

Scalford Neighbourhood Development Plan

Examiner's Clarification Note Scalford PC reply

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification.

For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear vision for the neighbourhood area. It is thorough and comprehensive. It is underpinned by an appropriate evidence base.

The presentation of the Plan is good. The maps are generally effective.

The package of submission documents is proportionate to the neighbourhood area in general, and the Plan in particular.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific clarification points below in the order in which the policies concerned appear in the submitted Plan.

Policies as a whole

The policies are not sufficiently different in their appearance from the supporting text. I am minded to recommend that they are incorporated within text boxes or some other equivalent distinguishing feature.

Does the Parish Council have any comments on this proposition?

This is considered to be a sensible suggestion.

Policy H1

Is the Parish Council currently satisfied that the allocated sites are commercially viable and deliverable within the Plan period?

We are confident that both sites are commercially viable and deliverable within the Plan period.

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. Once started, given the site's relatively small size, it should not take long for development to be completed.

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. Once started it should not take long for both dwellings to be completed.

Policy H2

The criteria listed on page 19 for determining the proposed limits to development are very helpful.

In the context of the representation from Mr and Mrs Golding please can the Parish Council explain the way in which it defined the limits to development in the general location of Nether Hall Farm/South Street/Melton Road?

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 Netherhall 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.

Policy H4

As currently proposed the policy is not in general conformity with the Local Plan.

I am minded to recommend a modification to remedy this matter.

Does the Parish Council have any comments on this proposition? In particular does it have any comments on the changes suggested by the Borough Council on this matter?

We understand that if you consider Policy H4 is not in general conformity with the Local Plan it will ultimately need to be modified. It is also recognised that Melton Borough Council's (MBC) suggested text mirrors the wording recommended by the Examiner for the Ab Kettleby Neighbourhood Plan and which was then subsequently included in the final version of that Plan. Nonetheless, we would question whether this text is fully justified in this case and, instead, we would like to suggest our own change to Policy H4 for your consideration.

The particular concern that we have with MBC's suggested change is the inclusion of text suggesting that windfall sites at Scalford could potentially accommodate up to ten dwellings and sites at Chadwell and Wycomb could potentially accommodate up to three dwellings. The reason for this concern is that this reference to ten dwellings and three dwellings is not taken from any of the Local Plan's strategic policies, including Policy SS3 which specifically concerns rural windfall development. Given which, the fact that reference to ten dwellings and three dwellings is absent from Policy H4 should not be a matter of general conformity.

There is reference within the Local Plan to potentially allowing 'up to about ten dwellings' and 'up to about three dwellings' on windfall sites, depending on the category of settlement concerned, but this is only within the plan's supporting text (at paragraph 4.2.17). Even then, as paragraph 4.2.17 sets out, the expectation is that windfall schemes may be permitted on unallocated sites in those settlements where land is not already allocated for housing. In Scalford's case, however, the Local Plan has already allocated one site for housing development on the edge of the village.

As it stands, we believe that Policy H4 is already in general conformity with Local Plan Policy SS3 (Sustainable Communities – unallocated sites), in terms of the extent to which it positively supports the delivery of new housing development on windfall sites. The main provisions of Local Plan Policy SS3 for determining whether a proposed windfall housing scheme is of an appropriate scale or not, is that development is: in keeping with the scale and character of the host settlement; it meets a proven local need as identified by substantive evidence; and it respects the Borough's landscape and settlement character. In all cases, it is considered that these provisions have already been fully reflected in Policy H4. The fact that Policy H4 does not then also specify the specific number of dwellings that would potentially be permissible on windfall sites is because Local Plan Policy SS3 also does not.

Notwithstanding the above concerns about the detailed wording suggested by MBC, we do accept, however, that Policy H4 may not be entirely in general conformity with the Local Plan (and Policy SS4 specifically) insofar as it only allows for windfall schemes within the built-up areas of Chadwell and Wycomb. In this respect, we would suggest that criterion (a) of Policy 4 be modified to read as follows: "Is within the Limits of Development for Scalford or within or on the edge of the built-up areas of Wycomb and Chadwell;"

Policy H6

This policy takes a comprehensive and locally-distinctive approach to this important matter.

