

Gaddesby Parish Neighbourhood Development Plan 2020-2036

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

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Executive Summary

- 1 I was appointed by Melton Council in June 2020 to carry out the independent examination of the Gaddesby Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 25 June 2020.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding its distinctive rural character. It includes a series of environmental and community policies.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Gaddesby Parish Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
31 July 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Gaddesby Parish Neighbourhood Development Plan 2020-2036 ('the Plan').
- 1.2 The Plan has been submitted to Melton Borough Council (MBC) by Gaddesby Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in both 2018 and 2019.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes a series of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

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

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

3.2 I visited the neighbourhood area on 25 June 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from July to August 2019.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the establishment of the Parish Council Neighbourhood Plan Advisory Committee;
 - the Open events in Gaddesby and Ashby (March 2018);
 - engagement with stakeholders (June 2018);
 - the delivery of a community questionnaires to every household (July 2018);
 - the establishment of Theme Groups;
 - the engagement with landowners (June 2019); and
 - the use of the Parish Council's website and the Leicestershire Communities website.
- 4.4 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion. The Statement also comments about consultation with various statutory bodies and organisations.
- 4.5 The Ovens Family representation raises several issues about the way in which the Parish Council and the Neighbourhood Plan Advisory Committee managed the plan-making process. In particular it makes a series of comments about the way in which those concerned assessed the Family's proposals for residential development of land to the north of Ashby Road, Gaddesby. These concerns overlap with the Family's concerns about the way in which land at Eastfield Bottom, Gaddesby had been proposed as a local green space (198). I comment separately on the wider package of proposed local green spaces in Section 7 of this report.
- 4.6 I have considered this matter very carefully. In doing so I have also taken account of the Parish Council's response to the relevant questions on this matter in the clarification note. In the round I am satisfied that the Parish Council has prepared the Plan in a balanced and proportionate fashion. In particular it did so within the very

recent context of the adoption of the Melton Local Plan in general, and the way in which it allocated sites for residential use in Gaddesby in particular. In this context I am satisfied that the decision of the Parish Council not to consider additional housing allocations in the Plan is appropriate. The representation provides information about the way in which the Family was pursuing the potential for some residential on the Ashby Road site with MBC through the pre-application advice service. This is a natural part of the development process given the up-to-date nature of the development plan in the Borough.

- 4.7 From all the evidence available to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. MBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations. In its response to the clarification note it confirmed that the Parish Council complied with the requirements the Regulations by consulting in an appropriate manner, and giving the necessary publicity to the Neighbourhood Plan consultation as shown in the submitted Consultation Statement.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the Borough Council for a six-week period that ended on 28 April 2020. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- Anglian Water
 - Severn Trent
 - Environment Agency
 - Historic England
 - Ovens Family
 - National Grid
 - Leicestershire County Council
 - Natural England
 - Melton Borough Council
- 4.9 The consultation process overlapped with the Covid:19 lockdown period. This generated inevitable challenges both for the Borough Council and the organisations that wished to submit comments on the Plan. On this basis MBC has accepted representations that were received after the published consultation period had expired. In this context I am satisfied that no-one has been disadvantaged by the timing of the consultation exercise.
- 4.10 I have taken account of all the representations received as part of the examination of the Plan, irrespective of when they were received. Where it is appropriate and relevant to do so, I refer specifically to the representation concerned in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Gaddesby. In 2011 it had a population of 762 persons living in 320 households. It was designated as a neighbourhood area on 19 October 2017.
- 5.2 The neighbourhood area sits in attractive open countryside to the south-west of Melton Mowbray. It is irregular in shape. It embraces the villages of Gaddesby, Ashby Folville and Barsby.
- 5.3 Gaddesby is the principal settlement in the neighbourhood area. It is heavily influenced by its location in its wider natural landscape. It has an attractive layout based around Main Street, Park Hill, St Luke's Church and Gaddesby Hall. Its historic core is based around the southern part of Main Street and Cross Street. A group of more modern houses are located at the northern edge of the village off Pasture Lane and Paske Avenue. Ashby Folville and Barsby are located to the east of Gaddesby. They have their own attractive and distinctive characters. The former displays an attractive group of buildings and a cricket ground around St Mary's Church. The latter includes an attractive range of vernacular buildings along Main Street.

Development Plan Context

- 5.4 The Melton Local Plan 2011-2036 was adopted in October 2018. It sets out the Council's policies for the use and development of land across the Borough. Policy SS2 (Development Strategy) of the Local Plan provides a focus for development by way of a settlement hierarchy as follows: the Melton urban area, the service centres, the rural hubs and the rural centres. Within this hierarchical approach Gaddesby is identified as a 'rural hub' and both Ashby Folville and Barsby are identified as 'rural settlements'
- 5.5 In the Melton Borough hierarchy rural hubs are a village or a group of villages which share a range of essential and important local services which serve the basic needs of people living within them and in nearby settlements, which can be accessed by cycling and walking. Residents will generally travel to nearby towns and cities to meet their retail, leisure and employment needs. Policy SS2 of the Local Plan comments that Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential development.
- 5.6 Rural settlements are small villages or hamlets that have little or no local services, where residents are entirely dependent upon travelling to a nearby settlement or town or city for work, recreation and service provision. Policy SS2 of the Local Plan comments that Rural Settlements will accommodate a proportion of the Borough's

housing need, to support their role in the Borough through planning positively for new homes as ‘windfall’ sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites.

