

Clawson, Hose and Harby Neighbourhood Development Plan 2017-2036

**A report to Melton Borough Council on the Clawson,
Hose and Harby 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 August 2017 to carry out the independent examination of the Clawson, Hose and Harby Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 20 September 2017.
- 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 local character and celebrating its rich historic environment. It identifies various sites for housing development and proposes reserve sites. It designates local green spaces. It also includes a distinctive set of policies on environment and landscape, community facilities and the promotion of employment opportunities
- 4 The Plan has been underpinned by community support and engagement. The community has been actively 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 Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
1 November 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Clawson, Hose and Harby Neighbourhood Development Plan 2017-2036 ('the Plan').
- 1.2 The Plan has been submitted to Melton Borough Council (MBC) by Clawson, Hose and Harby 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 in 2012 and which continues to be the principal element of national planning policy.
- 1.4 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.
- 1.5 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 plan 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 30 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.

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the Borough Council carried out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result

of the production of the Plan. This conclusion reflects two important factors. The first is that the various proposed housing sites have already been assessed as part of the emerging Local Plan process. The second is that the submitted Plan includes a series of policies that address locations known to have environmental significance.

- 2.7 The required consultation was carried out with the three prescribed bodies and no objections were received to MBC's conclusion on this matter.
- 2.8 MBC has also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. It concluded that the Plan was not likely to have any significant effect on a European site. The assessment gave particular attention to potential impacts of the Plan on the Rutland Water Special Protection Area/RAMSAR site. This is best practice given the significance of that site.
- 2.9 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. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. 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.
- 2.10 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. 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 this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also 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.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan.
- the various Plan appendices.
- the Basic Conditions Statement.
- the Consultation Statement.
- the MBC Screening report
- the representations made to the Plan.
- the Melton Local Plan 1999
- the submitted Melton Local Plan 2017-2036
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 20 September 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood 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. Whilst there were requests for a hearing from some representors I had all the information necessary to come to judgements on the various matters concerned. This was partly as a result of how the Plan was presented and published and partly as a result of the comprehensive nature of the representations made to the Plan. I advised MBC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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 March to May 2017.
- 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 event in the villages. Specific engagement techniques highlighted include:
- Information in the village magazines
 - The use of village noticeboards
 - The distribution of leaflets and flyers
 - The use of the Parish Council website
 - E mail updates
 - Communications with MBC
- 4.4 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. The various appendices properly set out the comments received and how the Plan responded to those representations. This important process is documented in a very comprehensive and professional way.
- 4.5 The Statement and its various appendices provide a very useful flavour of the issues that were generated during the production of the Plan and how they were incorporated into the submitted Plan. This provides a high degree of assurance.
- 4.6 The Plan has attracted a range of representations at its submission phase (see 4.8 below). The Plan has received general support from the various statutory bodies.
- 4.7 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. I am satisfied that it meets the tests for a consultation process for a neighbourhood plan as set out in paragraphs 183 and 184 of the NPPF. MBC has carried out its own assessment of this matter and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the Borough Council for a six-week period that ended on 30 August 2017. This exercise generated comments from a range of local residents and statutory organisations. I have taken account of all these representations as part of the examination of the Plan. They are listed below and have helped to inform some of the recommended modifications in this report.

- Hazelton Homes
- Mrs Brown and Mrs Clark
- Keith Tudor
- Melton Borough Council
- Unspecified landowners – Back Lane
- Davidsons
- David Haston
- Leicester Diocesan Board of Finance
- Highways England
- Leicestershire County Council
- Croft Developments
- Terry Pruce
- Brian Hall
- Chris Larson
- Melanie Steadman
- Diane Orson
- Natural England
- The Coal Authority
- Environment Agency
- Moira Hart
- Barbara Cooper
- Roger Adams
- Janice Lumb
- Elizabeth Rhodes/Margaret Swain
- Nigel Hodges
- Nathan Jones
- Howard Thomas
- Linda Adams
- Sarah Turner
- First Provincial Properties Limited
- John Rust
- Philip Goodman
- Elizabeth Watson

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Long Clawson, Hose and Harby. In 2011, it had a population of 2577 persons living in 1083 dwellings. It was designated as a neighbourhood area on 18 January 2016.
- 5.2 The Plan area consists of three separate villages (Long Clawson, Hose and Harby) set within attractive open countryside. The character and appearance of the Plan area is heavily influenced by its location at the south-western end of the Vale of Belvoir. The villages are located to the north west of the Vale of Belvoir and Leicestershire Wolds escarpment. This escarpment dominates the local landscape and influences natural and surface water flows. The Plan area (at Long Clawson) is approximately seven miles to the north of Melton Mowbray. It sits within attractive landscape bounded by the A46 to the west, the A52 to the north, the A607 to the east and by the A606 to the south.
- 5.3 The three villages are predominantly residential in character. In their different ways they reflect historic and ongoing relationships with their agricultural hinterlands. Hose and Long Clawson both have conservation areas. All three have attractive historic cores. They sit in the agricultural landscape as separate and free-standing settlements. However, they are connected by Hose Lane, a minor road that runs in a SW-NE direction through the Plan area and more widely between the A606 and the A52.

Development Plan Context

- 5.4 The Melton Local Plan was adopted in 1999. It sets out the basis for future development in the Borough up to 2006. Several of its policies were saved in 2007.
- 5.5 Plainly the adopted Local Plan pre-dates the publication of the NPPF. However, for the purposes of this examination it remains as the Plan against which the neighbourhood plan is assessed. Chapter 2 sets out the strategic context for the Plan. It focuses new development in and around Melton with a major proposal in the form of a new settlement on the former Melton Mowbray airfield. This proposal includes plans for a bypass to the south and west of the town. Outside Melton major allocations of land are limited to Asfordby and Bottesford. Elsewhere a policy of restraint is maintained. Policies OS1 and OS2 capture this strategic approach in a policy format. Policy OS1 supports development within identified town and village envelopes. Policy OS2 sets out a restraint policy in the countryside.
- 5.6 The Local Plan includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against its various policies. In summary, the following local plan policies have been particularly important in underpinning neighbourhood plan policies:

- H6 Residential Development within village envelopes
- H7 Affordable Housing on Allocated Sites
- H10 Amenity Open Space in new residential development
- EM9 Existing Rural Industries
- EM10 Employment Development outside Town and Village envelopes
- C2 Farm based diversification
- C6 Re-use and adaptation of rural buildings
- BE12 Protected Open Spaces
- CF4 Loss of Community Facilities

- 5.7 The emerging Local Plan was submitted for examination in October 2017 whilst the neighbourhood plan examination was taking place. It covers the period up to 2036. Policy SS2 sets out the spatial strategy of the Plan. 65% of new growth is focused within Melton and the remainder is allocated in rural areas on a proportionate basis. Individual rural settlements are identified as either Service Centres or Rural Hubs. In this context Harby, Hose and Long Clawson are identified as Service Centres. They are provided with proportionate growth targets. Policy C1A identifies a series of housing sites across the Borough to deliver the spatial strategy. This includes allocated sites in each of the three villages in the neighbourhood area. Policy C1B then identifies a series of reserve sites in the event that the allocated sites fail to deliver. This policy identifies reserve sites in both Harby and Long Clawson.
- 5.8 It is clear that the submitted Plan has been prepared within what was the evolving context of the Local Plan. In doing so it has used up-to-date information and research that has underpinned the emerging Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter. Both plans have been submitted in good faith and to their own timetables. The submitted neighbourhood plan has sought to address key delivery issues in the emerging local plan. On certain sites it adopts a different view to that now incorporated in the submitted Local Plan. I address this matter in greater detail in Section 7 of this report in general, and in relation to policies H1 and H2 of the submitted Plan in particular.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 20 September 2017.
- 5.10 I drove into the Plan area from the south-west from the A606. This gave me a good opportunity to understand its rural context and the relationship between the villages, the open countryside and the strategic road network. I looked at the villages in turn as I drove along Hose Lane.
- 5.11 I spent time in Long Clawson looking at the various proposed housing allocations and the proposed reserve site. I also took the opportunity to walk to the various proposed local green spaces. This gave me a good overall impression of the structure of the village and how these various designations would relate to its character and appearance

