

John Slater Planning Ltd

# Wymondham and Edmondthorpe Neighbourhood Plan

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## Submission Version

A Report to Melton Borough Council on the Examination of the  
Wymondham and Edmondthorpe Neighbourhood Plan

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## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside Teignbridge's Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Wymondham and Edmondthorpe Parish Council. A Neighbourhood Plan Group committee (NPGC) was appointed to undertake the plan's preparation. Wymondham and Edmondthorpe Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Wymondham and Edmondthorpe Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Melton Borough Council, the Local Planning Authority (LPA) for the neighbourhood plan area.

## The Examiner's Role

4. I was formally appointed by Melton Borough Council in June 2017, with the agreement of Wymondham and Edmondthorpe Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Melton Borough Council, and Wymondham and Edmondthorpe Parish

Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
  - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the plan should proceed to referendum if modified
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Wymondham and Edmondthorpe Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions
  - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
  - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
  - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.
9. I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Melton Borough Council, for the Wymondham and Edmondthorpe Neighbourhood Plan on 28th May 2015.
10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2015 up to 2035.
11. I can confirm that the plan does not cover any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the Plan designation.
13. Wymondham and Edmondthorpe Parish Council as a parish council is a “qualifying body” (QB) under the terms of the legislation.

## **The Examination Process**

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to the two villages of Wymondham and Edmondthorpe and the surrounding countryside on 14<sup>th</sup> July 2017. I spent over two hours driving and walking around the area paying particular attention to the housing allocation sites. I did have one issue, upon which I sought clarification from both the QB and the LPA, regarding the route of one of the wildlife corridors and this was dealt with by a speedy exchange of emails, copies of which are on the respective websites. I also sought clarification from the LPA on matters relating to their SEA screening opinion.

## **The Consultation Process**

18. Work started when the Parish Council made the decision to produce a neighbourhood plan in 2014 and it is established a neighbourhood plan group to prepare the plan which, later in the plan making process, split into a number of theme groups.
19. Public engagement started with an Open Event held in Wymondham Village Hall in August 2015, which essentially was to raise awareness of the neighbourhood plan and seek local views and concerns as well as residents' priorities. This was attended by over 50 people.
20. These comments informed the design of a questionnaire which was distributed to all households in the plan area in January 2016, with separate consultations aimed at the 11 to 17-year age group plus a separate exercise for primary school pupils. There were 272 questionnaires or responses its covers approximately 60% of all households in the plan area.
21. The questionnaire responses were shared at a public meeting held in each village on the 14<sup>th</sup> and 15<sup>th</sup> March 2016 and via leaflets and the results were posted on the neighbourhood plan website.

22. Further Open Events were held on the 6<sup>th</sup> and 9<sup>th</sup> June 2016, in each village which sought views on the draft policies. These were attended by over 50 residents and that was general support given to the emerging policies. There was a further consultation event held on the 11<sup>th</sup> and 17<sup>th</sup> October 2016 in Wymondham Village Hall. This was to invite comments specifically on emerging local plan housing allocations sites and also introduced the village to the prospect of development on “The Gollings”. These were attended by 58 people.
23. In addition to these public sessions, separate consultations were carried out in January 2016 with seven local organisations, namely the WI, St Peter’s Church PCC, Wymondham and Edmondthorpe Civic Society, Sedley Trust trustees, Wymondham Village Hall Committee, Edmondthorpe Social Club Committee and the governors of St Peter’s School. The neighbourhood plan team also carried out one-to-one consultation meetings with local businesses and local landowners who had aspirations for development.
24. I must highlight and pay tribute to the work done by the team to specifically engage with the 12 to 17-year age-group, which generated a commendable 19 questionnaire responses from that cohort of village residents as well as the work carried out with the pupils of St Peter’s Primary School. This is evidence of genuine attempts to engage with groups who do not normally interface with the planning system.
25. All these efforts led to the publication of the Pre-Submission version of the neighbourhood plan, known as the Regulation 14 Consultation. This draft plan was the subject of a six-week consultation period, between 12<sup>th</sup> July 2016 and 26<sup>th</sup> August 2016. The responses to the Regulation 14 consultation are fully set out in the Consultation Statement which also shows the areas where the plan has been amended in the light of comments made.
26. I am satisfied that the public and relevant stakeholders have had ample opportunities to contribute to the neighbourhood plan process.