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

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

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

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 25 June 2020. It looked at its best in hot and sunny conditions. I observed the social distancing measures that were in place at that time.
- 5.10 I drove into Gaddesby along Gaddesby Lane/Rearsby Lane from the west. This highlighted the way in which the neighbourhood area sits in the wider landscape. I saw the way in which the village of Gaddesby related well to this wider agricultural setting. Throughout the visit I looked in general terms at the proposed settlement boundary of Gaddesby (Policy HBE1), the proposed important views (Policy ENV7), the proposed community assets (Policy CA1) and the proposed non-designated heritage assets (Policy ENV3).
- 5.11 I parked in Main Street. I walked along the footpath off Main Street to St Luke’s Church. Pevsner’s (1960) comments about it being ‘one of the largest and most beautiful churches in Leicestershire’ remain topical and up-to-date. I saw the way in which the Church sits in large, impressive and well-maintained grounds. I also saw the adjacent war memorial. I continued to the junction of various footpaths at the northern end of Church Lane.

- 5.12 I walked to the north along the footpath and through proposed local green spaces 197 (Eastfield Middle) and 148 (Eastfield Top). I saw that they were in agricultural use. I looked at the newly-planted area in the northern part of Eastfield Middle. I also looked carefully at the proposed important view 2. In general terms I saw the way in which the wider topography of the neighbourhood area and its adjacent parishes allowed long distance views towards the ridgeline to the south. Once I reached Pasture Lane, I took the opportunity to look at the two housing allocations in the adopted Local Plan to the north of Pasture Lane.
- 5.13 I retraced my steps along the footpath and back to the junction of the footpaths at the northern end of Church Lane. I then continued along the footpath through proposed local green space 198 (Eastfield Bottom) to the Ashby Road and the School. I saw that it was also in agricultural use. I saw the way in which the proposed local green space had been defined in general terms, and the way in which the smaller parcel of rising ground to its south and east was not included within the proposed designation.
- 5.14 I then took the opportunity to look at the area around the Village Hall, the School and the community pre-school. Even in Covid:19 circumstances it was clear that this part of the village was the centre of its community activity. I took the opportunity to look at the proposed important view 3. Thereafter I walked back into the village. In doing so I saw the very distinctive boundary wall details on the northern side of Ashby Road. I also saw the remains of the Blacker Bombard anti-tank gun as used by the Gaddesby, Ashby Folville and Barsby Home Guard. Once in the village I looked at its overall character and appearance. I saw its vernacular buildings and the attractive way in which the built development was positioned in relation to public and private open spaces. I also saw the distinction between the historic part of the village (based around Main Street, Chapel Lane and Cross Street) and the more modern parts (off Church Lane and Paske Avenue). I took the opportunity to rest for a while on the bench on the corner of Main Street and Cross Street to celebrate the seventy-fifth anniversary of the Gaddesby Women's Institute. It was weathering well.
- 5.15 I then drove to Ashby Folville. I looked in particular at the area around St Mary's Church and the proposed local green space. I saw that it would be beautifully-framed by the buildings to its immediate south. I also saw the 1912 Village Hall, the two sets of Wootton Cottages (1904 and 1906) and North Lodge. I saw the idyllic setting of the village cricket ground as it waited for the delayed sporting season to commence.
- 5.16 Thereafter I drove to Barsby. I saw the attractive series of buildings in Main Street. I saw their different building styles and the way in which they contributed towards the overall character and appearance of the village. I saw the property on the corner of Main Street and Station Road being re-roofed. I then walked down Baggrave End. In doing so I saw a further group of attractive buildings including several timber-framed cottages.

6 The Neighbourhood Plan and the Basic Conditions

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

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

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

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

National Planning Policies and Guidance

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

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

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

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

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies to determine the nature of housing development (Policies HBE1-4) and to stimulate rural employment and diversification (Policies BE1-5). In the social role, it includes policies on community assets (Policy CA1), local green spaces (Policy ENV1) and home working (Policy BE3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy HBE5) and on a range of environmental matters (Policies ENV2-7). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

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

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement MBC published a screening report in November 2019 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the Rutland Water SPA and Ramsar site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on this or another other European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. In reaching this conclusion I have taken account of the representation from the Ovens Family on this issue. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.

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

Summary

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

7 The Neighbourhood Plan policies

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

The initial sections of the Plan (Sections 1-4)

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

Capture the Plan's policies within coloured policy boxes.

- 7.9 Section 1 introduce the Plan and identifies how it would fit within the wider planning system. It provides background information on the preparation of the Plan. It

describes the nature of a neighbourhood plan in general terms, and the circumstances in which one has been prepared for Gaddesby Parish. It introduces the concept of sustainable development. It also identifies the objectives of the Plan. It is a particularly effective and concise introduction to a neighbourhood plan.

- 7.10 Section 2 sets out details about the neighbourhood area. It includes commentary about its history together with a variety of topographic and socio-economic information about its present circumstances. It does so in the context of a profile for each of the three settlements in the parish. It sets the scene well for the remainder of the Plan. It also provides a useful context to its various policies.
- 7.11 Section 3 describes the way in which the Plan was prepared. It overlaps with the submitted Consultation Statement.
- 7.12 Section 4 sets out a Vision for the Plan. It aims to ensure that the three villages continue to be attractive and sustainable places whilst retaining their individual identities.
- 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 above.