- 5.12 I found the range of facilities in the village centre and saw that they were well-used by local residents. The combination of the doctors' surgery, the pub, the café and the shops gave a very attractive feel to the village at lunchtime.
- 5.13 I then travelled along Hose Road to Hose. As with Long Clawson I looked at the various proposed housing allocations, the proposed reserve site and the various proposed local green spaces. In looking at the two proposed housing allocations I stumbled across the Community Orchard. It was stocked with a wide variety of orchard trees and was very well-maintained.
- 5.14 I then travelled along Hose Road to Harby. As with Long Clawson and Hose I looked at the various proposed housing allocations and the various proposed local green spaces. I saw that the village had a slightly different character to that which I had seen earlier in Long Clawson and Hose.
- 5.15 I took the opportunity to walk up Langar Road to look at the Canal and River Trust maintenance depot and the Grantham Canal itself. I saw that the footpath along the Canal was both well-maintained and well-used and that the Canal represented a very clear definition to the northern extent of the village. In doing so I saw the ongoing development of one of the housing allocations in the village (NPHAR2). I also saw first-hand some of the traffic congestion and parking issues raised in the Plan as an oversized tractor skilfully worked its way past parked cars in Nether Street as it headed towards Hose Lane.
- 5.16 In order to get a full impression of the Plan area I drove beyond Harby through the Vale of Belvoir to the A52. I saw the iconic Belvoir Castle on the escarpment.

6 The Neighbourhood Plan as a whole

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, informative and very professional document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Clawson, Hose and Harby Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Melton Local Plan.
- Proactively driving and supporting sustainable economic development to deliver (in this case) new homes.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- Always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

6.7 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 plan area within the context of its historic character. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote

sensitive development appropriate to the size of the settlements concerned. It includes policies to safeguard the countryside and important ecological sites. It promotes sensitive economic growth and diversification. Table 1 of the Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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.
- 6.9 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

- 6.10 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 to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension, the Plan includes policies for the development of new housing sites (Policies H1/H2) and for infill development (Policy H4). It also includes policies for attracting new businesses, home working and farm diversification (Policies E2-4). In the social role, it includes policies on housing mix (Policy H3), to designate local green spaces (Policy ENV1) and to safeguard community facilities and to promote additional facilities (Policies CF1/2). In the environmental dimension, the Plan positively seeks to protect the character and landscape of the neighbourhood area (Policies ENV2-8) and to safeguard against flood risk (Policy ENV9).

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Melton Borough in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Table 1 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the adopted Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies and community actions

- 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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The land use policies form the basis of the Plan. It also includes a series of non-land use community actions. These are shown in separate colour text. Whilst the policies and community actions appear within the respective topic chapters for ease of reading and continuity I address them separately in this report. I do so within the context of the very helpful Quick Index at the start of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 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 1-4)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. Section 1 provides very clear context to the neighbourhood planning process. It also provides some history on how the Plan was developed.
- 7.9 Section 2 provides very clear context to the neighbourhood area. It provides useful contextual information about the production of the Plan. It also provides some useful information about the Plan area from Census and other sources.
- 7.10 Section 3 sets out the community issues and opportunities to be addressed in the Plan. This then cascades into a Community Vision which is underpinned by twelve objectives arranged into three principal groups. Both the vision and the objectives are clearly described and are distinctive to the Plan area.

- 7.11 Section 4 sets a useful connection both to national policy, to the concept of sustainable development and to the development plan. It identifies the relationship that those responsible for preparing the Plan have sought to achieve with the emerging Local Plan.
- 7.12 The remainder of the Plan is focused mainly on the various policies and community actions (Section 5). It concludes with a section on the monitoring and review of the Plan.
- 7.13 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 of this report.

Policies

Policy H1: Housing Provision

- 7.14 This policy, together with the consequential Policy H2, sits at the heart of the Plan. It establishes a minimum strategic target of 161 dwellings. It also includes measures to release reserve sites if the figures for the Plan area in the emerging Local Plan (once adopted) is higher or if the various allocated sites do not deliver.
- 7.15 The Plan raises many of the issues traditionally associated with circumstances where an emerging neighbourhood plan is submitted for examination before an emerging local plan. In this case the matter is sharply focused on the differences between MBC and the Parish Council on the strategic housing target for the wider Borough. The Parish Council favours a lower target figure based on information in the Leicester and Leicestershire Housing and Economic Needs Assessment (HEDNA) (January 2017). MBC favours a higher target figure based on the Towards a Housing Requirement for Melton document (TAHR). The Parish Council has objected to the inclusion of the higher figure in the emerging Local Plan. The approach taken in the submitted neighbourhood plan has attracted representations from several land owners and developers.
- 7.16 I sought clarification from both MBC and the Parish Council on this important matter. In general terms I am satisfied that the two bodies have attempted to discuss their differences and that the submitted neighbourhood plan has sought to take account of the direction of travel being set by the emerging Local Plan. The processes that have been followed mirror those identified in Planning Practice Guidance on this matter (ID 41-009-20160211). The two councils have discussed the issues and have sought to agree the relationship between the policies in the emerging neighbourhood plan, the emerging local plan and in the adopted development plan (in this case the Melton Local Plan 1999). The responses to my clarification note set out the sequence of meetings and discussions that have taken place.
- 7.17 Plainly the Parish Council has taken its own approach in the submitted Plan. Nevertheless, it has designed Policy H1 (together with Policy H2) to be sufficiently flexible to take account of the possibility that the local plan examination process may

result in the Local Plan being adopted with its proposed higher figure. In this context its response to my clarification questions highlights two key elements of the approach adopted. The first is that it provides for the lower figure in the short term with sufficient flexibility to provide for the higher figure if required. The second is that it wishes to exercise control over new development in the interim period until the Local Plan has been adopted and the position is clarified.

- 7.18 In this context I am satisfied that the Parish Council has taken account of national policy as set out in Planning Practice Guidance (and as referred to in paragraph 7.16 of this report). It acknowledges that section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that any conflict between plans ‘must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan’. In particular the Plan’s identification of reserve sites has been designed to ensure that emerging evidence on housing need (or in this case the potential that the emerging Local Plan will include a higher strategic housing figure based on the TAHR assessment) will minimise any conflict between the two sets of policies in the neighbourhood plan and the local plan. Plainly it will be a matter of judgement for the Parish Council how it decides to review the Plan once the Local Plan has been adopted. I address this point later.
- 7.19 In all the circumstances I am satisfied that the approach adopted has regard to national policy and is in general conformity with the strategic policies in the development plan. The Plan promotes housing growth in identified locations that are in general conformity with the adopted Local Plan. The approach seeks to reinforce the integrity and service centre functions of the three villages and to ensure a concentration of new development in these locations. The identification of housing allocations and mechanisms for the release of the reserve sites in the event that a higher strategic figure is incorporated in the emerging Local Plan will significantly boost the supply of housing land in the Plan area in line with paragraph 47 of the NPPF. As I saw from my visit to the Plan area this is now translating into the development of certain sites.
- 7.20 The supporting text to the policy sets out the position in a comprehensive fashion. The policy itself then establishes a target of a minimum of 161 dwellings in the Plan area and its delivery through allocated sites in Policy H2. It also sets out the mechanisms by which delivery will be increased either as a result of a higher figure being required as a result of the adoption of the emerging Local Plan or if allocated sites do not deliver.
- 7.21 I recommend modifications to the policy so that it has the clarity required by the NPPF and is internally consistent with other policies in the Plan. In particular the modifications highlight the likelihood that windfall sites (Policy H4) will contribute towards delivery and clarify the processes in relation to the release of the identified reserve sites. I also recommend that the supporting text makes specific reference to the need for the Plan at the very least to be assessed for its conformity to the emerging Local Plan on its adoption. This may generate the need for a formal review of the neighbourhood plan.