## **Regulation 16 Consultation**

27. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 2<sup>nd</sup> February 2017 and 16<sup>th</sup> March 2017. This consultation was organised by Melton Borough Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
28. In total 10 individual responses were received from Historic England, Natural England, Melton Borough Council, Highways England, Environment Agency, Anglian Water, Sports England, The Coal Authority, a planning consultant

making representations on behalf of the Hill family and finally a consultant acting for Bertram Design and Build Ltd.

29. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

### **The Basic Conditions**

30. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

31. The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

## **Compliance with the Development Plan**

32. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the Melton Local Plan adopted, as long ago as 1999. Some of these policies are no longer relevant whilst others have been “saved”. Work is underway on a new Local Plan which has been the subject of its Pre-submission consultation. At the recent July meeting of the Borough Council it was decided to make further changes to the draft local plan which will be the subject of further public consultation. The latest proposal is looking to reduce the capacity of site WYM 3, which the neighbourhood plan identifies as Lower Brick Yard Lane down from 30 to 22 dwellings. That does not affect the neighbourhood plan ‘s proposals for this site, which is for 20 units and for which I propose an amendment to be “approximately 20 dwellings”.
33. These recently made changes may affect the anticipated time scale of the plan’s adoption, as the draft local plan had been expected to be submitted later this year with a view a public examination at the end of the year with the plan’s anticipated adoption being in 2018. For the basis of the basic conditions test, it is not possible to place great reliance on the evolving local plan in terms of requiring the neighbourhood plan to be in compliance with its strategic policies. However, the Borough Council is sharing up to date evidence being brought together by the plan making process with the neighbourhood plan group which is influencing this plan’s contents. That is the approach the Government recommends in its advice on the relationship between an emerging local plan and a neighbourhood plan.
34. I have found no strategic policies in the adopted Local Plan which are in any way undermined or compromised by the policies in this Neighbourhood Plan, nor have I received any representations on this point and this element of basic condition is met.

## **Compliance with European and Human Rights Legislation**

35. Melton Borough Council carried out a Screening Opinion on the Submission Version of the Plan and produced a reported dated 9<sup>th</sup> May 2017 which



concluded that it is unlikely that there will be any significant effect arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004” would not be required. I had been originally sent a screening report erroneously dated 2016 which has now been updated, which corrects the date to 2017 and also acknowledges that there will be development taking place within as well as adjacent to the Conservation Area – I am satisfied the Council was aware of that fact when it made its screening opinion but an earlier table as part of the report had not be updated.

36. The Council had consulted the 3 statutory consultee bodies on the request for a screening opinion. Historic England did consider that an SEA may be required due to allocations adjoining and within the conservation area. Their comments made at Reg 14 referred to the allocations “would constitute an environmental impact”. I would point out that the threshold for triggering an SEA is whether the allocation would have a *significant* environmental impact. I have seen no correspondence that indicates that their view is that there would be a significant impact. In their screening report the Borough Council states that the presence of allocations, made by a NDP either within or adjacent to conservation areas does not of itself warrant SEA. Historic England do not appear to have identified a specific threat and the only allocation within the conservation area is a small infill development at “The Gollings”. I consider that having considered Historic England’s representations and given their reasons why the Local Planning Authority does not agree with them the Borough Council have discharged its duty as required by Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.
37. The Borough Council, as competent authority, carried out on 28<sup>th</sup> June 2017, a screening opinion under the Habitat Regulations. The assessment concluded that the Plan will not likely have any significant effects on any internationally protected wildlife sites, the nearest of which is the Rutland Water Special Protection Area, which is also a Ramsar site.
38. I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

39. The Parish Council and its neighbourhood plan group are to be congratulated on producing a well-written, coherent and evidence-based plan which has

grasped the challenge of having to allocate land for additional housing, into what is a picture book English village.