Policy ENV1

Appendix 8 helpfully describes and assesses the proposed Local Green Spaces (LGS).

In respect of LGS112/113 I saw that the site was in close proximity to Scalford and was local in scale. Please can the Parish Council expand on the extent to which it considers the site is 'demonstrably special to the local community and holds a particular local significance'

As detailed in the header of the LGS table (Appendix 6), the scores in columns 3-5 ('special to community') and 6-7 ('local significance') are high enough to produce a cumulative total at or above the threshold determined by the NP Committee as being representative of the situation in Scalford.

There were very few sites that came any where near the criteria for a Local Green Space. LGS112/113 seemed to fit the criteria especially as they were already designated as Non designated heritage assets - Covered by L&R HER site MLE23137 with clear archaeological evidence of medieval Scalford.

Policy ENV5

As drafted the second part of the policy is internally inconsistent. The first element comments that loss and damage is to be avoided whilst the second element comments about the balancing exercise. Please can the Parish Council explain its intentions for this policy.

The purpose of the policy is to ensure that development only takes place if the benefit of that development outweighs the harm. In this regard, the second element of the paragraph is more important. The first part sets out the intent that loss is to be avoided. The second element will apply if some loss is involved

Figure 9.2 shows the existing ridge and furrow features in the neighbourhood area. In doing so it identifies three levels of quality. How would the differing levels of quality be applied in the context of the submitted policy?

The figure identifies the most important areas of ridge and furrow This is to aid the decision-making process by highlighting the relative quality of the ridge and furrow against which the potential harm can be measured. The map also records this component of the results of the 2019 survey as an agreed (with Leics. CC Environment Section) contribution to the Historic Environment Record (HER).

Policy ENV6

I understand the proposed approach and the work on identifying notable trees.

It adds value by identifying the trees to be covered by the policy, thereby adding local value.

However, does the policy bring any additional value beyond the approach in local and national policies?

In any event is its focus on public safety appropriate to the planning process?

The safety aspect could be a reason for the destruction of the tree if it is in danger of collapse.

Policy ENV8

I can see the distinctive nature of the second paragraph of the policy.

However, does the first part of the policy bring any additional value beyond the approach in local and national policies?

The first sentence of the policy provides context but could be moved to the supporting text. The policy would then start 'To be supported, development proposals must not significantly harm the viewpoints, lines of sight, objectives or characters of the following publicly accessible views'...

Policy ENV9

Has the appropriateness of View 2 now been overtaken with the allocation of the housing site in the Local Plan?

I don't believe that that is so as the new development is for singles storey housing which is in keeping with the village housing stock...

Policy CAF 1

Are there community facilities in the neighbourhood area other than those identified in the policy?

I don't believe so...

If this is the case there may be uncertainty on the application of the policy within the Plan period.

Could the policy be applied simply to the identified facilities?

Policy TR2

Is the specification necessary and/or too prescriptive?

7Kw is the current industry standard for quick in-home charging. This will not diminish over time, but may increase to higher levels, which is why the policy says 'or better if feasible'

Policy TR3

As I read a) to c) they are supporting text rather than policy.

I am minded to recommend that they are relocated to the supporting text to remedy this matter.

Does the Parish Council have any comments on this proposition?

I think this is OK

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan in general?

No more than we have already done..

Does the Parish Council wish to comment on the representations made to the Plan by the Borough Council and Mr and Mrs Golding in particular?

No more than we have already done..

Protocol for responses

I would be grateful for responses and the information requested by 24 April 2020. Please let me know if this timetable may be challenging to achieve. This period is longer than I would usually suggest. It reflects the current circumstances which the country faces.

For clarity there is no need for the Parish Council to meet physically to discuss and agree its response. I recommend those who have been involved in the preparation of the Plan consider this Note electronically.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis.

Irrespective of how the information is assembled please could it all come to me directly from the Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Scalford Neighbourhood Development Plan.

27 March 2020