Policy HBE1: Settlement Boundary

- 7.14 This policy proposes a settlement boundary for Gaddesby. Whilst the generality of a settlement boundary approach was included in the 1999 Melton Local Plan, MBC moved away from such an approach in the current development plan.
- 7.15 The proposed settlement boundary closely aligns with the built-up area of the village. The Plan comments that the boundary has been defined using the following principles:
- recent approvals and existing commitments for residential development on the fringes of the settlement have been incorporated into the defined boundary;
 - clearly defined physical features such as walls, fences, hedgerows and roads have been followed where appropriate;
 - the residential development sites allocated within the Local Plan have been included within the settlement boundary; and
 - non - residential land which relates more to the countryside such as agricultural land, paddock, meadow, woodland and/or other green-field land has been excluded from the defined boundary.
- 7.16 In broad terms I am satisfied that the proposed settlement boundary takes account of the existing built form of the village. In particular the Parish Council has generally followed its own principles as set out above.
- 7.17 MBC offers its general support to the policy. In this context it suggests that the Local Plan housing allocations should be shown in the submitted Plan (in either figure 2 or

elsewhere in the Plan). The representation on behalf of the Ovens Family comments that the definition of a settlement boundary is not necessary and that, in certain locations, the defined boundary is inconsistent with the principles included in the Plan.

- 7.18 Insofar as it was practicable for me to do so, I looked at the proposed settlement boundary when I visited the neighbourhood area. I saw that it broadly followed the principles set out in the Plan. I sought advice from the Parish Council on the way in which the boundary had been defined in the following locations:
- to the east of the properties in Main Street/Park Hill (between its junction with Cross Street and its junction with Paske Avenue);
 - to the east of the northernmost property on the eastern side of Church Lane; and
 - to the properties to the south of Ashby Road (including the School).
- 7.19 In relation to the first location the Parish Council commented that the houses concerned have extremely long gardens. I was advised that the houses had extended their gardens by buying part of the field behind them and was therefore all agricultural land. Based on all the available evidence I am satisfied that this part of the settlement boundary relates in a positive fashion to the fourth criterion in the Plan on this matter. Whilst the land concerned is no longer in agricultural use it has a different character to the parcels of land originally associated with the houses concerned.
- 7.20 In relation to the second location the Parish Council commented that the settlement boundary should be amended to include all the garden. Based on all the available evidence I conclude that this part of the settlement boundary should be modified to include the full extent of the current garden. In doing so I am satisfied that no-one would be disadvantaged by such an approach given that it reflects the nature of existing property boundaries and otherwise relates to the second of the four criteria on this matter.
- 7.21 In relation to the third location the Parish Council commented that the proposed boundary reflects the 1999 village envelope. Based on all the available evidence on balance I am satisfied that this part of the settlement boundary relates in a positive fashion to the fourth criterion in the Plan on this matter.
- 7.22 I am satisfied that the defined settlement boundary in the submitted Plan is in general conformity with the strategic policies in the Local Plan. In particular the boundaries have been defined to be consistent with the adopted Local Plan. In addition, they incorporate the allocated housing sites in the Plan. As such the composition of the submitted Plan is in general conformity with the adopted development plan and has been designed to facilitate sustainable development. I am also satisfied that the wording of the policy meets the basic conditions. Its second part provides clarity on the status of land outside the settlement boundary. In this context development in these locations will be controlled in the context of national and local planning policies for the countryside.

- 7.23 I have considered carefully MBC's comments on the Plan including direct information about the Local Plan allocations within the proposed settlement boundary. On the one hand it would improve the Plan. On the other hand, it is not necessary to ensure that it meets the basic conditions. In these circumstances I recommend that the locations of the Local Plan housing allocations are included as details in the third criterion on this matter.

In Figure 2 modify so the settlement boundary so that it includes the full extent of the rear garden to the northernmost property on the eastern side of Church Lane.

In the third criterion add the Local Plan housing site names in brackets between 'Plan' and 'have'

Policy HBE2: Housing Mix

- 7.24 This policy comments about the housing mix required for new residential developments. It takes a general approach in requiring the mix to meet local needs in each of the three villages. The supporting text provides a range of interesting and distinctive information on this matter. The policy also comments that priority should be given to 2- and 3-bedroom homes and to those suitable for older people, including bungalows and dwellings suitable for those with restricted mobility. Finally, the policy comments that the inclusion of four-bedroom houses in housing developments will be supported where they are subservient in number to two or three-bedroom accommodation.
- 7.25 In general terms I am satisfied that the policy approach is distinctive to the parish and meets the basic conditions. However, in order to bring the clarity for a development plan policy required by the NPPF I recommend that the second sentence of the first part of the policy is incorporated into the second part of the policy. I also recommend detailed changes to the wording used in the second part of the policy. As submitted wording such as 'priority should be given' and 'subservient in number' are likely to be challenging in terms of their ability to be applied clearly and consistently by MBC throughout the Plan period. The recommended modification takes account of a potential range of circumstances including larger houses meeting identified housing needs and wider viability issues.

Delete the second sentence of the first part of the policy.