40. Wymondham is identified in the emerging local plan as a “rural service centre”, which because it has a number of key sustainability attributes which the emerging strategy recognises as a viable location to place, what must seem a significant amount of much needed new housing. It has “grasped the nettle” and is seeking to shape the form and location of development, in a very pragmatic and sensible manner. Edmondthorpe is not facing such challenges, as it is described as a “rural settlement” in the settlement hierarchy, which will be expected to accommodate through windfall development, possibly an extra 6 to 7 dwellings to assist its sustainability.
41. Most of the changes that I have had to propose are made to ensure that the plan meets the basic condition test of having regard to Secretary of State advice and guidance. I do not believe that my recommendations will fundamentally alter the plan that the community has prepared and which will shape future development over the next few years.
42. My recommendations have concentrated on the wording of policies to ensure that the plan as a whole will meet basic conditions and there are other textual changes to the supporting text to reflect the revisions that I have made to create a coherent document, and the QB may wish to take the opportunity to correct minor errors and omissions which have been raised by consultees during the final consultation period.

### **The Neighbourhood Plan Policies**

#### **Policy SD1 Presumption in Favour of Sustainable Development**

43. This accords with the approach set out in the NPPF and meets basic conditions.

#### **Policy SD2 General Policy Principle**

44. I have no comments to make on this policy with regard to compliance with the basic conditions.

#### **Policy SD3 Limits to Development**

45. I am pleased to note that the allocation sites are included within the limits of development. I have received no representations which suggest that the proposed boundary needs to be amended. The Borough Council has pointed out that the policy in the emerging local plan allows development adjacent to the settlement boundary but for the consideration of the basic conditions, it is

the adopted local plan rather than adherence with a draft plan, that is to be considered. I am also reassured that the plan makes provision for meeting at least the minimum housing figures set out for the village within the enlarged limits of development.

46. I understand that the boundary of the Glebe Road site does not follow the boundary of the site that has planning consent but reflects an earlier version of the allocation in the emerging Local Plan. It would be appropriate for the boundary to coincide with the site that has now been granted planning permission.

*Recommendation*

That the boundary of the limits of Development around the Glebe Road site should coincide the boundary of the planning consent that exists on the site.

**Policy H1 Housing Provision**

47. I am satisfied that the figure for the amount of new housing development has been arrived at through close working between the Qualifying Body and the Borough Council. I have received no representations that suggest that a higher number should be considered in the neighbourhood plan. However, I appreciate that the draft local plan could change as it goes through its inquiry process and it is not currently part of the development plan. I therefore propose to make changes to the drafting of the policy to remove reference to the draft local plan. If during the final stages of the Local Plan process the housing figure for Wymondham were to change, then the adopted Local Plan would take precedence, once adopted, over Policy H1 and it will be necessary to revisit whether additional housing sites need to be allocated in a future review of the neighbourhood plan.

*Recommendation*

Delete all of the first sentence up to “Edmondthorpe” and insert “This Neighbourhood Plan provides for the construction”.

**Policy H2 Housing Allocation**

48. The plan allocates six sites within the plan area. I consider that the site selection process has been objective and robust. It started with the SHLAA sites but extended to site smaller than 10. I am aware that three of the size are allocated in the emerging local plan, however these do not currently have development plan status. There has been appropriate engagement with site owners and the residents have had the opportunity to comment on the proposed allocations.
49. I note that the plan quotes exact housing numbers for each allocation. I consider that these figures should be *approximate* numbers as the actual

numbers that can be delivered and depend upon the mix of units coming forward. A degree of flexibility can be helpful at the development management stage. It is unnecessary for the policy to refer to the fact that the criteria reflect discussions with each property stakeholder.

