragraph of supporting text on page 22 add:
‘Policy 3 captures this evidence-based approach into the Plan’s policies. The Parish Council will expect developers to take account of the policy and design its proposals accordingly. However, there may be circumstances where abnormal development costs for the site concerned and/or viability issues may make the full extent of the approach included in the policy impracticable. Where this may be the case the relevant information and justifications should be submitted as part of the planning applications concerned’*

Policy H4: Windfall Sites

- 7.31 This policy offers support to the development of windfall sites within Scalford, Wycomb and Chadwell. It includes a series of criteria against which windfall residential development proposals will be assessed. The criteria are both comprehensive and locally-distinctive.
- 7.32 The first criterion comments that the sites concerned are within the limits to development for Scalford or within the built-up areas of Wycomb and Chadwell. MBC contends that the policy approach conflicts with the provisions of Local Plan policy SS3 insofar as Wycomb and Chadwell are concerned. In this context Policy SS3 of the Local Plan provides for residential development in sustainable locations on the edge of existing settlements on unallocated sites. As part of the justification of the policy, paragraph 4.2.17 states that where no sites are allocated for new housing, schemes may be permitted where they represent sustainable development or demonstrably meet identified needs and/or help to sustain local services or facilities.
- 7.33 I sought comments from the Parish Council through the clarification note on this matter. It acknowledged that the approach in Policy H4 of the submitted Plan was not in general conformity with Policy SS3 of the Local Plan. Given that the submitted Plan does not allocate any development sites in Wycomb or Chadwell I recommend that the relevant part of the policy is modified to support development both within and on the edge of both Wycomb and Chadwell. I also recommend associated modifications to the opening part of the policy.
- 7.34 In its response the Parish Council also commented on MBC's suggested modification to the policy to include a direct reference to the size of the housing sites throughout the parish. Having taken all the evidence into account I am satisfied that the policy does not need to address this matter directly. This approach would be consistent with Policy SS3 of the Local Plan which does not specify numbers. In any event the supporting text in the submitted Plan already draws attention to paragraph 4.2.17 of the Local Plan which itself identifies indicative figures for the various places in the settlement hierarchy (up to about 10 dwellings may be appropriate within or on the edge of Service Centres, up to about 5 dwellings for Rural Hubs, and up to about 3 dwellings for Rural Settlements). Nonetheless I recommend that the final sentence of the supporting text is modified. As submitted, it comments without any evidence that any such development will usually consist of a single dwelling.
- 7.35 I recommend detailed modifications to some of the criteria associated with the policy. In particular I have recommended modifications where there is an inconsistency with the criteria in Policy SS3 of the Local Plan. In some cases, I have recommended that criteria which address multiple issues are simplified by the inclusion of additional criteria which then provide policy advice on issue in isolation. Otherwise the policy meets the basic conditions.

In the opening part of the policy delete 'within Scalford, Wycomb and Chadwell'

In criterion a) replace ‘or the built-up areas of’ with ‘and within or on the edge of the built-up areas of’

In criterion b) delete ‘in terms of housing mix’

Add a new criterion after b) to read: ‘Meets the requirements on housing mix in Policy H3 of this Plan’

In c) replace ‘possible’ with ‘practicable’

In d) replace ‘for the Plan area’ with ‘of the settlement concerned’

Replace criterion e) with: ‘Where practicable it retains any natural boundaries such as trees, hedges and streams and incorporates them sensitively into the layout of the site’

In the final sentence of the supporting text (at the top of page 23) delete ‘and will usually...single dwelling’. Replace the remainder with a new sentence to read: ‘In this context the size thresholds for the new development in paragraph 4.2.17 of the adopted Local Plan will apply in the neighbourhood area. Policy H4 has been designed to be both locally-distinctive and complementary to the approach in Policy SS3 of the Local Plan’

Policy H5: Affordable Housing

- 7.36 This policy seeks to apply the relevant Local Plan policy to the delivery of affordable housing to the neighbourhood area. In general terms I am satisfied that it is appropriate for the policy to be included in the submitted Plan. Plainly it is in general conformity with the relevant policy in the Local Plan. In addition, it establishes a distinctive local connection in the way it sets out to meet housing needs in the neighbourhood area.
- 7.37 MBC suggest that the details of the cascade approach are included directly in the Plan or as an appendix. I have considered this matter carefully. I recommend that this part of the policy is deleted and replaced in the supporting text. Whilst the provision of affordable housing is a land use matter (as administered under the Planning Acts), the allocation of such housing is not directly a land use matter. It is administered by MBC under its powers under the Housing Act.