Replace the second part of the policy with:

'Housing proposals should be designed in a way in which a significant proportion of the dwellings should contain 2 and 3 bedrooms and homes suitable for older people, including bungalows and dwellings suitable for those with restricted mobility. The incorporation of four-bedroom houses into housing developments will be supported where, as appropriate to the site concerned, they complement the provision of two or three-bedroom houses, provide for an identified local need or ensure that the wider development is commercially-viable'

Policy HBE3: Windfall Sites

- 7.26 This policy offers support to windfall developments within the settlement boundary. In this respect it complements Policy HBE1. It comments that windfall developments should be of no greater size than five new properties on any single site in Gaddesby and three new properties in Barsby and Ashby Folville. It identifies six criteria with which new development should comply.
- 7.27 The policy has attracted representations from both MBC and the Ovens Family. MBC comment that the element of the policy relating to Barsby and Ashby Folville is too permissive and is not in general conformity with strategic policies in the development plan. It also comments that Policy SS3 of the Local Plan supports development on the edge of existing settlements.
- 7.28 The Ovens Family comment that the policy is at odds with Policy SS3, including by restricting windfall developments in Gaddesby to sites ‘within’ the village only; and limiting windfall developments in Gaddesby to a maximum of 5 dwellings. It comments that neither provision exists in Policy SS3 and that the Plan has produced no evidence to demonstrate that there are special reasons why more stringent policies should apply in the neighbourhood area than apply elsewhere in the Borough.
- 7.29 Taking account of these various comments I recommend that the policy is reconfigured to incorporate the following matters:
- the flexibility provided by Policy SS3 of the Local Plan for windfall developments to proceed on the edge of settlements (subject to certain criteria);
 - the removal of any reference to the size of residential developments in the policy;
 - the incorporation of an additional criterion to ensure that development proposals are in keeping with the scale and character of the host settlement; and
 - the incorporation of an additional criterion to ensure that development proposals otherwise relate to the criteria in Policy SS3 of the Local Plan.
- 7.30 This approach will ensure that the neighbourhood plan policy is in general conformity with that of Policy SS3 of the adopted Local Plan. In particular I recommend that the reference to the potential size of windfall sites is relocated into the supporting text. In this context the sixth criteria can be deleted. I also recommend consequential modifications to the supporting text.

Replace the opening part of the policy with:

‘Proposals for residential development within or on the edge of Gaddesby, Barsby and Ashby Folville will be supported provided they are in keeping with the scale and character of the host settlement and where they:’

Replace f) with: ‘otherwise comply with the criteria in Policy SS3 of the Melton Local Plan’

Replace the final sentence of the first paragraph and the second paragraph of supporting text with:

‘Policy HBE3 provides a context for such development to come forward. It has been designed to add local value to Policy SS3 of the Melton Local Plan. In particular it identifies criteria that relate to the character of the neighbourhood area. It supports windfall development where it would be in keeping with the scale and character of the host settlement concerned. This will be a matter for the Borough Council to determine on a case-by-case basis. Nevertheless, in the context of Policy SS3 of the Local Plan windfall development is anticipated to be of up to about 5 dwellings for Gaddesby, and up to about 3 dwellings for Barsby and Ashby Folville’

Policy HBE4: Affordable Housing Provision

- 7.31 This policy seeks to apply the relevant Local Plan policy to the delivery of affordable housing to the neighbourhood area. In general terms I am satisfied that it is appropriate for the policy to be included in the submitted Plan. Plainly it is in general conformity with the relevant policy in the Local Plan.
- 7.32 The fourth part of the policy comments about the allocation of affordable housing to people with a local connection to the parish. Whilst the provision of affordable housing is a land use matter (as administered under the Planning Acts), the allocation of such housing is not directly a land use matter. The allocation process is administered by MBC under its powers under the Housing Act. In these circumstances I recommend this element of the policy is deleted. However, given its importance to the local community I recommend that the matter is included in the supporting text.

Delete the final paragraph of the policy

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

‘Policy HBE4 overlaps with the Borough Council’s approach on affordable housing. The allocation of affordable housing delivered by the policy approach to local people is actively supported by the Parish Council. In general terms the wider allocation of affordable housing in the parish should follow the principles within the Local Plan cascade approach’

Policy HBE5: New Housing Design

- 7.33 This is an important policy in the wider context of the Plan. It identifies a series of criteria with which new residential development should comply. In summary they include matters relating to character, design, building materials, and ecology.
- 7.34 As submitted the policy comments that all types residential development should meet the identified criteria. This may well be the case for larger developments. However,

the remit of the policy includes conversions and extensions of existing buildings. In this context several of the criteria may have no relevance to their design and layout. I recommended modifications to remedy this matter by ensuring that developments should comply with the criteria insofar as they apply to its circumstances.

- 7.35 I also recommend some detailed modifications to the wording used in the criteria. In particular I recommend that the technical details in the third criterion are repositioned into the supporting text. Otherwise the policy is locally-distinctive and meets the basic conditions.

At the beginning of the policy add:

‘As appropriate to their scale, nature and location’

In b) replace ‘blend well’ with ‘respect’

In b) replace ‘where positive improvement...without’ with ‘where they complement and do not detract from heritage assets’

Replace c) with:

‘Incorporate roof and wall construction methods which accommodate integral bird nest boxes and bat breeding and roosting sites, and hedges (or fences with ground-level gaps) for property boundaries which maintain connectivity of habitat for hedgehogs and use appropriate lighting designs, (including their locations, type, lux levels and times of use)’

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

‘The third criterion of the policy comments about a variety of ecological issues. As appropriate to their circumstances such details should take account of national best practice on these matters. They include Guidance Note 08/18 Bats and artificial lighting in the UK: (Bat Conservation Trust/Institution of Lighting Professionals, 2018)’

Policy HBE6: Use of Street Lighting

- 7.36 This policy aims to ensure that any new street lighting is sensitively incorporated into its local environment. It is an appropriate and well-considered policy which takes account of the existing levels of street lighting and the dark skies environment in the parish.
- 7.37 I recommend that the initial part of the policy is simplified. The recommended modification provides a general context that is then underpinned by the three design principles as included in the submitted policy. This will bring the clarity required by the NPPF. I also recommend that the very specific detail in the second bullet point is deleted. The need to shield and/or angle lighting is a matter which MBC will be able to assess on a case-by-case basis.