50. The policies refer to the results of the Strategic Housing Market Assessment in terms of advising on the mix of housing types. I have been advised that this has been updated by a recently completed Housing and Economic Needs Assessment I will recommend that reference to SHMA results will be updated by referring to the Housing and Economic Needs Assessment.
51. I am also advised that the 37% affordable housing figure which is derived from the draft Local Plan could be subject to change as the local plan progresses. My view is that if the figure were to change when the Melton Local Plan is adopted, then that would be a strategic policy, which would supersede the affordable housing policy in the neighbourhood plan. I have no basis or evidence to support a change to the current figure of 37%.
52. In terms of the drafting of the individual site allocations there is a degree of ambiguity with regard to the proposals for Station Yard. It refers to development “not coming forward before the development of Lower Butt Lane site”. Whilst I consider that is appropriate phasing, the wording is ambiguous and could mean that a planning application should not be made before the Lower Butt Lane site has applied for its planning consent, or that planning permission could not be granted until the other site has been approved, or that works should not be commenced on site until work has started on the other site had started, or indeed being completed. I believe that to achieve the objective of the policy and the sensible delivery of infrastructure, which is not to create a separate development divorced from the rest of the village, the aim should be that the development of the Station Yard site should not commence until work has been substantially completed on the Lower Butt Lane site. It is open to the developers of that site at its application stage to provide convincing evidence as to why the development could be advanced in terms of its implementation but the policy is correct in securing a sensible phasing.
53. In terms of “The Gollings”, the requirement is that there is no loss of *amenity value*. I consider that this threshold is too low and I will propose that should be increase so that there is no *significant loss of amenity* to surrounding properties.
54. I understand that outline planning permission has been granted on the Glebe Road allocation site for 12 dwellings. I am also aware of that reserved matters are still to be submitted. However, I do not consider that it should be a requirement of development plan policy to require adherence to a particular firm of architects’ detailed plans for landscaping. The requirement for the purpose of the landscaping is to improve views into the village and the school

and day centre can be retained within the wording. Equally reference to the developer's intentions regarding design and materials is not relevant and so amended wording is appropriate. It must be appreciated that an allocation could be built out by another developer and an alternative development mix which could come forward could justify a minor variation in housing numbers and I am therefore recommending that the policy should still be an approximate figure.

55. Turning to the Lower Brick Yard Lane site I have reservations about the criterion dealing with traffic management measures. I am not clear why the development in isolation would require additional traffic management measures or generate the need to replace or enhance the village hall. I note that the land owner has offered these incentives, but I believe that such an offer can only be a requirement of planning policy if it meets the three criteria set out in paragraph 204 of the NPPF or as required by Regulation 122 of the Community Infrastructure Levy Regulations 2010, namely that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. I will not recommend the removal of requirement to contribute, but I will insert the requirement that any planning obligation meets the three criteria which is set out in paragraph 204 of the NPPF.

#### *Recommendations*

In the second sentence delete "which reflect discussions held with each of the Property Stakeholders".

In all site criteria, insert "approximately" before the respective housing number.

All references to "Strategic Housing Market Assessment" be replaced by "Housing and Economic Needs Assessment".

Under Station Yard – third criterion delete "come forward" and insert "be commenced" and insert at the end of the sentence "has been substantially completed".

Under "The Gollings" insert "significant" after "no" and delete "value"

Under "Glebe Road" in the fourth criterion delete "as in the detailed plans prepared by Goldby and Luck" and in the next criterion delete "The intention of the developer that" and at the end of that criterion "is supported". Delete the last criterion as this is not a criterion for development.