Delete the final paragraph of the policy

*At the end of the final paragraph of supporting text add:
‘Policy H5 translates the Borough Council’s approach on this matter into the neighbourhood plan. The allocation of affordable housing delivered by the policy approach to local people is actively supported by the Parish Council. In general terms the wider allocation of affordable housing in the parish should follow the principles within the Local Plan cascade approach (as set out in Appendix [insert number])’*

Policy H6: Housing Design

7.38 This is an important policy in the wider context of the Plan. It sets out a series of design principles with which new residential development should comply. In summary they include matters relating to character, design, building materials, residential amenity and car parking.

7.39 As submitted the policy comments that all new residential development should meet all the building design policies. This may well be the case for larger developments. However, in the case of smaller schemes several of the criteria may have no relevance to their design and layout. I recommended modifications to remedy this matter by ensuring that developments should comply with the criteria insofar as they apply to its circumstances.

7.40 I also recommend some detailed modifications to the wording used in the criteria. Otherwise the policy is locally-distinctive and meets the basic conditions.

Replace the opening part of the policy with:

‘As appropriate to their scale, nature and location in the neighbourhood area proposals for new residential development, for replacement dwellings and for alterations and extensions should comply with the following design principles:’

In e) replace ‘undue’ with ‘unacceptable’

In j) replace ‘detrimentally’ with ‘unacceptably’

In k) replace ‘possible’ with ‘practicable’ and ‘within existing.... possible’ with ‘including existing trees and hedges’

Policy ENV1: Protection of Local Green Space

7.41 This policy proposes the designation of a series of Local Green Spaces (LGSs). It comments about the relationship between the identified spaces and the NPPF.

7.42 Appendix 8 sets out the details of the various proposed LGSs. It does so to good effect. In particular it seeks to assess the various LGSs against the criteria in the NPPF (paragraph 100) on this matter.

7.43 I looked at the proposed LGSs carefully when I visited the parish. Based on all the available information, I am satisfied that the following proposed LGSs meet the basic conditions. In particular they are distinctive to the neighbourhood area and demonstrably special to the local community and are in close proximity to the communities that they serve:

- St Egelwin’s churchyard, Scalford (702);
- Washdyke valley pastures (109/110);
- Sheepwash field, Scalford (101); and
- St Mary’s churchyard and Main Street verges, Chadwell.

I have taken account of MBC's comments about the scale of the Washdyke valley pastures. However, at 4.7 hectares I am satisfied that the proposed LGS is local in scale and is not an extensive tract of land. In any event I saw that it would not be practicable to designate a smaller part of the wider site as LGS.

- 7.44 In addition, I am satisfied that these proposed designations accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the local green spaces would not endure beyond the end of the Plan period.
- 7.45 A detailed representation was received in respect of the designation of the Scalford village earthwork meadows (112/113) as LGS. As part of my visit I saw that the proposed LGS consisted of two small fields on the edge of the village separated by a electric fence running in parallel with the footpath leading from the village to the countryside to the south and west. The representation contends that the cumulative scoring method used in the Plan does not properly take account of national guidance that any LGS should meet the three criteria in the NPPF.
- 7.46 I am satisfied that the proposed LGS is in close proximity to Scalford and that it is local in scale. However, I am not satisfied that it is demonstrably special to the local community and holds a particular local significance. The proposed LGS is typical of most small fields or paddocks on the edge of a village. It does not have intrinsic beauty or any natural or wildlife features. Annex 8 draws attention to the site's archaeological significance. However, like many similar features, they are included on the Leicestershire Historic Environment Record (HER). The hidden earthworks they may contain are non-designated heritage assets of lower significance. In addition, such features are already given protection through national planning policy. In this context I have concluded that no additional local benefit would be gained by the designation of the site as LGS and I recommend its deletion from the policy.
- 7.47 The policy takes the matter of fact approach in the NPPF. With a modification to its wording I am satisfied that it meets the basic conditions.