Replace the opening part of the policy with:

‘Any street lighting required by new development should respect the environment within which it is located and should generate the minimum levels

of luminosity. The lighting element of development proposals should be designed to take account of the following principles:'

In the second bullet point delete the element in brackets.

Policy ENV1: Protection of Local Green Space

- 7.38 This policy proposes the designation of a series of local green spaces (LGSs). It comments about the relationship between the identified spaces and the NPPF. The policy also lists the LGSs which have already been designated in the parish in the adopted Local Plan. This helps to provide a comprehensive picture of what constitute the wider package of LGSs in the parish in the event that the neighbourhood plan was 'made'. For clarity this report comments only on the four LGSs that are proposed in the submitted Plan over and above those designated in the Local Plan.
- 7.39 Appendix 5 sets out details about the various proposed LGSs. In general terms it does so to good effect. In particular it seeks to assess the various LGSs against the criteria in the NPPF (paragraph 100) for such designations.
- 7.40 I looked at the proposed LGSs carefully when I visited the parish. Based on all the available information, I am satisfied that the proposed LGS at Ashby Folville Churchyard meets the basic conditions. In particular it is distinctive to the neighbourhood area, is demonstrably special to the local community and is in close proximity to the communities that it serves. Set against the backcloth of St Mary's Church and the historic buildings to its immediate south it is precisely the type of LGS which the authors of the NPPF must have had in mind in preparing national guidance on this important matter.
- 7.41 In addition, I am satisfied that the proposed designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that it is consistent with the local planning of sustainable development. Its designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGS is capable of enduring beyond the end of the Plan period. Indeed, it is an established element of the local environment and has existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the local green space would not endure beyond the end of the Plan period.
- 7.42 I looked carefully at the other three proposed LGSs when I visited the neighbourhood area. I saw that they sat adjacent to each other along the eastern edge of Gaddesby. I saw that the proposed LGSs were each in agricultural use – with Eastfield Top (148) in arable use, Eastfield Middle (197) in use as open grassland and Eastfield Bottom (198) in grazing use.
- 7.43 The proposed designations have attracted representations from MBC, the Ovens Family and Severn Trent. MBC consider that the three parcels of land could be
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considered as extensive tracts of land. Severn Trent comment that flood resilience schemes should be supported in identified LGSs.

7.44 The Ovens Family contend that proposed LGS 198 does not meet the basic conditions. In particular it comments that the scoring methodology in Appendix 5 is poorly-developed and inconsistent, that the site is not demonstrably special and is not local in scale. The representation also draws attention to broader procedural matters (which I have already addressed in Section 4 of this report) and a failure on the part of the Parish Council to consult effectively with affected landowners.

7.45 I sought advice from the Parish Council on the sizes of the proposed LGSs. I was advised that they were as follows:

Proposed LGS 148 4.9 hectares

Proposed LGS 197 5.0 hectares.

Proposed LGS 198 5.7 hectares

7.46 In their context as three separate parcels of agricultural land I also sought clarity from the Parish Council on the extent to which it considered that the proposed LGSs are 'demonstrably special to the local community and hold a particular local significance'. In its response I was directed to the scoring exercise in Appendix 5 of the Plan. In particular I was advised that the environment comments and the dot exercise carried out at the Open Event held in March 2018 evidences the parishioners' opinion on the parcels of land concerned. The Parish Council contend that this information indicates that the proposed LGSs are demonstrably special to the local community and of particular significance.

7.47 I have considered the proposed designation of LGSs 148/197/198 very carefully given their scale and nature and their location on the eastern side of Gaddesby. I have done so both on the basis of their individual proposed designations and the overall effect of the three proposed designations. For convenience I assess the proposed designations against the three criteria in the NPPF. This approach also overlaps with the Parish Council's assessment of this matter in Appendix 5.

In close proximity to the community they serve

7.48 In each case I am satisfied that the three proposed LGSs are in close proximity to Gaddesby. They are located to the immediate east of the village. In addition, access to the footpaths which run through the different parcels of land is readily accessible from the village.

Demonstrably special to the local community and hold a particular significance

7.49 Appendix 5 comments in detail on this matter. It includes the Parish Council's assessment of the extent to which the three parcels of land are demonstrably special to the local community and hold a particular significance. Plainly there is a degree of judgement involved in this exercise. However, based on my own observations I am not satisfied that the parcels of land are demonstrably special. As with the majority of

the neighbourhood area outside the three settlements they are in agricultural use. Whilst the Leicestershire Round footpath runs through the parcels of land this important recreational facility is already protected through separate legislation. In addition, I saw little evidence of any wider recreational use of the parcels of land. In this context the parcels of land concerned are very similar in scale and appearance to the majority of the agricultural hinterland within the neighbourhood area. They do not display the special characteristics required for LGS designation. In reaching this conclusion I have taken account of the potential impact of the growth of the recently-planted group of trees in Eastfield Middle in the longer-term. Nevertheless, I am required to assess any proposed LGS at the time of the examination. This may be a matter for any future review of the Plan.

- 7.50 This conclusion is reinforced when the parcels of land are compared with the existing LGSs in the parish and with the other proposed LGSs included in the submitted Plan. St Luke's Churchyard Gaddesby (202) and St Mary's Churchyard, Ashby Folville (501) are centrally located within their respective communities and have clear historic and ecclesiastical importance. The Carington Cricket Field in Ashby Folville (281) has clear visual and recreational importance. The Old Village Hall community open space in Barsby (409) has an important social and community role.