Under "Lower Brick Yard Lane" in the sixth criterion add at the end so long as it is demonstrated that any financial contribution sought is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development"

Figure 3 should be amended to show the amended Glebe Road boundary as proposed under Policy SD3

### **Policy H3 Reserve Site**

56. The requirement to have a reserve site is in line with good practice as promoted by the Secretary of State and also if reflects the emerging local plan.

### **Policy H4 Housing Mix**

57. I have no comments to make regarding this policy. This is justified by sound evidence base and is the policy that stems from local requirements.

### **Policy H5 Housing Provision Windfalls Sites**

58. I have no comments regarding this policy and the basic conditions.

### **Policy H6 Affordable Housing**

59. I notice that the 37% of housing which are required to be at affordable is in line with that proposed in the emerging local plan. However, that cut off in the neighbourhood plan is 10 units or more whilst the emerging Local Plan Policy C4 refers to 11 or more. More importantly for my assessment of compliance with the basic conditions, is the fact that Secretary of State advice is the affordable housing should not be sought on schemes of 10 units or less (or schemes with a cumulative gross internal floorspace of over 1000 sq.m). I understand that the QB accept the need to make this change.

60. I note that the policy refers to shared ownership and starter homes being encouraged. Shared ownership forms part of the definition of *intermediate housing* as described in the glossary to the NPPF for what constitutes *affordable housing*. That goes on to say that “homes that do not meet the above definition of affordable housing, such as low-cost market housing, may not be considered as affordable housing for planning purposes.

61. The national picture in terms of the role of *starter homes* is evolving, but I do not consider for the purposes of my examination at this time, that the starter homes can be treated for policy purposes, as affordable housing. The Written Statement of the Minister of State for Communities and Local Government dated 2<sup>nd</sup> March 2015, referred to starter home schemes, which are based on a new national “exception site” planning policy to enable starter homes to be built on “underused or unviable commercial or industrial sites not currently identified for housing”. This would not apply to any of the sites in the plan area.



62. In 2016, the Housing and Planning Act was passed which introduced into legislation the concept of “starter homes” but the regulations that trigger its provisions have not yet been enacted and it certainly does not provide that starter homes are to be considered as “affordable homes”. Possible changes to national planning policy so as to accommodate starter homes was floated in a Government consultation document on “Proposed Changes to National Planning Policy” issued in December 2015. The anticipated changes to the NPPF which were signposted by the Government Housing White Paper are not now expected to later this year and at this point in time I cannot recommend that the inclusion of starter homes to fall within the definition of affordable housing, as proposed by this policy would meet basic conditions. If national policy changes then it is likely that starter homes will fall within scope of the policy. I suggest that reference to this possible change could be included within the supporting text, but should be removed from the wording of the policy.
63. Similarly, whilst self-build is encouraged, it again at this stage cannot be considered as providing affordable housing for the subject of affordable housing policy.
64. My final point is with regard to the local connection policy. The Neighbourhood Plan has provided no specific evidence demonstrating a level of local housing need in the two villages, which would justify limiting the occupation of affordable housing, even initially, to just persons with a local connection. The development of new housing within Rural Service Centres is to contribute, in part, to meeting the housing needs of the whole district, rather than just the villages themselves. It is for that reason that a policy that would give preferential treatment to persons with a local connection to the Plan area, over other families who may be in greater housing need, would not be justified in the same way as it would not be appropriate to limit the occupation of market houses for people with a local connection. That would be different if the Plan had promoted rural exemption sites in addition to its allocation sites, on sites where development would not ordinarily be granted.
65. The actual allocation of affordable houses to new occupiers, is a matter for the Borough Council as Housing Authority rather than as Local Planning Authority and it will have its own policy for the allocation of new homes to persons in housing need, which may or may not have a local connection element.

#### *Recommendations*

In the first sentence change “10” to “11”

In the second sentence delete “Starter homes or”

Delete the third sentence.

Delete the third and fourth paragraphs.