Replace the policy to read:

New housing will be delivered in the Plan area to provide a minimum of 161 dwellings in the period up to 2036.

New housing will be delivered through the development of the housing allocations identified in Policy H2 of this Plan and through windfall developments that accord with Policy H4 of this Plan.

The strategic delivery requirements relating to the Plan area will be kept under review during the Plan period. The reserve sites identified in Policy H2 of this Plan will be released for development in the Plan period in circumstances where their delivery is required:

- **to accommodate a higher strategic housing figure included in the Melton Local Plan 2016-2036; and/or**
- **to accommodate a shortfall in the delivery of the allocated sites identified in Policy H2 of this Plan**

Insert a new paragraph at the end of the supporting text on page 23 immediately preceding the Policy:

Policy H1 sets out the Plan's approach towards addressing this emerging strategic policy context. In particular it sets out the mechanisms by which the reserve sites will be released. The monitoring and review of the Plan will be an important consideration both in general terms and within the short term as the Local Plan proceeds towards adoption. The neighbourhood plan will be assessed for its conformity to the Local Plan once that Plan has been adopted. This assessment may generate the need for a formal review of the neighbourhood plan.

Policy H2: Housing Site Allocations

- 7.22 This policy provides details in relation to the allocated housing sites that are intended to deliver the strategic housing figure identified in Policy H1. It does so in an equally comprehensive fashion to that used in Policy H1.
- 7.23 There is a healthy and productive overlap between the housing sites allocated within the Plan area in the submitted Melton Local Plan and in the submitted neighbourhood plan. Table 3 in the submitted neighbourhood plan helpfully sets out the overlaps between the sites in each Plan on a village-by-village basis. The Plan also identifies the complex interplay between the various sites and planning permissions and current planning applications. The main differences between the two sets of sites are in Hose and Long Clawson. In Harby most of the sites have the benefit of full planning permission. In statistical terms the biggest difference is the neighbourhood plan's decision not to allocate development at Sandpit Lane Long Clawson (Site LC4 in the emerging Local Plan).
- 7.24 The circumstances which the Plan is tackling is addressed in Planning Practice Guidance (ID:41-044-20160519). This comments that neighbourhood plans should
- Clawson, Hose and Harby Neighbourhood Plan – Examiner's Report

support strategic needs set out in the local plan and plan positively to support local development. Neighbourhood plans should not promote less development than set out in the local plan or undermine its strategic policies. In addition, it should not be used to constrain the delivery of a strategic site allocated for development in the local plan. Clearly different organisations have different views on this matter. They are included in some representations. However, in assessing these issues in relation to the adopted development plan (the Melton Local Plan 1999) I am satisfied that the Parish Council has taken an approach that meets the basic conditions. The same part of Planning Practice Guidance provides the flexibility for a qualifying body to propose alternative housing sites to those in a local plan. Whilst those circumstances do not directly apply in the context of an emerging local plan it is clear that the Parish Council has applied the approach set out in the Guidance in discussing its approach with MBC.

- 7.25 The policy itself has two parts. The first identifies the proposed housing allocations (Table 3) and the proposed reserve sites (Table 4). The second part sets out specific design codes for the various sites. In the circumstances of the preparation of the Plan and the sensitivity of the neighbourhood area this is very helpful. In particular the Design Codes provide high level guidance without going into excessive amounts of detail or otherwise stifling innovation. To this extent the approach has regard to paragraph 60 of the NPPF.
- 7.26 I recommend a series of modifications to the policy. The first removes a degree of duplication with Policy H1. This will bring the clarity required by the NPPF. The second changes the language of the policy so that it offers support for the development of the various sites (in accordance with the release mechanisms in Policy H1) subject to their compliance with the relevant Design Codes. Finally, I recommend detailed modifications to some of the site based Design Codes. In the case of the sites in Long Clawson I recommend the deletion of the points on education capacity. This is a separate issue already addressed in Policy CF3. Additionally, it is not a design matter.

Replace the first part of the policy to read as follows:

Land is allocated for housing development as shown in Table 3 (Housing Allocations) and Table 4 (Reserve Sites). Proposals for development of the various sites will be supported within the strategic context provided for land release in Policy H1 of this Plan and where they comply with the relevant site Design Code.

In the various Design Codes delete 'are developed' (where this matter is addressed in relation to site numbers).

In NPHOS2 second bullet point replace 'enables' with 'would allow'

In NPHOS3 first bullet point delete 'strictly'

In NPLONG 1 delete the second bullet point.

In NPLONG 3/5/6 delete the first bullet point.

Policy H3: Limits to Development

- 7.27 This policy follows on from Policy H2. Its effect is to revise the limits to development included in the adopted development plan. The extended limits to development incorporate the proposed housing allocations. At this stage they do not include the reserve housing sites. The supporting text comments that in the event that a reserve site is released and developed the limits to development will be amended accordingly.
- 7.28 On this basis I am satisfied that the three limits to development are appropriately defined. They follow property, natural or other clearly-identifiable boundaries wherever practical and appropriate. This will allow MBC to apply the policy in a clear and consistent basis.
- 7.29 The policy itself has been carefully-crafted to allow sustainable development to take place in the context of the character and appearance of the Plan area. It focuses new development within or adjacent to the defined limits to development. The third part of the policy sets out a distinctive context within which proposals adjacent to the limits to development can be determined. It includes an innovative proposal for certain developments to come forward later in the Plan period in the event that windfall developments are lower than expected in the first part of the Plan period. The final part of the policy applies a restrictive approach outside the limits to development. This reflects the rural nature of the Plan area and its historic character of a concentration of built development in the three separate villages.
- 7.30 Whilst I am satisfied that the policy meets the basic conditions in terms of its overall approach I recommend modifications so that it has the clarity required by the NPPF. They will ensure that the policy is consistent with other Plan policies and any recommended modifications. In summary these are in relation to the second part of the policy (reserve sites) and to its third part (development adjacent to limits to development).

In the initial part of the policy delete ‘within the Plan area on sites’

In the initial part of the policy replace ‘the policies.... amenity considerations’ with ‘other policies in this Plan in general, and with Policies H7 and H8 in particular’

Replace the second part of the policy with:

‘Where reserve sites identified in Policy H2 are released for development in accordance with Policy H1 the relevant limit to development will be extended accordingly’

In the third part of the policy replace ‘if the following criteria are met’ with ‘subject to the following criteria’

In the third part of the policy (first bullet point) delete ‘and not...dwellings’

Policy H4: Windfall Sites

- 7.31 This policy provides a supporting context for the development of residential development on infill and redevelopment sites. The supporting text anticipates that most development of this nature will come forward within existing built up areas.
- 7.32 I sought clarification from the Parish Council on its definition of 'small residential development proposals'. It proposed a threshold of five dwellings in its response. I can see that this may well provide an appropriate threshold for this policy given the nature of the three villages. In addition, it would reflect the extent to which the identification of the various housing allocations has captured most of the obvious and acceptable development sites. However, I recommend that the size issue is addressed as a criterion rather than as a fundamental part of the policy. In this context the important issue will be for developers to promote windfall and infill sites that are of a design, layout and scale that correspond to the site concerned and to other policies in the Plan. I recommend accordingly.