In the policy replace 'permitted' with 'supported'

Delete Scalford earth works (112/113).

Delete Scalford earth works (112/113) from Figure 5.

Policy ENV2: Protection of Sites of Environmental Significance

- 7.48 This policy identifies a series of sites which are considered to be of environmental significance. It addresses sites of importance both for their historical and natural significance. They are shown on Figures 6.1 (Sites of historical environment significance and Figure 6.2 (Sites of natural environmental significance).
- 7.49 The policy has regard to the approach taken in the NPPF (Sections 15 and 16). In particular it is non-prescriptive to the extent that it requires that development proposals should demonstrate that the development's local value outweighs the environmental significance of the site or feature.
- 7.50 In general terms I am satisfied that the policy meets the basic conditions. It seeks to take an approach which reflects the relationship between the importance of the site concerned and the development proposed. This is particularly important given the very significant range of sites of significance identified in the two figures. However, I recommend that the initial element of the policy is deleted as it is essentially supporting text. I also recommend that the second part of the policy is consolidated to relate its coverage to the sites included in the two figures. I recommend that the deleted policy element is incorporated within the existing supporting text.
- 7.51 MBC draws my attention to the potential conflict between the details shown on Figure 6.1 and the site allocated in the Local Plan. I recommend a modification to the supporting text to clarify this matter. Whilst the submitted Plan does not attempt to do so directly a neighbourhood plan cannot undermine the approach taken to site allocations in an adopted Local Plan.

Delete the first paragraph of the policy.

In the second part of the policy replace 'will be required to' with 'that would affect the sites of historical environmental significance shown on Figure 6.1 or the sites of natural environmental significance shown on Figure 6.2 should'

At the end of the supporting text (at the very top of page 33) add:

'Policy ENV2 seeks to safeguard these important features of the neighbourhood area. It balances the significance of the sites with the importance of the development proposed to the local community. The site off Melton Road that is allocated in the Melton Local Plan for housing development is identified as a site of historical significance on Figure 6.1. This is included in a matter of fact way. Its inclusion within the context of Figure 6.1 does not affect its allocation for residential purposes in the Local Plan'

Policy ENV3: Important Open Spaces

- 7.52 This policy identifies a series of open spaces in Scalford, Wycomb and Chadwell. They are considered to be important to the form and character of the three settlements. It identifies open spaces both for their contribution to the form and character of the settlement and for the way in which they contribute towards recreation, sport and amenity facilities in the parish. The policy identifies the limited

circumstances where development proposals would be supported on such open spaces. In general terms I am satisfied that the policy meets the basic conditions. In particular it clarifies the ways in which development might be supported on such open spaces.

- 7.53 The open spaces have been carefully-selected. In their different ways they make an important contribution to the character of the settlement concerned. However, there is a degree of overlap with some of the open spaces designated as LGS in Policy ENV1 of the Plan. In this context there would be two separate policies which would affect development proposals on the sites concerned. On this basis I recommend the deletion of the open spaces from this policy which are designated as LGS in Policy ENV1.
- 7.54 MBC draws my attention to the limited numbering system in the policy and Figures 7.1 to 7.3. I recommend modifications to both the policy and the figures to address this issue. It will bring the clarity required by the NPPF.

Replace:

- **‘are of’ with ‘are identified as being of’**
- **‘a significant adverse effect on them’ with ‘an unacceptable impact on their role as important open spaces’**
- **‘it can be demonstrated to the Parish Council’ with ‘the proposal can demonstrate’**

Delete St Egelwin’s Churchyard, Scalford and St Mary’s churchyard and village entrance verges as Important Open Spaces.

Delete St Egelwin’s Churchyard, Scalford from Figure 7.1 and St Mary’s churchyard and village entrance verges from Figure 7.3.

Number all the open spaces on Figures 7.1 to 7.3 and relate them to the schedule (as modified) in the policy.

Policy ENV4: Built Environment Non designated heritage assets.

- 7.55 This policy identifies a series of non-designated heritage assets. They are shown on Figures 8.1 to 8.3. It then applies the policy test in the NPPF to the assets concerned.
- 7.56 I am satisfied that the heritage assets have been sensitively identified. I am also satisfied that with technical modifications the policy meets the basic conditions.