### **Policy H7 Building Design Principles**

66. The only components that raise issues of conformity with national policy relates to the ninth and tenth criteria dealing with sustainable design and construction techniques and the penultimate criterion which requires SUDS for *all* development rather than just major development proposals. In a Written Statement to the House of Commons made by the Secretary of State for Communities and Local Government dated 25 March 2015, it was stated that “neighbourhood plans cannot impose any additional local technical standards or planning requirements related to the construction, internal layout or performance of new dwellings.” I will be recommending the deletion of that particular criterion. In another previous Written Statement made on 18<sup>th</sup> December 2014 he stated that the policy requiring SUDS, should apply to schemes of 10 units or more and major commercial development. I will recommend the amendment of that criterion too as I have seen no specific evidence to depart from that stance.

#### *Recommendation*

Delete the ninth criterion

In the tenth criterion after “Development” insert “of schemes of 10 dwellings or over” and delete “ensuring” and insert “all residential development should ensure”

### **Policy H8 Nationally Designated Heritage Assets of Local Historical and Architectural Interest**

67. This policy is based on paragraph 128 of the NPPF, yet it only places the onus on the applicant, in relation to a planning application to describe the significance of the heritage asset. However, the proposed policy omits the important element of the NPPF advice, which is for the applicant also to describe “the impact of the proposal on that significance”.

#### *Recommendation*

After “affected” and insert “the impact of the proposal on that significance”.

### **Policy H9 Use of Street Lighting**

68. My only concern regarding this policy is the fact that responsibility for street lighting lies with the Highway Authority. The timing of when the street lights go on and off, is a matter for Leicestershire County Council, although the Parish Council is entitled to express a view. This is not a matter of planning policy i.e. it does not relate to “the development and use of land”, but it is a highway management issue and I will be recommending the deletion of this



part of the policy. This section can be moved to the Community Aspiration chapter of the Plan.

*Recommendation*

Delete the third paragraph.

**Policy ENV1 Protection of Local Green Space**

69. I have concerns regarding two of the proposed Local Green Spaces which are proposed the designation by the neighbourhood plan. Paragraph 77 of the NPPF states that designation should be given so long as it “is not an extensive tract of land”. Further Secretary of State advice is given in the Planning Practice Guidance is set out in para 015 (reference ID 37-0 5-20140306). This states that “blanket designations of open countryside adjacent to settlements will not be appropriate”.
70. Having seen the two fields for myself on my site visit, I have concluded that the Plan’s proposals for Site 284 and Site 405 – The Park Fields will fall into that category and accordingly I will not be recommending that these two parcels of agricultural land should be designated as local green space. I do not accept that the Parish Council’s suggestion that road side verges and greens, having not previously judged to meet the threshold of Paragraph 77 criteria, can be now promoted to meeting that criteria, due to the removal of other sites.

*Recommendation*

Remove “The Park fields, Wymondham (ref 284/405)”

**Policy ENV2 Other Sites of Environmental Significance**

71. Whilst I acknowledge the general objective of this policy which seeks the protection of these non-designated sites of environmental interest, this goes beyond the hierarchical approach to the protection of non-designated assets set out in the NPPF. I am therefore proposing the introduction of a caveat “unless the need for, or the benefits of, the development in that location clearly outweigh the loss”.

*Recommendation*

Insert at the end ““unless the need for, or the benefits of, the development in that location clearly outweigh the loss”.

**Policy ENV3 Ridge and Furrow Fields.**

72. As the supporting text recognises, the planning system cannot control many activities which could destroy or damage these features, which are clearly valued elements of the countryside in this part of Leicestershire. However, I

agree that it is appropriate to protect these features from any development which requires planning permission and this is a legitimate aspiration of the neighbourhood plan. I consider that this to be an unusual policy but one that is locally distinctive and which is justified by evidence and I have no grounds for considering that it does not meet the basic conditions test.