In the opening part of the policy delete 'Small'

In the opening part of the policy replace 'the Borough's Local Plan' with 'other development plan policies'

In criterion b) delete 'established'

Include a new criterion as follows:

'd) the layout and yield of the site respects the character of the immediate locality in terms of building orientation, massing and materials'

Policy H5: Housing Mix

- 7.33 This policy sets out the Plan's approach to the mix of houses to meet identified housing needs. It relies on published data and its own consultation exercises. It identifies a need for smaller houses.
- 7.34 The policy reflects the evidence. It identifies that priority should be given to houses with 1 to 3 bedrooms and to homes suited to older persons. The policy has been carefully designed not to be prescriptive. This will provide an appropriate opportunity for developers to be innovative and creative in bringing forward proposals. The approach will also help to ensure the viability of such proposals.
- 7.35 In order to bring a degree of clarity and structure to what is otherwise a long policy I recommend that its final component (relating to four-bedroom houses) is set out in a separate paragraph

Delete '4+ bedroom.... Table 9'

Insert a new paragraph at the end of the policy to read:

The inclusion of four-bedroom houses in housing developments will be supported where they are subservient in number to one, two or three-bedroom accommodation.'

Policy H6: Affordable Housing Provision

- 7.36 This policy sets out a requirement for affordable housing on sites of 11 or more dwellings in line with national and local standards. It provides the opportunity for off-site provision via financial contributions in appropriate circumstances. Its second and third parts comment on the allocation of the resulting affordable housing. It adopts a traditional cascade approach.
- 7.37 I recommend modifications to the policy so that its ability to provide for contributions to off-site facilities is absolutely clear. I also recommend that the second and third parts of the policy are repositioned into the supporting text. The requirement for affordable housing in statistical and locational terms is a land use matter appropriate for inclusion in a neighbourhood plan. It is controlled through the planning system by MBC in its capacity as the local planning authority. However, the allocation of affordable housing is not in itself a land use matter. It is controlled by MBC in its capacity as the housing authority in liaison with registered providers and other partners.

In the first part of the policy end the first sentence after ‘requirements’.

Replace the remainder with the following:

‘In appropriate circumstances developers will be required to make an equivalent financial contribution towards other affordable housing schemes in the Plan area having particular regard to the local needs of the village concerned, market conditions, economic viability and infrastructure requirements’.

Delete the second and the third parts of the policy

Reposition the deleted second and third parts of the policy into the supporting text immediately prior to the policy. In doing so insert the following at the start of the new supporting text:

‘The Parish Council considers that...’

Policy H7: Housing Design

- 7.38 This policy sets out key design principles for new dwellings and extensions to existing dwellings. It does so in a very comprehensive way. The supporting text sets out the Plan area context that has informed the policy and includes references to its historic character and the extensive use of vernacular materials. It also recognises that good quality design is at the heart of sustainable development.
- 7.39 The policy identifies 14 criteria or factors which developments should satisfy. They include character, scale, mass car parking, biodiversity and boundary treatments.
- 7.40 I am satisfied that the policy is fit for purpose in general terms and will contribute towards the delivery of high-quality and distinctive development in the Plan area. One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to

secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.41 Within this overall context I recommend modifications to the following elements of the policy:

Policy itself: As submitted it merely requests that development should 'aim to satisfy'. This does not have the clarity required by the NPPF

Criterion c): To clarify the need for gardens other than in specialist housing proposals

Criterion i): To provide the requirements to developers beyond 'give careful consideration to'

Replace the opening part of the policy with the following:

Proposals for new or replacement dwellings and extensions to existing dwellings will be supported where they comply with the following criteria as appropriate and relevant to the development concerned:

Replace criterion c) to read:

'Houses of two or more bedrooms should have a garden or other outside amenity space appropriate to their size;'

Replace criterion i) to read:

'Proposals should ensure that they do not have unacceptable impacts on general amenity, privacy, noise and ambient light levels in the immediate locality and should make appropriate provision for the storage of waste and recyclable materials and their containers'

Policy H8: Street Lighting and Light Pollution

- 7.42 The night sky is an important part of the Plan area. It is reflected in this policy. It seeks to minimise non-essential artificial light.

- 7.43 I sought clarification from the Parish Council on the structure of the policy. As submitted the overarching ambition of the policy is incorporated as one of its seven criteria. On this basis it does not have the clarity required by the NPPF. I recommend modifications to address this matter. They provide a sharper focus on the dark night sky approach. They also delete technical and operational matters which are beyond planning control. The modifications reflect the outcome of the Clarification Note process.

Replace the opening part of the policy to read as follows:

Proposals for new housing development will be supported where they avoid the use of artificial street lighting.

Where the use of street lighting is necessary on safety grounds new housing developments will be supported subject to the following criteria in relation to street lighting:

In criterion a) replace ‘and shaded....is’ with ‘, shaded and’

Replace criterion b) to read:

‘Lighting installations should be sympathetic in design and luminosity to the surrounding area and generate the minimum level of lighting to address the safety issues identified’

Delete criteria c) and d)

*At the end of the supporting text on page 41 insert the following additional text:
Policy H8 sets out the Plan’s approach to this important matter. Its starting point is that new housing development should not include street lighting. However, where lighting is required on safety grounds the policy identifies criteria that the relevant proposals would need to meet.*

Policy ENV1: Local Green Space

- 7.44 This is an important policy in the wider context and strategy of the Plan. It sets out to identify local green spaces (LGS) within the Plan area. The majority of the sites proposed are either within or adjacent to the identified limits to development associated with the three villages.
- 7.45 The supporting text to the policy describes the tests set out in paragraphs 76-78 of the NPPF for LGS designation. It also describes its scoring methodology for the various sites assessed and as detailed in Appendix 1. From that appendix I was able to understand how the Parish Council had assessed the proposed LGS sites on the first of the two NPPF criteria (proximity to the community they serve and demonstrably special to the local community and holds a particular local significance). The Parish Council provided me with information on their various sizes in response to my Clarification Note.
- 7.46 I am satisfied that the analysis that has been undertaken is proportionate to the task involved. The analysis of the sites against the second of the NPPF criteria is very informative. In particular I am satisfied that all the sites meet the NPPF criteria on proximity. They are either within one of the three villages or within close walking distance. I was comfortably able to walk from Long Clawson village centre to the proposed Mill Approach LGS and I encountered several other persons doing so. This proposed LGS is the farthest from any of the three villages.
- 7.47 Paragraphs 7.48 to 7.50 of this report make specific comments on some of the proposed LGSs where in my view their relationship to the NPPF criteria appeared to be marginal or where objections have been received from the landowner concerned. These are important considerations given the significance of LGS designation (NPPF 78) and the extensive nature of the Plan period. Otherwise I am content that the proposed LGSs comply with the NPPF criteria.