Replace:

- **‘listed here’ with ‘listed in this policy’**

- **‘are recorded with ‘are identified’**
- **‘wherever possible’ with ‘wherever practicable’**
- **‘will need to be judged against’ with ‘will be balanced’**

Policy ENV5: Ridge and Furrow

- 7.57 This policy identifies a series of ridge and furrow features as non-designated heritage assets. They are shown on Figure 9.2.
- 7.58 I am satisfied that the policy is evidence-based. The supporting text makes reference to work undertaken by English Heritage in the 1990s. Figure 9.1 also shows the findings of the ‘Turning the Plough’ survey undertaken by Leicestershire County Council in 1999.
- 7.59 Subject to modifications I am satisfied that the policy meets the basic conditions. In particular it has regard to the balancing act in the NPPF and makes a distinction between the identified grades of ridge and furrow as shown on Figure 9.2.

In the first part of the policy delete ‘here’.

Replace the second part of the policy with:

‘In assessing development proposals which would involve any loss or damage to an identified area of ridge and furrow earthwork on Figure 9.2 the benefits of the development will be balanced against the significance of the feature concerned as a heritage asset’

Policy ENV6: Notable Trees

- 7.60 This policy identifies a series of important trees in the Parish. They are shown on Figures 10.1 and 10.2. The effect of the policy is to resist their loss either directly or indirectly through development proposals on adjacent sites.
- 7.61 On balance I am satisfied that the policy adds value to national and local policies to the extent that it identifies specific trees in the parish. However as submitted the policy is not written as a policy given that its principal element is to protect the trees concerned rather than to control development which may have an unacceptable impact on their longevity and/or integrity. In addition, the policy comments about processes which would underpin relevant planning policies and the associated decision making. I recommend that the policy is recast so that it would safeguard the identified trees from inappropriate development proposals. I also recommend that elements of the policy are relocated into the supporting text.

Replace the policy with:

‘Development proposals that would have an unacceptable effect the longevity and/or integrity of a notable tree shown on Figure 10.1 or 10.2 will not be supported’

At the end of the second paragraph of supporting text add:

'The Plan has identified nine trees or groups of trees which are notable in the local environment. They are shown on Figures 10.1 and 10.2 and the associated photographs. Any development proposals that have the potential to affect the trees concerned should be accompanied by a detailed statement from a qualified arboriculturist setting out the impact and significance of the impact of development on the tree/trees concerned'

Policy ENV7: Protecting Scalford's Dark Night Sky

- 7.62 This proposal identifies a series of criteria against which any proposals for external lighting would be assessed. Its overarching ambition is to safeguard the existing dark night sky in the neighbourhood area.
- 7.63 I am satisfied that the policy is underpinned by appropriate information as shown in Figure 11. I recommend a series of detailed modifications so that it has the clarity required by the NPPF. In particular I recommend that the submission of technical details in the opening part of the policy is repositioned into the supporting text given that it is not directly a policy matter. I also recommend the removal of the unnecessary technical detail in the final criterion in the policy.

In the open part of the policy delete 'any' and replace 'will be expected...and will be expected to' with 'should'

In the second criterion replace 'are minimised' with 'are restricted by their design and positioning on buildings'

In the third criterion replace 'detrimental' with 'unacceptable' and delete 'of less than 1 nanowatt/cm sr'

At the end of the third paragraph of supporting text under the Dark skies heading add: 'Policy ENV7 addresses this matter. Development proposals which include external lighting should include the relevant details within the associated planning application'

Policy ENV8: Biodiversity and Habitat Connectivity

- 7.64 This policy proposes that new development should safeguard identified locally significant habitats and species. It also identifies a specific wildlife corridor.
- 7.65 With detailed modifications I am satisfied that the policy meets the basic conditions. In particular the identified wildlife corridor would not directly impact on the development of the allocated development sites in the Plan or of the allocated site in the adopted Local Plan.

In the first part of the policy replace ‘will be expected to’ with ‘should’ and ‘where possible’ with ‘where practicable’

In the second part of the policy replace ‘not damage or adversely affect’ with ‘take account of’.