#### **Policy ENV4 Woodland Trees and Hedges**

73. Whilst a policy cannot offer legal protection to a tree or hedgerow, that can only be achieved by tree preservation order or a hedgerow retention order, I believe that the policy does have a value in influencing how development should take place. I do not need to propose any modification.

#### **Policy ENV5 Biodiversity**

74. The first criterion is not a policy for the use and development of land but a requirement to obey the law of the land. It is not a policy for “the use and development of land” and, as such, does not meet the legislative requirements.
75. Planning conditions should only be imposed if they meet the six set tests set out in paragraph 206 of the NPPF. I consider that reference to the requirements imposed by planning conditions in this part of the policy, to be unnecessary, as the development proposal will, by implication, have to include any matters required by the consent to be implemented. I therefore propose to remove reference to planning conditions.
76. The third final element of the policy relates to the designation of three wildlife corridors. I receive one Regulation 16 representation relating to the route of the proposed wildlife corridor which follows the line of the hedgerow, where the corridor crosses Edmondthorpe Road. The owners of the land rear of 39 Edmondthorpe Road, appointed an ecological consultant who advised that wildlife would be more likely to follow the route of the brook rather than the hedgerow. I asked the Neighbourhood Plan Group whether they had any technological information to counter that suggestion and they have responded by accepting that the wildlife corridor should properly follow the line of the brook and I will be recommending accordingly. I believe it was a drafting error.

#### ***Recommendations***

Delete the first criterion.

In the third criterion delete “and as part of planning conditions”.

Amend the line of the wildlife corridor 1 so it follows the line of the brook where Route 1 crosses Edmondthorpe Road.

### **Policy ENV6 Footpaths**

77. I have only one concern with regard to this policy and that is a reference to “other walking routes” which are not described. An applicant or decision maker would not necessarily know whether they have regard to a non-designated “walking route”. One of the requirements of a neighbourhood plan policy, as set out in the Planning Practice Guidance is that a policy must be precise and capable of being used with confidence and I propose that this part of the policy be removed.

#### *Recommendation*

Delete “and other walking routes”

### **Policy ENV7 Protection of Important Views**

78. This policy seeks to protect important views which are described in the policy. The Borough Council has commented that they are concerned that this will effectively create a Green Belt around village of Wymondham or an “Area of Separation”. I do not agree with that conclusion. I consider that it is entirely a matter for the discretion of the local community to identify what it considers our important viewpoints to be protected and I do not propose to change this policy.

### **Policy ENV8 Rivers and Flooding**

79. The Figure 10 map is difficult to identify individual properties but it does show general areas of flooding. It will be better to point applicants to the Environment Agency Flood Risk maps which are available online. However, if Figure 10 is to be retained then it needs to have a key. For example, I do not know what the five blue circles on the map signify, although as an experienced planning practitioner I do know the difference in status between the light blue and dark blue areas. Some users of the plan would not.
80. The wording of the policy describes the sequential approach to the allocation of land. I do not consider that the policy as written, accords with the approach the government advocates in the NPPF for the treatment of development proposals in areas at risk of flooding. I will therefore propose changes to the wording of the policy that have been suggested by the Environment Agency in their representations, which will bring it into line with national guidance.

#### *Recommendations*

Reword the first criterion to “A sequential approach in respect of flood risk has been taken into account when determining the proposals location”.

Delete the second criterion.

Add a key to Figure 10

### **Policy CF1 Retention of the Community Facilities and Amenities**

81. The policy refers to the loss of a community facility but one of the services is the monthly library book bus. In land use terms that would the policy would only be able to protect the location for the library bus to stop. That is not the basis of a tenable planning policy.
82. A planning policy needs to be precise as to what premises are covered by its provisions. I therefore propose to remove the opt out clause which says “including but not limited to”. There should be no ambiguity or “wriggle room” as part of future decision-making, as to whether a facility is covered by the policy.