- 7.48 I looked carefully at the proposed LGS at the Wong, Harby (7053) given its size and the general representation made by MBC about this matter. I saw its containment and the context that it provided to the setting of St Mary's Church and the churchyard. However, at 7.2 hectares, it is at the top end of what might reasonably be described as local in character. In addition, I saw that it was in arable use with limited opportunities for direct use by the public. Paragraph 77 of the NPPF is very clear that LGS designation will not be appropriate for most green areas or open space. In addition, any LGS needs to comply with all of the three criteria. As such I recommend that the site is deleted from the schedule of LGSs.
- 7.49 I also looked carefully at Bolton's Meadow in Hose (Z126), both in terms of its size (at 2.89 hectares) and whether it was demonstrably special to the local community. I was satisfied on the first point. However, on balance I do not consider that the site meets the 'demonstrably special' criterion in the NPPF. As Appendix 1 correctly describes it is a permanent grass field on the edge of the village surrounded by hedges and is visible from the main road. However, this situation applies to many other such fields and I saw nothing sufficiently special in relation to this site to justify its designation as LGS. In coming to this view I have taken into account that it is affected by View 8 as identified and safeguarded in Policy ENV8 of the Plan. However, that policy is sufficiently robust in its own right to safeguard this and other important views and vistas. On this basis I recommend that the site is deleted from the schedule of LGSs.
- 7.50 Finally I looked carefully at The Mungee in Long Clawson (T127). I did so within the context of the information contained in Appendix 1 and that submitted by Marrons Planning on behalf of the landowners concerned. I am satisfied that the proposed LGS meets the first and the third criteria in paragraph 77 of the NPPF. Marrons Planning disputes that the proposed LGS is demonstrably special in historic terms. My attention was drawn to several detailed studies and assessments on this matter. I was also advised about the progress of an amended planning application for residential development on the site and the associated comments of Historic England on that proposal. Plainly the processing of planning applications is a matter for MBC and not for this examination.
- 7.51 Taking all the information into account I am satisfied that the site is demonstrably special to the local community and holds a particular local significance. In the first instance it provides a degree of tranquillity in the heart of the village. Whilst it is to the immediate south of Back Lane it is remarkably unaffected by traffic movements. Secondly in urban form and layout terms it provides an attractive and open aspect at the very heart of a compact and linear village. It does so both in its own right and in combination with the proposed Castle Field LGS to the north and west of Back Lane. The two sites (individually and collectively) reflect the agricultural heritage of the village and mark a very clear distinction between the different built elements of Long Clawson to the west (based around West End) and to the east (based on Church Lane and East End). Thirdly the proposed LGS has an inherent informal recreational and access value. A clearly marked footpath (G47) runs through the site in a SW-NE direction. The footpath has the ability to provide access from the village centre and

the CoE School to the Village Hall and from Kings Road to the School and the village centre. I saw several persons using the footpath on my visit to the Plan area.

- 7.52 The policy itself has two elements. The first proposes a restrictive approach to development that may affect designated LGSs in accordance with paragraph 78 of the NPPF. The second part of the policy seeks to ensure that development proposals on adjacent parcels of land take account of the various LGS designations. I recommend that the second part of the policy is deleted. As submitted it places potentially onerous restrictions on a variety of parcels of land both within the three limits to development and in the open countryside. As part of the exercise of its normal development management responsibilities MBC will be able to come to its own judgement on the relationship between other proposed developments and the integrity of the designated LGSs. I also recommend modifications to the initial component of the policy to provide the clarity required by the NPPF.

Replace the first part of the policy to read:

'The following parcels of land as shown in Figures 1,2 and 3 are designated as Local Green Spaces:

- **The Leys, Harby**
- **The Grange front field, Hose**
- **Village Hall Grounds, Hose**
- **The Pingle, Long Clawson**
- **The Mungee, Long Clawson**
- **Castle Field, Long Clawson**
- **Mill Approach, Long Clawson**
- **Glebe Field, Long Clawson**

New development will not be supported on land designated as Local Green Space except in very special circumstances.'

Delete the proposed Local Green Spaces at The Wong, Harby (7053) and Bolton's Meadow, Hose (Z126)

Delete the second part of the policy

Policy ENV2: Protection of Other Sites of Environmental Significance

- 7.53 This policy is in effect the outcome of the extensive analysis of fields surrounding the villages as part of their analysis against the criteria set out in paragraph 77 of the NPPF for potential LGS designation. The majority of the sites assessed did not warrant such designation. They are however presented within the context of this policy as a series of sites with historical, ecological or environmental significance.
- 7.54 Due to the nature of the analysis the majority of the sites are on the edge of the three settlements. As such they are within the countryside and any development proposals would be assessed against the contents of Policy H3. There is also an overlap

between the various sites and those proposed for designation as LGS (subject to my recommended modifications in Policy ENV1).

- 7.55 As drafted the policy is difficult to navigate. The map at Figure 4 is at a scale where the identification of individual sites is difficult. In addition, the reader needs to access supporting evidence (the Inventory of Sites) to understand the nature and significance of the sites concerned.
- 7.56 On balance I am satisfied that there is merit in retaining this policy in the Plan. It reflects the extensive community work that has been undertaken. In addition, its retention will provide additional guidance to MBC in the event that it receives any planning applications on the sites concerned.
- 7.57 Taking account of all these matters I recommend a range of modifications to the policy and its supporting text as follows:

A modification to the structure of the policy itself

The deletion of the LGSs from this policy

The incorporation of the Inventory of Sites into the Plan (as an appendix)

The breakdown of the Inventory of Sites into two parts – Important Open Areas and Sites of Natural and Historic Environmental Significance

The identification of these two separate categories on separate maps of an appropriate scale to assist identification

Replace the policy as follows:

Proposals for development on Important Open Areas (as shown on Map Insert Number and in Appendix Insert Number) and on Sites of Natural and Historic Environmental Significance (as shown on Map Insert Number and in Appendix Insert Number) should take account of their importance as identified in the entry in the appendix.

Proposals that would protect or enhance their identified significance will be supported.

Delete all the LGSs (as recommended in modifications to Policy EV1) from the relevant map and appendices.

Incorporate the Inventory of Sites into the Plan (as an appendix).

Break the Inventory of Sites into two parts – Important Open Areas and Sites of Natural and Historic Environmental Significance.

Show the two separate categories on separate maps of an appropriate scale to assist identification.

Policy ENV3: Open Countryside

- 7.58 This policy reflects the development of the strategic approach to the Plan itself. The supporting text explains the Parish Council's decision not to attempt to identify separation areas between the three villages given the extensive nature of the tracts of land concerned. On this basis the Plan identifies land outside the limits to

development as open countryside. In doing so the policy cross refers back to Policy H3. The policy incorporates significant elements of narrative in relation to visual separation between the three villages.

- 7.59 I have sympathy with the approach adopted by the Parish Council. However, I recommend that the policy and its supporting text are deleted for two reasons. In the first instance it is largely a repetition of the final component of Policy H3 and adds no value to that policy. In the second instance it consists of significant elements of narrative and which, by definition, are not policy-based.

Delete policy

Delete the supporting text

Policy ENV4: Biodiversity

- 7.60 The Plan addresses biodiversity in a comprehensive and very impressive way. This policy has three elements. The first provides a context to safeguard identified sites of nature conservation importance. The second supports proposals that would create, maintain and enhance local biodiversity. The third addresses development proposals that would be permitted development (and therefore outside planning control). The first two components are entirely appropriate. In particular they reflect national planning policy as set out in the NPPF (paragraphs 109-125).
- 7.61 The third part of the policy seeks to apply similar principles to proposals that are permitted development. I can understand the approach adopted here by the Parish Council. Nevertheless, it is not within the gift of a neighbourhood plan to seek to control development that does not need planning permission. In most cases permitted development proposals will be minor works which will not have the ability to affect designated ecological sites. In certain other cases works within designated ecological sites that may otherwise have been permitted development are taken into normal planning control. On this basis I recommend that this part of the policy is deleted. I recommend that a revised version of this part of the policy as submitted is incorporated within Community Action ENV2. This will raise the potential significance of this matter with landowners.

Delete the third part of the policy

Insert the following revised text into Community Action ENV2 Biodiversity:

d) The Parish Council will work actively with landowners where permitted development works are taking place to ensure that opportunities are taken where appropriate to protect and enhance wildlife corridors and to avoid creating barriers to the permeability of the landscape for wildlife.

Policy ENV5: Ridge and Furrow

- 7.62 This policy is very detailed and specific to the neighbourhood area. It seeks to safeguard an extensive range of ridge and furrow earthworks in the Plan area. They

are helpfully displayed in Figure 8. The second part of the policy provides detailed advice on consequential water management works which may be required in the event that any of the earthworks are removed or altered.