At the end of this part of the policy add:

‘Development proposals that would damage or have an unacceptable effect on the identified wildlife corridor will not be supported’

Policy ENV9: Protection of Important Views

- 7.66 This policy identifies ten significant views in the neighbourhood area. They are shown in Figure 13. Their details are included in Appendix 10. I looked at the various views when I visited the neighbourhood area. As I described in Section 5 of this report the view from Mill Mound provided a panoramic viewpoint over the wider Parish.
- 7.67 In general terms I am satisfied that the policy approach meets the basic conditions. The views identified are from public vantage points. In addition, they incorporate key elements of the character and appearance of the local landscape.
- 7.68 MBC suggest that View 2 looking east along Melton Road should be removed from the policy given the allocation of a housing site to the south of Melton Road in the Local Plan. In its response to the clarification note the Parish Council commented that the view did not directly conflict with the Local Plan allocation. I looked at this issue carefully as part of my visit to the parish. On balance I recommend that the view is deleted. It will be influenced in some way by the development of an allocation identified in the development plan.
- 7.69 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

Delete ‘and are highly valued by residents’

Replace the remainder of the policy with:

‘Development proposals should be located and designed to take account of the character and lines of sight of the identified important views. Development proposals that would have an unacceptable impact on their character and integrity will not be supported’

Delete View 2.

Delete view 2 from Figure 13.

Policy ENV10: Rights of Way

- 7.70 This policy seeks to ensure the integrity of rights of way within the parish. It has two parts. The first would not support proposals which would result in the loss or
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significant harm to such features. The second requires that any necessary diversions of such features are secured in a sensitive fashion.

- 7.71 The policy is supported by appropriate supporting text and by an excellent map of footpaths, bridleways and cycleways (Figure 14). I recommend detailed modifications to the wording used so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In the second part of the policy replace:

- **‘is necessary’ with ‘is both appropriate to and necessary to facilitate new development’ and**
- **‘designed and bounded to retain its character’ with ‘incorporated into the development concerned in a sensitive and safe fashion and which retains its character’**

Policy ENV11: Biodiversity Protection in new development

- 7.72 This policy proposes an approach which would make provision for biodiversity within new development. It identifies three specific elements of provision relating to roof and wall construction, hedges and lighting details.
- 7.73 As submitted the policy is well-intentioned. However, it fails to take account of the particular circumstances that will be found on development sites. In addition, the three specific points in the policy may not apply directly to some sites. I recommend modifications to the policy so that is more responsive to proposed developments on a site-by-site basis. I also recommend that the provision expected by the policy is related to the scale, nature and the location of the proposed development.

Replace the opening part of the policy with:

‘As appropriate to their nature, scale and location development proposals should make appropriate provision in their design, layout and construction to protect and enhance biodiversity.

Where it practicable to do so development proposals should incorporate the following measures:’

[List at this point the three bullet points in the submitted policy]

Policy CFA1: Community Facilities and Amenities

- 7.74 This policy has been designed to safeguard community facilities in the Parish. Whilst it has general application it has a particular focus on the school, the churches, the village hall, the post office, the pub, the recreation ground and the allotments.

- 7.75 I sought advice from the Parish Council on the range of facilities in the neighbourhood area. It advised that the facilities listed in the policy was comprehensive. On the basis I recommend that the policy is modified so that it explicitly applies to the named facilities. Otherwise the policy meets the basic conditions. In particular it acknowledges that some of the community facilities are also commercial organisations which may be affected by viability issues.

Replace the opening part of the policy with:

‘The Plan identifies the following community facilities in the neighbourhood area:

- **Scalford School**
- **St Egelwin’s Church, Scalford**
- **St Mary’s Church, Chadwell**
- **Scalford Village Hall**
- **The King’s Arms PH, Scalford**
- **Scalford recreation ground**
- **Scalford allotments**

Development proposals that would lead to the loss of any of the identified community facilities will not be unless it can be demonstrated that:’

Policy CFA2: New or Improved Community Facilities

- 7.76 This policy builds on the approach taken in Policy CFA1. In this case it offers support for improved or new community facilities. It requires that any such new facilities comply with a series of locally-distinctive criteria.
- 7.77 I recommend that the third criterion is modified so that it has a positive format and relates directly to the development proposed. Otherwise the policy meets the basic conditions.