Local in scale and not an extensive tract of land

- 7.51 The three proposed LGSs are parcels of agricultural land on the edge of Gaddesby. They are typical of the size of many such parcels of agricultural land in both the parish and the wider Borough. Whilst I recognise that the fields concerned would be incapable of being divided into smaller parcels of land for LGS purposes they are significantly larger than the existing LGSs in the neighbourhood area and the proposed LGS for St Mary's Church in the Plan itself. Based on all the available information and my own observations I conclude that the three proposed LGS are extensive tracts of land, and not local in scale as required by the NPPF. In reaching this conclusion I have taken account of the Parish Council's comments about the size of LGS in Old Dalby. Nevertheless, each and every LGS should be assessed on its own merits and take account of the nature of its location in relation to the settlement concerned.

The cumulative effect of the three proposed LGSs

- 7.52 The cumulative effect of the three proposed LGSs reinforces my conclusions about the extent to which they should be considered as 'local in scale'. Whilst the individual LGSs have been properly proposed in their own rights their cumulative effect would be to establish a green wedge to the immediate east of Gaddesby. Such an approach would be contrary to Planning Practice Guidance (37-015-20140306) which comments that the 'blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name'.

- 7.53 In all the circumstances I recommend the deletion of the proposed LGSs at Eastfield Middle, Gaddesby (197) Eastfield Bottom, Gaddesby (198) Eastfield Top, Gaddesby (148) from the policy. I also recommend consequential modifications to Figure 4.
- 7.54 The policy itself takes the matter of fact approach in the NPPF. With a modification to its wording I am satisfied that it meets the basic conditions.

In the policy replace ‘permitted’ with ‘supported’

Delete Eastfield Middle, Gaddesby (197) Eastfield Bottom, Gaddesby (198) Eastfield Top, Gaddesby (148) from the policy

Delete Eastfield Middle, Gaddesby (197) Eastfield Bottom, Gaddesby (198) Eastfield Top, Gaddesby (148) from Figure 4.

In the supporting text replace ‘Seven sites... inventory process’ with ‘The Plan proposes the designation of an additional local green space to those already identified in the neighbourhood area in the Melton Local Plan’

Policy ENV2: Protection of Sites of Environmental Significance

- 7.55 This policy identifies a series of sites which are considered to be of environmental significance. It addresses sites of importance both for their historical and their natural significance. They are shown on Figure 6.1 (significance) and Figure 6.2 respectively.
- 7.56 The policy has regard to the approach taken in the NPPF (Sections 15 and 16). In particular it is non-prescriptive to the extent that it requires that development proposals should demonstrate that the development’s local value outweighs the environmental significance of the site or feature.
- 7.57 In general terms I am satisfied that the policy meets the basic conditions. It seeks to take an approach which reflects the relationship between the importance of the site concerned and the development proposed. This is particularly important given the very significant range of sites of significance identified in the two figures. However, I recommend that the initial element of the policy is deleted as it is essentially supporting text. I also recommend that the second part of the policy is consolidated to relate its coverage to the sites included in the two figures. I recommend that the basis of the deleted policy element is incorporated within the existing supporting text.

Delete the first paragraph of the policy.

In the second part of the policy replace ‘will be required to’ with ‘that would affect the sites of historical environmental significance shown on Figure 5.1 or the sites of natural environmental significance shown on Figure 5.2 should’

At the end of the first paragraph of supporting text (on page 27) add:

‘Policy ENV2 seeks to safeguard these important features of the neighbourhood area. It balances the significance of the sites with the importance of the development proposed to the local community. The sites have been identified as being of local

significance for their environmental features (natural and/or historical). They are ecologically important in their own right, their historical features are extant and have visible expression, or there is proven buried archaeology on the site, and they are locally valued'

Policy ENV3: Built Environment: Non-Designated Heritage Assets

- 7.58 This policy identifies a series of non-designated heritage assets. They are shown on Figures 6.1 and 6.2. It then applies the policy test in the NPPF to the assets concerned.
- 7.59 I am satisfied that the heritage assets have been sensitively identified. I am also satisfied that with technical modifications the policy meets the basic conditions.

In the policy replace:

- **'listed here' with 'listed in this policy'**
- **'are recorded with 'are identified'**
- **'wherever possible' with 'wherever practicable'**
- **'will need to be judged against' with 'will be balanced'**

Policy ENV4: Ridge and Furrow

- 7.60 This policy identifies a series of ridge and furrow features as non-designated heritage assets. They are shown on Figure 7.3.
- 7.61 I am satisfied that the policy is evidence-based. The supporting text makes reference to work undertaken by English Heritage in the 1990s. Figure 7.2 also shows the findings of the 'Turning the Plough' survey undertaken by Leicestershire County Council in 1999.
- 7.62 Subject to modifications I am satisfied that the policy meets the basic conditions. In particular it has regard to the balancing act in the NPPF and makes a distinction between the identified grades of ridge and furrow as shown on Figure 7.2.

In the first part of the policy replace 'mapped below (figure 7.3) are' with 'shown on figure 7.3 are identified as'

Replace the second part of the policy with:

'In assessing development proposals which would involve any loss or damage to an identified area of ridge and furrow earthwork on Figure 7.2 the benefits of the development will be balanced against the significance of the feature concerned as a heritage asset'

Policy ENV5: Local Landscape Character Area

- 7.63 This policy identifies a Local Landscape Character Area within and to the south of Gaddesby. The policy requires that any development proposals should respect its character.
- 7.64 The defined Character Area properly describes a part of the neighbourhood area which has a special and distinctive character. With a technical modification the policy meets the basic conditions.