- 7.63 By definition the earthworks are located almost wholly in the countryside outside the defined limits to development. However, figure 8 indicates very graphically that many of these earthworks are concentrated around the three villages. In its helpful response to my Clarification Note the Parish Council indicates that this pattern reflects the historic concentration of these mediaeval ploughlands outside but adjacent to the three settlements. I saw several of these earthworks during my visit to the Plan area.
- 7.64 Elsewhere in its response to my clarification note the Parish Council comments that it sees these earthworks as important non-designated heritage assets and seeks to safeguard them where it is reasonable and practicable to do so. Within the context of the character of the Plan area I am satisfied that the matter is one which can be properly considered in the neighbourhood plan. In addition, I can see that the policy takes a responsible approach in its focus on proposals that would require planning permission and in applying a balance between the potential impact on a designated non-heritage asset and the benefits that may arise from the proposed development.
- 7.65 I recommend a series of modifications so that the policy has the clarity required by the NPPF. In the first instance I recommend that the narrative in the policy about the earthworks being non-heritage assets should be deleted and repositioned in the supporting text. In the second instance I recommend a restructuring of the policy so that it makes clear that the expectation that development that involves the loss of ridge and furrow earthworks will not be supported. In the third instance I recommend that the second part of the policy is simplified.

Insert the following additional text at the end of the third paragraph of supporting text on page 58:

‘Given the importance of the earthworks in the Plan area the Parish Council considers them to be non-designated heritage assets. It is on this basis that Policy ENV5 and Community Action ENV3 have been prepared’

Replace the first part of the policy with the following:

‘Development proposals that would detrimentally affect or remove the areas of ridge and furrow earthworks shown in Figure 8 will not be supported unless it can be demonstrated that the benefits arising from the proposed development achieves substantial public benefits that would outweigh the harm or loss of the earthwork concerned.’

Replace the second part of the policy with:

‘Any proposals to affect or remove identified ridge and furrow earthworks should identify the ways in which they intend to include water management systems and controls to replace those which naturally existed in the locality of the application site concerned and its network of ridge and furrow earthworks.’

Policy ENV6: Woodland, Trees and Hedges

- 7.66 This policy sets out a distinctive approach to the protection of woodland, trees and hedges. The supporting text provides helpful evidence and contextual information to the policy.
- 7.67 The policy is very well-constructed. It makes appropriate reference to BS5837. I recommend a technical modification so that it has the clarity required by the NPPF. In particular its description of the possibility of BS5837 being replaced during the Plan period is rather complicated.

Replace ‘of at least (currently).... standard’ with ‘to BS5837 standard’

Policy ENV7: Great Crested Newts

- 7.68 As with policy ENV5 (ridge and furrow) this policy is both very detailed and specific to the neighbourhood area. In this case it relates to Great Crested Newts. The supporting text sets out a very compelling case for the inclusion of a policy of this nature. The Plan area has the greatest known concentration of Great Crested Newt breeding ponds in the county. This reflects the underlying geology in the Vale of Belvoir and the use of local fields for dairy farming activities. Figure 9 identifies the extensive range of locations where Great Crested Newts have been recorded. There is a significant concentration to the north and south of Long Clawson.
- 7.69 The principal thrust of the policy is that applicants should prepare great crested newt surveys both to inform their proposals and to assist in the determination of the applications concerned. The second part of the policy sets out a requirement for schemes of five or more dwellings to provide additional enhancement measures for great created newts. It provides a series of examples.
- 7.70 I recommend a series of modifications to the policy. Where appropriate they take account of the Parish Council’s helpful response to my clarification note. In the first instance I recommend that the policy is recast so that it applies to proposals for ten houses and above and/or on sites shown in Figure 9. The policy as submitted would unreasonably apply to all developments irrespective of their size of impact on Great Crested Newts. In the second instance I recommend that the narrative and process elements in the first part of the submitted policy are deleted and repositioned in the supporting text. Finally, in relation to the second part of the policy I recommend that it is modified so that its threshold is consistent with that in the (modified) first part of the policy. I also recommend that the various examples are repositioned into the supporting text.

Replace the policy as follows:

Proposals for the development of ten or more houses or on parcels of land shown on Figure 9 as recorded Great Crested Newt locations should be accompanied by a Great Crested Newt Survey. That Survey should identify the

appropriate avoidance or mitigation measures that have been incorporated into the development proposal.

Where appropriate such development proposals should incorporate additional enhancement measures for Great Crested Newts that both take account of the avoidance and mitigation measures set out in the Great Crested Newt Survey and the characteristics of the site concerned and the ecological significance of the adjacent landscape.

*At the end of the supporting text on page 62 add a new paragraph as follows:
‘Policy ENV7 sets out the Plan’s approach to this important local matter. A precautionary approach is established for proposals of ten or more houses throughout the Plan area or for any proposal on sites identified in Figure 9. It establishes the need for the preparation of a Great Crested Newt Survey for such applications. There is an expectation that such surveys are carried out by a qualified ecologist. The second part of the policy includes a requirement for additional measures to provide habitats for Great Crested Newts in new developments. [Include the second sentence of the second part of the policy at this point]*

Policy ENV8: Protection of Important Views

- 7.71 This policy seeks to protect important public views and vistas in the Plan area. They are shown in Figure 10 and in Appendix 2. They reflect the village and rural hinterland context of the Plan area and are either views into or out of the various villages. Appendix 2 includes an appropriate level of detail. I saw some of the vistas on my visit to the Plan area.
- 7.72 I recommend a modification to the policy so that it has the clarity required by the NPPF and can be applied consistently by MBC. The recommended modification reflects the response from the Parish Council to my Clarification Note.

Replace the policy with the following:

Development proposals should respect the open views and vistas as shown in Figure 10 and Appendix 2 -Important Views in the Parish.

Proposals which would have an unacceptably detrimental impact on these views and vistas will not be supported.

Policy ENV9: Flooding

- 7.73 The Plan identifies that the present built up areas of the three villages are not at risk from flooding from rivers. It does however identify the important issue of surface water run-off. It is on this basis that the policy has been included in the submitted Plan. The policy is further consolidated by the inclusion of Community Action ENV6.
- 7.74 I am satisfied that the policy is appropriate and reasonable in all the circumstances. Nevertheless, I recommend modifications to its format and contents so that it has the clarity required by the NPPF. This will allow MBC to apply it within the Plan period in

a clear and consistent fashion. In the first instance I recommend that its initial part and coverage is clarified. As submitted it vaguely requires that proposals of an 'appropriate' scale and 'where relevant' should be subject to the policy. In the second instance I recommend that the first criterion is modified so that it addresses both the location and the design of the local drainage environment and that proposed development has to be designed to respect geology and flood risk matters rather than simply taking them 'into account'. In the final instance I recommend a modification to the policy so that it requires that all of the three criteria are met. This will bring the clarity to the policy required by the NPPF. It will also allow MBC to apply the policy on a consistent basis throughout the Plan period. I also recommend a modification to criterion b) so that it flows more naturally on from the recommended modification to the opening part of the policy.

Replace the initial part of the policy with the following:

Development proposals of five or more dwellings and for employment development adjacent to watercourses should demonstrate that:

In criterion a) replace 'its location.... including undertaking a' with 'its location and design respects the geology, flood risk and natural drainage characteristics of the immediate area and is accompanied by'

In criterion b) replace 'include' with 'it includes'

Insert 'and' at the end of criterion b)

Policy ENV10: Renewable Energy Generation Infrastructure

7.75 The policy sets out a positive approach towards renewable energy generation infrastructure. As with other policies in the Plan it does so in a fashion that respects the rural character and appearance of the Plan area. Its supporting text helpfully identifies that the neighbourhood plan area largely sits within the Vale of Belvoir Landscape Character Area.

7.76 I sought clarification from the Parish Council on the definitions of 'small-scale' and 'local resident' (initiated developments). I was helpfully advised that the intention of the policy was to support proposals of a domestic rather than a commercial nature and that the criteria in the second part of the policy were such that they naturally promoted only development of this type. I reflect this clarification in recommended modifications to the policy. They will bring the clarity required by the NPPF.