#### *Recommendations*

Remove from the text reference to the Monthly Library Book Bus  
Delete “but not limited to”

### **Policy CF2 New and Improved Community Facilities**

83. The only issue with the criteria for the policy the requirement of a community facility to be “demonstrably sustainable financially and managerially”. This goes well beyond the remit of the planning system, as the judgements required are not related to the acceptability in planning terms of the proposed use. I will recommend the removal of that criterion.

#### *Recommendation*

Delete the final criterion.

### **Policy E1 Support for Existing Employment Opportunities**

84. I am concerned that that the policy has implications that it encourages land or buildings to be left empty for at least a year before a new use can be proposed. Empty properties could have a detrimental impact on the village. Also, it is unclear whether the land has to be empty for the year before planning application can be submitted or determined. I propose to delete that first criterion of the policy, as the marketing exercise evidence will determine whether a new occupier is likely to be found for the building to be considered within its existing use rights. There is no reason why a building needs to be empty, if say the owner wanted to market the property whilst working in the run up to his/ her retirement.

#### *Recommendation*

Delete the first bullet point

### 85. **Policy E2 Supports for New Employment Opportunities**

I have no comments on policy except the requirement for the development “to contribute to the vitality of the local area” and the requirement to “be well integrated into and complement existing businesses”. Planning policy looks at the use of land rather than the nature and characteristics of individual businesses.

#### *Recommendation*

Delete the sixth and seventh criteria.

### **Policy E3 Reuse of Agricultural and Commercial Buildings**

86. I am unsure whether a proposal for a new employment use would be covered by Policy E2 or Policy E3. On the face of it, a new office in a farm building looks as if it could be covered by both policies, which would cause confusion for decision-makers and applicants, as to what criteria will be applicable. I therefore propose that reference to small businesses be removed from this particular policy but I would make the suggestion that the text in the supporting paragraph should refer to employment uses being acceptable within rural buildings so long as they meet the provisions of Policy E2.

#### *Recommendation*

Delete “small businesses” from the first sentence

### **Policy E4 Broadband Infrastructure**

87. Whilst the desire to see superfast broadband becoming available throughout the parish is laudable, I do not consider it reasonable to place a new requirement to deliver that actual broadband services should be placed on the developer. It is possible to have a policy can require the developer to install ducting and other infrastructure within the site and buildings which will allow the development to be able to connect to broadband it is available.

#### *Recommendation*

Delete all of the first paragraph after “should” and insert “have the necessary ducting and infrastructure within the site and building(s) so as to be able to connect to superfast broadband”.

### **Policy E5 Working from Home.**

88. I have no comments to make on this policy.

### **Policy T1 Traffic Management**

89. I believe that this policy goes beyond the requirement for a policy for “the use and development of land”. This policy should be moved to the Community Aspiration section of the plan as it expresses preferences in terms of highway improvements and spending.

#### *Recommendation*

That the policy be deleted and moved to the Community Aspirations section of the Plan

### **Policy T2 Transport Requirements to New Development**

90. I have no comments to make this policy.

### **The Referendum Area**

91. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Wymondham and Edmondthorpe Neighbourhood Plan as designated by Melton Borough Council on 28<sup>th</sup> May 2014, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

### **Summary**

92. The Steering Group and the Parish Council are to be congratulated for producing a well-focused and locally distinctive neighbourhood plan. The policies cover the matters which are of importance to the community and address the challenges of accommodating new residential development into the village of Wymondham.

93. I have recommended changes to a number of the policies to address technical issues which are necessary to ensure the plan meets the Basic Conditions. I have only had to recommend the total removal of one policy, to bring the plan into line with basic conditions, particularly Secretary of State advice and that policy can be moved to the Community Aspiration section of the plan.

94. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory

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requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**95. I am therefore delighted to recommend to the Melton Borough Council that the Wymondham and Edmondthorpe Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

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21<sup>st</sup> August 2017