Replace ‘will be expected to’ with ‘should’

Policy ENV6: Biodiversity, Field Ponds, Woodland and Habitat Connectivity

- 7.65 This policy proposes that new development should safeguard identified locally significant habitats and species. It also identifies a specific wildlife corridor.
- 7.66 With detailed modifications I am satisfied that the policy meets the basic conditions. In their different they will bring the clarity required by the NPPF to a development plan policy.

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

In the second part of the policy replace ‘be resisted’ with ‘will not be supported’ and ‘where possible’ with ‘where practicable’

Replace ‘not restrict the’ with ‘not detract from the existing’

Policy ENV7: Protection of Important Views

- 7.67 This policy identifies ten important views in the neighbourhood area. Thereafter it proposes a policy approach to ensure that development proposals respect the identified views. The views are shown on Figure 11. Further details are provided on the various views in Appendix 8.
- 7.68 In general terms I am satisfied that the views are appropriate and distinctive to the parish. They are based on public viewpoints. They help to provide a context to the three villages in their attractive rural setting. As the supporting text comments, the different views are characterised by:
- extensive, uninterrupted vistas in multiple directions from the two east-west ridgelines and broad-bottomed Gaddesby valley;
 - landmark trees, copses and church spires;
 - avenues, tree-lined roads and stone/brick walls framing views of and into villages; and
 - a mixture of vernacular and stylish buildings, varied building lines, open spaces and ornamental trees combining to produce three distinctive and attractive street scenes in the villages.

- 7.69 I looked at Important View 2 carefully when I visited the neighbourhood area. I saw that it afforded several views to the east south and west in general, and across the Gaddesby Brook valley in particular. I saw that there were various, similar views along the Leicestershire Round footpath in this part of the village. In its response to the clarification note the Parish Council acknowledged the position. Given that the information in the policy, the Appendix and the response to the clarification note do not tally I recommend modifications to remedy this matter and to bring the clarity required for a development plan policy. In summary the modifications:
- retain the source of the viewpoint as shown in Figure 11 given that it is the most appropriate and comprehensive of the various potential viewpoints along the eastern edge of Gaddesby;
 - define the view to the south as a long-distance view to the ridgelines on the skyline; and
 - remove the elevated view photograph from Appendix 8 given that it is not representative of a view which is available to the general public.
- 7.70 The representation from the Ovens Family comments about the appropriateness and the accuracy of Important View 3. I looked at the proposed view carefully when I visited the neighbourhood area. I walked up to the road bridge along Ashby Road. At this point I saw that proposed LGS 198 and the Church were obscured by the hedge and trees on the northern side of Ashby Road. I saw fleeting glimpses of both approximately half way between the bridge and the 20mph sign. Later in the day I saw more distant views of the Church and the southern parts of Gaddesby from the junction of Ashby Road and Gaddesby Lane.
- 7.71 I sought clarification from the Parish Council on the purpose of identifying the view. I was advised that ‘the intention is to preserve the views of the church from the south (looking north) along the Leicestershire Round and as one descends from Barsby along Ashby Road’. Given my observations in paragraph 7.70 I am not satisfied that the identified view accurately fulfils this purpose. On the contrary the proposed view is general in its nature. It is typical of many such approaches into a rural village. As such it does not have the special qualities that are clear in the other important views identified in the policy. On this basis I recommend that it is deleted.
- 7.72 The policy itself has two major elements. The first identifies the important views and the second applies a policy format to safeguard the various views. However as submitted the approach is unclear. I recommend that the policy is recast so that it has the necessary clarity for a development plan policy. In doing so I incorporate elements of the Parish Council’s suggested changes to the policy. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘The Plan identifies the following important views (as shown on Figure 11).

[List the views at this point (without view 3)].

Development proposals which would affect the identified views should be designed to ensure that their layout, scale and mass respect the significance and character of the views concerned. Where necessary development proposals should include measures to mitigate the effects of the development on the important view concerned'

In the policy replace the details of Important View 2 with: 'From the Leicestershire Round to the east and west across 'parkland' (old pasture with trees) to and from St Luke's Church and new community woodland in the foreground and to the south more distantly across Gaddesby Brook valley to the high ground'

At the end of the paragraph of supporting text beginning with 'Consultation' add:

'Policy ENV7 provides a context to ensure that new developments respect the identified views. Where necessary, development proposals should include appropriate mitigation measures. Plainly they will vary on a case-by-case basis. However, they could include reduced or varied heights of buildings, the provision of gaps through development by sensitive layout planning, landscaping or tree-planting to soften the impact of built structures in a rural landscape'

In Appendix 8 (Important View 2) replace the text with that recommended above for the policy and remove the picture on the right-hand side (Overall view south west).

Policy CA1: The Retention of Community Assets

- 7.73 The existing community facilities and amenities in the neighbourhood area make a significant contribution to its vitality and sense of community. They have a positive impact on sustainability by enhancing the quality of life for residents and providing the potential for social interaction. The Plan comments that it is essential that the parish retains its existing community facilities and amenities and continues to provide local services that will sustain the vitality of the community. Policy CA1 has been designed to achieve this end.
- 7.74 The policy has been well-designed. In particular it identifies the limited set of circumstances where a development that will lead to the loss of an existing community facility will be supported. It helpfully includes viability issues given that several of the existing community facilities are operated as commercial organisations. The policy also includes the identified existing community facilities.
- 7.75 It is an excellent example of a policy of this nature. It meets the basic conditions.