Replace the third criterion with: ‘Provides for an appropriate level of car parking;’

Policy TR1: Traffic Management

- 7.78 This policy provides guidance on how the Plan expects new development to be accommodated within the local highway network. Its first part sets out a series of related issues including a safe access point, appropriate car parking facilities and the development of footpaths and cycleways. The second part comments that new developments should be designed around people rather than the car. It also indicates that sustainable and alternative means of transport into and out of new developments should be incorporated into their design and layout.
- 7.79 As submitted the first part of the policy includes a degree of supporting text. I recommend its deletion and detailed modifications to the wording elsewhere.

- 7.80 The second part of the policy is more about a preference for a type of development rather than a policy. In particular it provides no guidance either to a developer or to MBC about how planning applications should be prepared and determined. I recommend that it is deleted and repositioned (with modifications) in the supporting text. I also recommend that the modified supporting text provides a direct connection to Policies H1 and H4 of the Plan given that they will be instrumental in shaping new development in the Parish.

In the first part of the policy replace the opening element with: ‘Proposals for housing and commercial development should’

Delete the second part of the policy.

At the end of the submitted supporting text on page 55 add a new paragraph to read: ‘Policy TR1 provides a series of technical factors against which new developments will be assessed. They overlap with Policies H1 and H4 of this Plan which will shape most of the residential development to come forward within the Plan period. The community’s expectation is that all new development should be designed around people rather than the car. In this context new developments should consider how they can incorporate footpaths, cycleways and access to existing public transport facilities wherever practicable’

Policy TR2: Electric Vehicles

- 7.81 This policy sets out the Plan’s ambitions for the delivery of vehicle charging points for new development. It comments that they should provide 7Kw charges. It also supports the provision of communal vehicular charging points.
- 7.82 The first part of the policy is well-intentioned. However, it overlaps with technical installation issues and the wider application of the Building Regulations. In this context as submitted the policy is both detailed and prescriptive. I recommend that it is modified so that it takes on a more general format. I also recommend that the supporting text is modification in a consequential fashion. In this context I am satisfied that the supporting text can be ambitious.
- 7.83 The second part of the policy meets the basic conditions with technical modifications.

**Replace the first part of the policy with
‘New residential development should provide an electric vehicle charging point for each new home’**

In the second part of the policy replace ‘within the Parish impact negatively’ with ‘will be supported where they would not have an unacceptable impact’

At the end of the second paragraph of supporting text add:

'Policy TR2 provides a context within which new residential development will be required to provide electric vehicle charging points. It is non-prescriptive in order to provide flexibility within the Plan period as technology changes. It also recognises the overlap between planning legislation, the Building Regulations and household wiring regulations'

Policy TR3: Bridleways, Footpaths and Cycle Ways

- 7.84 This policy supports proposals which would upgrade facilities for bridleways, footpaths and cycleways. It is underpinned with helpful supporting text.
- 7.85 The policy includes significant elements of supporting text which explain the benefits of the implementation of the policy. In this context I recommend their deletion and repositioning within the substantive supporting text.

Delete 'in order to and then a), b) and c)'

At the end of the supporting text add:

'The implementation of the policy will [at this point insert a)/b)/c) from the policy]'

Policy BE1: Existing Business and Employment Opportunities

- 7.86 This policy sets out to safeguard existing business and employment facilities. It identifies the limited circumstances where change of use or the redevelopment of such sites to non-employment use would be supported.
- 7.87 I am satisfied that the policy takes an appropriate approach to this important matter. It recognises the limited range of local employment opportunities on the one hand and their vibrancy on the other hand. It also comments about the limited scale of local businesses. The policy appropriately takes account of commercial viability issues and acknowledges that some uses or buildings may not have the potential to be sustained in employment use in the longer term. I recommend that the opening part of the policy is simplified and that supporting text is removed and relocated into the relevant part of the Plan. Otherwise it meets the basic conditions.