In criterion a) of the second part of the policy replace 'small-scale, local resident' with 'residential,'

Insert 'and' at the end of criterion a) of the second part of the policy

Policy CF1: Protection and Enhancement of Community Facilities and Amenities

7.77 This policy aims to safeguard existing community facilities in the Plan area. It recognises the important role that such facilities play in each of the three villages.

- 7.78 I sought clarification from the Parish Council on the purpose of the different parts of the policy. At times its language is unclear. The Parish Council also advised me on the facilities that would be safeguarded by the policy. This is an important issue in its own right and to ensure that MBC can apply the policy with certainty and consistency.
- 7.79 I recommend modifications to the structure and content of the policy. They reflect the Clarification Note exchanges. I have recommended the retention of the schedule of community facilities in the policy. Whilst I acknowledge that this schedule may expand during the Plan period the policy needs to have a baseline against which the policy can be applied.

Replace the first two parts of the policy to read:

Proposals that would result in the loss of an existing community facility will not be supported unless any of the following factors apply:

- **there is no longer a need or a demand for the community facility concerned; or**
- **the existing community facility can be demonstrated no longer to be economically viable; or**
- **the proposal makes alternative provision for the facility that would otherwise be lost in an appropriate and convenient location elsewhere in the Plan area and the proposed alternative provision complies with other policies in this Plan.**

Delete the third part of the policy

Insert the following additional supporting text as a separate paragraph at the end of the existing text on page 72:

Policy CF1 resists the loss of existing community uses to other uses. For the purposes of this policy the following facilities are identified as community facilities:

Post Offices

Medical Practices

Shops

Garages

Public Houses

Allotments

Village Halls

Play Areas and Leisure Facilities

Policy CF2 offers support for new community facilities. Where new facilities come forward in the Plan period they will be included in this list at times when the Plan is reviewed.

Policy CF2: New Community Facilities

- 7.80 This policy offers support both for additional or enhanced community facilities. It reflects identified community needs. The policy includes four locally distinctive criteria. The policy has a second part that offers support for play areas in different parts of the Plan area.

- 7.81 The policy is beautifully-constructed. It meets the basic conditions.

Policy CF3: Schools

- 7.82 This policy offers support for the expansion of existing schools in the Plan area. Where expansion is not possible the second part of the policy offers similar support for the development of new schools. The third part of the policy sets out an expectation that additional school places secured through developer contributions should be available immediately on the completion of the new housing concerned. The policy reflects the number of new housing being promoted in the Plan and the community expectation to retain a primary school in each of the three villages. Plainly this policy has the ability to contribute positively and significantly to the delivery of the social dimension of sustainable development.
- 7.83 I am satisfied that the first two parts of the policy are appropriate and meet the basic conditions. The third part of the policy refers more to operational rather than policy matters. Its approach is understandable. However, as the supporting text indicates predicting the long-term requirements for places at each village primary school is an inexact science. MBC and Leicestershire County Council as the educational authority will have their own arrangements and protocols on this important matter. Those protocols may change during the Plan period. On this basis I recommend that the third component of the policy is deleted. In any event the matter is already addressed in the supporting text on page 75. I recommend however that the supporting text is modified to reflect the nature of the collection and allocation of developer contributions.

Delete the third component of the policy

In the supporting text insert 'wherever possible and appropriate' between 'is completed' and 'to ensure' (second paragraph 7th line page 75)

Policy CF4: Health and Wellbeing

- 7.84 The policy offers support to the expansion of GP surgeries subject to two criteria. This part of the policy is entirely appropriate and meets the basic conditions.
- 7.85 The second part of the policy identifies that developer contributions will be sought to improve highway and parking facilities at the GP Surgery at The Sands in Long Clawson. I recommend that this part of the policy is deleted and repositioned into the supporting text. It is more about process rather than policy. MBC will use its own judgement to assess the appropriateness or otherwise of securing developer contributions to such a facility based on their scale and location of the developments

concerned and the relationship of the request to the Community Infrastructure Levy Regulations.

Delete the second part of the policy

Reposition the deleted text to the end of the supporting text. In doing so insert the following at its start:

On this basis the Parish Council would expect that, where appropriate (developer contributions...)

Policy T1: Public Transport

- 7.86 This policy has two components. The first sets out a requirement for Travel Plans for developments of 6 or more dwellings. The second part seeks developer contributions towards existing bus services and associated facilities. I sought clarification from the Parish Council on its second part.
- 7.87 I recommend modifications to the policy. I recommend that narrative is removed from the first part of the policy. I recommend that the second part of the policy is deleted and repositioned into the supporting text. It is more about process rather than policy. MBC will use its own judgement to assess the appropriateness or otherwise of securing developer contributions to such facilities based on their scale and location of the developments concerned and the relationship of the request to the Community Infrastructure Levy Regulations.

Replace the first part of the policy to read:

Site specific Travel Plans should be provided with developments of six or more dwellings.

Delete the second part of the policy

Reposition the deleted text to the end of the second paragraph of supporting text on page 78. In doing so insert the following at its start

On this basis the Parish Council would expect that, where appropriate (developer contributions...)

Policy T2: Traffic Management

- 7.88 This policy comments that developer contributions will be sought in order to secure a range of highways and traffic related improvements in the Plan area.
- 7.89 The ambitions of the policy are very commendable. Nevertheless, it does not identify the type of proposals from which developer contributions would be sought. On this basis it would be impractical for MBC to apply the policy with any certainty. I recommend that it is deleted as a policy and incorporated into Community Action T2.

Delete policy

Incorporate the policy into Community Action T2

Policy T3: Pavements, Footpaths, Cycle and Bridleways

- 7.90 This policy offers support for proposals which would improve and join up pavements, footpaths and cycle/bridleways into comprehensive networks. It identifies the appropriateness of securing developer contributions as part of this process.
- 7.91 I recommend a modification to the policy so that it makes a clearer distinction between its general support for such initiatives and the means by which they would be implemented. This distinction will allow the policy to be applied in a proportionate way that would reflect the relationship between the development concerned and the developer contribution sought.

In the opening part of the policy end the first sentence after ‘supported’

**Insert criteria a) to c) into a second part of the policy starting as follows:
Where appropriate developer contributions will be sought from other developments in the Plan area which would generate an increased use of footpath, cycle routes and bridleways towards the following works:
a) the improvement of existing....
b) the creation or improvement of routes....
c) the improvement or extension of public rights of way....**

Policy T4: Parking

- 7.92 This policy seeks to address congestion and parking issues that exist in different ways in the three villages. Common issues to the three villages include a lack of parking for traditional dwellings on or around the main roads and the peak time traffic and parking issues associated with the three local schools.
- 7.93 The policy has two separate and complementary parts. The first seeks to resist proposals that would involve the loss of existing parking spaces. The second requires that appropriate levels of new car parking spaces are provided as part of new developments. Both of these aspects are appropriate to the circumstances in the neighbourhood area.
- 7.94 I recommend a modification to the second part of the policy to delete narrative from the policy itself. Otherwise the policy meets the basic conditions.

In the second part of the policy delete ‘given the.... described above’

Policy E1: Existing Employment Use

- 7.95 This policy sets out to safeguard existing business uses and premises. It will fulfil an important element of the Plan's wider strategy.
- 7.96 The policy builds in appropriate safeguards to reflect that economic circumstances change and that premises once attractive for this use may not necessarily meet the needs of current businesses or investors. This approach reflects national policy as set out in paragraphs 21 and 22 of the NPPF. In particular the policy includes criteria on flexibility where the building has not been used for six months and where appropriate marketing has taken place to attempt to secure another employment generating use.
- 7.97 I recommend a modification to the policy so that it requires that both of the two criteria are met. This will bring the clarity to the policy required by the NPPF. It will also allow MBC to apply the policy on a consistent basis throughout the Plan period.