Policy C1: Broadband and Mobile Phone Infrastructure

- 7.76 This policy addresses broadband and mobile phone infrastructure. Its supportive approach has regard to national policy.
- 7.77 I recommend a technical modification to the third part of the policy so that it has the clarity for a development plan policy. Otherwise it meets the basic conditions. I also recommend consequential modifications to the supporting text.

Replace the third part of the policy with:

‘Any infrastructure improvements requiring above ground network installations should be sympathetically located and designed to integrate into the landscape’

At the end of the supporting text add: ‘Policy C1 provides a context to extend electronic accessibility in the neighbourhood area. In relation to the third part of the policy new infrastructure should be designed and located to respect open landscapes and not generate an unacceptable impact on their character and appearance’

Policy T1: Traffic Management

- 7.78 This policy comments about traffic movements in the parish insofar as they relate to proposals for new development. It sets out key parameters with which new development should comply.
- 7.79 I recommend that the title of the policy is modified. ‘Traffic Management’ is a specific technical term which relates to measures which the County Council might introduce in its capacity as the highway authority. ‘Traffic Movements’ better describes the nature and intent of the policy.
- 7.80 I recommend that its format is modified so that it has the clarity required by the NPPF. I am satisfied that the parameters included in the policy are appropriate and distinctive to the neighbourhood area. However, I recommend that the fifth parameter is modified so that it has a more prescriptive format. Otherwise the policy meets the basic conditions.

Modify the title of the policy to read ‘Traffic Movements’

Replace the opening part of the policy with:

‘Development proposals should be designed to take account of the existing rural highway network in the neighbourhood area. In particular development proposals should:’

In e) replace ‘Consider’ with ‘Deliver’

Policy T3: Electric Vehicles

- 7.81 This policy sets out the Plan’s ambitions for the delivery of vehicle charging points within new development. It also supports the provision of communal vehicular charging points.
- 7.82 The first part of the policy meets the basic conditions. In addition, the second part of the policy meets the basic conditions with technical modifications.
- 7.83 In the absence of a Policy T2 I recommend that this policy is renumbered accordingly.

Renumber the policy to read T2

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

Policy BE1: Support for Existing Business and Employment Opportunities

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

Replace the opening part of the policy with:

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

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

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

Policy BE2: Support for New Business and Employment

- 7.86 This policy offers support for new business development subject to a series of criteria. The approach has regard to national policy and is in general conformity with the strategic policies in the development plan. I am satisfied that the criteria are both appropriate to the parish and are locally distinctive.
- 7.87 I recommend that the opening element of the policy is modified so that it has the format necessary for a development plan policy. I also recommend consequential modifications to the wording of the various criteria. Otherwise it meets the basic conditions.

Replace the policy with:

‘Proposals for new employment development will be supported where they comply with the following criteria:

a) it is located within the identified limits to development unless it relates to small scale leisure or tourism activities, or other forms of commercial/employment related development appropriate to a countryside location; and/or

b) it is located in existing buildings or on areas of previously developed land; and

c) it is a size and scale that would not adversely affecting the character, infrastructure and environment of the village in which it is located and the wider neighbourhood area; and

d) does not involve the loss of an existing dwelling.’

Policy BE3: Home Working

7.88 This policy supports the development of home working opportunities subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.

7.89 In general terms I am satisfied that the policy meets the basic conditions. I recommend detailed modifications to the wording so that it has the necessary clarity. In particular I recommend that the policy identifies that many such proposals may be permitted development. I also recommended consequential modifications to the supporting text.

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

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

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

Policy BE4: Tourism

7.90 This policy supports the development of tourism projects subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.

7.91 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF.

**Replace the opening part of the policy with:
‘Development proposals to enhance and/or manage tourism facilities will be supported subject to the following criteria:’**

In a) replace ‘Does not have a detrimental’ with ‘they do not have an unacceptable’

In b) replace ‘Does not adversely affect’ with ‘they do not have an unacceptable effect on’

Policy BE5: Farm Diversification

- 7.92 This policy supports the development of farm diversification projects and the conversion of former agricultural buildings subject to a series of criteria. The criteria are both appropriate and distinctive to the neighbourhood area.
- 7.93 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In c) replace ‘adverse’ with ‘unacceptable’

In e) replace ‘significant’ with ‘unacceptable’.

Other Matters - General

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

Other Matters – Specific

- 7.95 MBC makes a series of specific comments on the initial parts of the Plan. In the main they would update the Plan. This is a traditional process which reflects that certain elements of the Plan may need refinement given the passage of time since they were prepared.
- 7.96 In this context I recommend the following modifications based on these comments insofar they are necessary to ensure that the Plan meets the basic conditions.

Page 6

Replace the second paragraph with:

‘Whilst planning applications will still be determined by Melton Borough Council, and in special circumstances Leicestershire County Council, the production of a Neighbourhood Plan will mean that they must have regard to the provisions of the

Plan and the relevant locally formulated criteria when reaching planning decisions that affect Gaddesby Parish. This means that the residents of the Parish will have far greater control over where development takes place, and what it looks like'

Page 6

In the final paragraph replace '2018' with '2019'

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 Gaddesby Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

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

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this

purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council on 19 October 2017.

- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
31 July 2020