Replace the opening part of the policy with:

'Proposals that would involve a change of use or the development of an existing employment use to one which does not provide employment will only be supported where it can be demonstrated that:'

At the end of the third paragraph of the supporting text under the 'Support for existing business and employment' heading add:

'Policy BE1 addresses this important matter. It sets out a strong presumption against the loss of employment premises or land through development proposals unless certain circumstances exist'

Policy BE2: New and Expanding Business

- 7.88 This policy supports the development of new or extended business facilities subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.
- 7.89 I am satisfied that the policy meets the basic conditions in general terms. It will contribute significantly towards the promotion of sustainable development in the Parish. Nevertheless, I recommend modifications to the wording used in the policy. In particular I recommend a modification to the fourth criterion which comments about such proposals not involving the loss of dwellings. It shifts the focus to a net loss of dwellings rather than an absolute loss of dwellings. As MBC comment this would allow a degree of flexibility for more diverse and mixed-use developments which would themselves accord with Policy EC4 of the Local Plan.

In the opening part of the policy replace ‘will be required to:’ with ‘will be supported where’

In the fourth criterion insert ‘net’ between ‘the’ and ‘loss’

Policy BE3: Home Working

- 7.90 This policy supports the development of home working opportunities subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.
- 7.91 In general terms I am satisfied that the policy meets the basic conditions. I recommend detailed modifications to the wording so that it has the necessary clarity. In particular I recommend that the policy identifies that many such proposals may be permitted development. I also recommended consequential modifications to the supporting text.

**At the beginning of the policy add:
‘Insofar as planning permission is required’**

In b) replace ‘significant and adverse’ with ‘unacceptable’

In c) replace ‘shall be....in this’ with ‘should be designed to take account of other policies in this’

*At the end of the third paragraph of text under the ‘Home working’ heading add:
Policy BE3 provides a context for this approach. It recognises that several such proposals may benefit from permitted development rights. Melton Borough Council will determine the need or otherwise for planning permission on a case-by-case basis taking account of the scale and the nature of the proposed business activity’*

Policy BE4: Farm Diversification

- 7.92 This policy supports the development of farm diversification projects and the conversion of former agricultural buildings subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.
- 7.93 Criterion d) comments that any development should not prevent the land in question to revert to farming use at some point in the future. I recommend the deletion of this criterion for two reasons. The first is that its effect is unclear and it would be difficult for MBC to apply it consistently in the Plan period. The second is that the policy refers to buildings rather than to land.
- 7.94 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In c) replace 'adverse' with 'unacceptable'

Delete d).

In f) replace 'significant' with 'unacceptable'.

Policy BE5: Tourism

- 7.95 This policy supports the development of tourism projects subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.
- 7.96 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. In particular I recommend the deletion of the repetitive element in the fourth criterion (of that in the first criterion).

Replace the opening part of the policy with:

'Development proposals to enhance and/or manage tourism facilities will be supported subject to the following criteria:'

In a) replace 'is on' with 'they are of a'

In b) replace 'Does not have a detrimental' with 'they do not have an unacceptable'

In c) replace 'Does not adversely affect' with 'they do not have an unacceptable effect on'

In d) replace 'Benefits' with 'they would benefit' and delete 'and is proportionate.... located'

In e) replace 'where feasible' with 'where practicable'

Policy BE6: Mobile Phone and Broadband Infrastructure

- 7.97 This policy supports the development of telecommunications and broadband projects. It comments about the potential for mast sharing and supplying infrastructure underground wherever practicable.
- 7.98 I recommended detailed modifications to the wording used in the second and third parts of the policy. In particular the third part of the policy does not have the clarity required by the NPPF.

In the second part of the policy replace ‘these should be shared where possible’ with ‘they should be shared where practicable’

In the third part of the policy delete ‘possibly..... installations’ and replace ‘must’ with ‘should’.

Community Actions

- 7.99 The incorporation of a community action in the Plan reflects government advice that it is appropriate for a neighbourhood plan to include non-land use issues which have arisen naturally during the plan-making process. The community action relates to biodiversity. It is included within the main body of the Plan rather than in a separate section. However, given the context in which it appears, the way in which it supplements a specific land use policy and the different colouring used I am satisfied that the approach is acceptable.
- 7.100 Community Action ENV1 Biodiversity is well-considered. It will add value to Policy ENV8 on biodiversity and habitat connectivity.

Other Matters

- 7.101 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MBC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Salford Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Melton Borough Council that subject to the incorporation of the modifications set out in this report that the Salford Parish Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council on 30 November 2017.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
19 May 2020