Insert 'and' at the end of the first criterion

Policy E2: Attracting New Businesses

- 7.98 This policy supports the creation of new businesses in the Plan area. Its focus is on the creation of enterprises that are sensitive to the character of the Plan area and reflect the qualifications of local people.
- 7.99 I sought clarification from the Parish Council on the locations in the Plan area where such development would be supported. This process confirmed that it is the intention to support employment development within the various limits to developments and for certain types of development in the countryside. Criteria b-f in the policy set out the basis on which development in either types of locations would be supported. These various criteria are appropriate to the character and appearance of the Plan area.
- 7.100 I recommend modifications to the policy so that its coverage is clear and obvious within the policy itself rather than featuring as one of a series of criteria as included in the submitted Plan. I also recommend consequential modifications to criteria b-f so that they flow from the modification to the policy's structure.

**Replace the opening part of the policy and the first criterion with the following:
New business development proposals within or adjacent to the identified limits to development or elsewhere for small scale leisure, tourism or employment related development appropriate to a countryside location will be supported subject to the following criteria:**

Modify the remaining criteria as follows:

- b) the proposal....**
- c) the proposal....**
- d) the proposal would not...**
- e) the proposal would not**

f) the proposal would be well integrated with any existing adjacent business premises and complement them in character and appearance.

Policy E3: Home Working

- 7.101 This policy supports home working. Home working is seen as offering significant potential for the generation of local employment and the reduction of car trips out of the Plan area for work purposes.
- 7.102 I sought clarification from the Parish Council on the extent to which certain proposals for home working would represent permitted development and therefore not require planning permission. I recommend a modification to the policy to reflect this possibility. I also recommend a modification by way of the insertion of 'and' at the end of the second criterion. This will ensure clarity to the extent that a developer will need to satisfy all the three distinctive and appropriate criteria. Finally, I recommend modifications to the structure of the policy so that its third criterion becomes a free-standing component rather than one of three criteria. This would separate proposals for the use of existing buildings from those which would involve an element of new build.

At the start of the policy insert 'Insofar as planning permission is required'

At the end of the first criterion add 'and'

Reposition the third criterion so that it sits as a separate part of the policy. In its first sentence replace 'shall' with 'should'

Policy E4: Farm Diversification

- 7.103 This policy supports the conversion of former agricultural buildings and well-designed new buildings for commercial use. The Parish Council recognises the opportunities that these buildings offer for generating income and employment opportunities.
- 7.104 This policy relates well to the overall strategy of the Plan and to national policy. It has the ability to contribute significantly to the promotion of the economic dimension of sustainable development in the Plan area. I recommend a modification by way of the insertion of 'and' at the end of the third criterion. This will ensure clarity to the extent that a developer will need to satisfy all the four distinctive and appropriate criteria.

Insert 'and' at the end of the third criterion

Policy E5: Broadband

- 7.105 This policy provides support for works that would improve access to superfast broadband and mobile telecommunications networks. The policy reflects the importance of connectivity in a rural environment. Its importance for self-employment, the establishment of small enterprises and reducing commuting for work purposes is also acknowledged.

7.106 The policy and its criteria are entirely appropriate. In particular the first criteria takes account of the character of the Plan area. I recommend a modification so that the policy has the clarity required by the NPPF. The modification would also have the indirect effect of ensuring that the policy was consistent with other Plan policies.

In the opening part of the policy replace ‘must’ with ‘should’.

Policy DC1: Developer Contributions

7.107 This policy describes the Parish Council’s approach towards its development of a schedule of projects to which developer contributions would be applied.

7.108 As included in the submitted Plan the policy addresses several related issues. It describes the application of national policy and the relationship that needs to exist between relevant proposals and developer contributions. It then describes the current arrangements in Melton Borough where a decision is yet to be taken on whether or not to introduce a Community Infrastructure Levy (CIL). The policy then describes the three priority projects.

7.109 As submitted the policy fails to identify the type of development proposals that will be expected to contribute towards the delivery of the three priority projects. In addition, the matter is further confused by its description of MBC arrangements on this matter.

7.110 Plainly funding arrangements will evolve throughout the Plan period. Developer contributions through Section 106 agreement can only be sought where there would be a direct and functional connection between any proposed development and off-site works. The potential application of CIL is inherently more flexible. In any event if the Plan is ‘made’ and MBC introduce such a levy the Parish Council would receive 25% of all CIL monies generated in the neighbourhood area for use on local infrastructure projects.

7.111 Taking all these factors into account I recommend that the policy is restructured. The effect of the modifications will be to identify the range of local infrastructure projects and then link them to local funding streams. These may include CIL at some point during the Plan period.

Replace the policy with the following:

The following projects are identified as priorities for investment in local community infrastructure:

[List the three projects at this point]

In the event that Melton Borough Council introduces a Community Infrastructure Levy in the Plan period, monies from the local element of that levy will be applied to these three priority projects.

Community Actions

CA ENV1: Important Open Areas

- 7.112 This Action proposes that the Parish Council will work with MBC and others to secure the protection of a range of green and open spaces. The Action Point is entirely appropriate to the character and appearance of the Plan area. Its inclusion demonstrates a willingness to enhance the Plan area.

CA ENV2: Biodiversity

- 7.113 This Action identifies the work which the Parish Council will undertake with community groups and others. It is entirely appropriate for the Plan area. I have recommended that it incorporates elements of the approach initially submitted as part of Policy ENV4.

CA ENV3: Ridge and Furrow

- 7.114 This is an exciting project whereby the Council, the community and farmers will work to recognise the value of the local ridge and furrow earthworks.

CA ENV4: Funding for Creation of Woodland, Trees and Hedges

- 7.115 This project will involve the identification of projects of this nature to benefit from CIL or developer contributions.

CA ENV5: Great Crested Newts

- 7.116 In this project the Parish Council will apply the findings of a recent study on this important matter to development proposals.

CA ENV6: Flooding

- 7.117 This policy would involve the Parish Council appointing a drainage warden.

CA CF1: Village Hall Developments

7.118 In this Action the Parish Council will seek funding for improvements to or for the redevelopment of village hall facilities.

CA CF2: Investigation into Provision of New Community Facilities

7.119 In this Action the Parish Council will explore the viability of a range of facilities including walking and cycling and to identify possible Wildlife and Wetland areas

CA T1: Bus Service

7.120 In this Action the Parish Council will explore the viability of a bus service to Nottingham.

CA T2: Traffic Management

7.121 In this Action the Parish Council will explore the viability of a series of traffic management initiatives. They include the area around The Sands in Long Clawson and to improve traffic flow in Hose.

CA T3: Parking

7.122 This Action seeks to draw on best practice from elsewhere on parking provision in rural areas.

CA E1: Mineral Extraction including Fracking

7.123 This Action indicates that the Parish Council will work with developers and statutory bodies to ensure that mineral extraction including fracking is undertaken in a sensitive fashion.

7.124 I recognise that this matter is addressed as a Community Action and not as a policy. However mineral extraction is 'excluded development' and cannot be included within a neighbourhood plan. On this basis I recommend that the Community Action is deleted. Plainly there is no reason why the Parish Council cannot pursue its intentions as part of the normal discharge of its duties should the need arise.

Delete the Community Action

7.125 Other than in relation to Community Action E1 I am fully satisfied that the various Action Points are appropriate to the Plan area. They point towards implementation and the community's ongoing involvement in the planning and environmental futures of the Plan area. I can see that in many cases they will add value to the implementation of the land use policies.

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 Clawson, Hose and Harby 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 technical 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 the Clawson, Hose and Harby 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 18 January 2016.
- 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
1 November 2017**