

Somerby Parish Neighbourhood Plan 2018- 2036

Submission Version

A Report to Melton Borough Council on the Examination of the
Somerby Parish Neighbourhood Plan

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Executive Summary

My examination has concluded that the Somerby Parish Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Clarifying the basis upon which either of the two reserve sites in the parish would be released.
- Refining the limits of development policy to relate more closely to national and local plan policy.
- Deleting the policy which set parameters for future land allocations.
- Removing the policy regarding the allocation of affordable houses to those with a local connection.
- Removing from the list of important open spaces and environmentally significant sites, those sites which are protected to a higher extent through designation as local green space.
- Bringing in the policy for ridge and furrow into line with other non-designated heritage assets.
- Introduce more accurate plans showing the location of important viewpoints.
- Bringing the criteria for assessing proposals that affect sites of biodiversity interest into closer alignment with the approach advocated by national policy.
- Rationalising the policy relating to the loss and replacement of trees and hedgerows on development sites.
- Deleting the flood risk policy as its scope is greater than required by national policy, without being justified by adequate evidence.
- Deleting the criteria regarding new employment development and harmful emissions as these are dealt with by other legislation.
- Removing reference to the protection of postal services.
- Remove the requirement that tourism and visitor development must demonstrate benefits to the local community.
- Deleting the policy regarding local employment opportunities.
- Revising the car parking policy and changing the onus placed on the applicant to demonstrate that they will not be generating traffic related problems.
- Deleting the travel pack policy.
- Removing two public footpaths from the list of community facilities.
- Deleting the developer contribution policy.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Melton Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Somerby Parish Council. The Somerby Parish Neighbourhood Plan Advisory Committee was appointed as a subcommittee of the Parish Council to undertake the plan's preparations, which was made up of 3 Parish Councillors and 7 local residents.
3. This report is the outcome of my examination of the Submission Version of the Somerby Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Melton Borough Council.
4. It will be appreciated that in the light of the COVID 19 crisis, a referendum cannot be held until at least May 2021. However, upon Melton Borough Council issuing of the Decision Statement, under Regulation 18 of the Neighbourhood Planning Regulations, indicating how it intends to respond to my recommendations, the plan as modified, can be accorded *significant weight* in development management decisions, until such time as a referendum is held.

The Examiner's Role

5. I was appointed by Melton Borough Council in September 2020, with the agreement of Somerby Parish Council to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 42 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Melton Borough Council and Somerby Parish Council and I

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

7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Somerby Neighbourhood Plan area.
9. In examining the Plan, the Independent Examiner is expected to address the following questions
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
10. I am able to confirm that the Plan, if modified in accordance with my recommendations, does only relate to the development and use of land, covering the area designated by Melton Borough Council, for the Somerby Neighbourhood Plan, on 21st December 2015.
11. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2036.
12. I can confirm that the plan does not cover any “excluded development”.
13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
14. I am satisfied that the Somerby Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

15. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public

hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

16. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
17. Firstly, I am satisfied that I can properly examine the plan without the need for a hearing.
18. I carried out an unaccompanied visit to the parish on 21st and 22nd September 2020. I drove around the parish to appreciate the landscape and the setting of the villages. I then parked up in each of the villages of Burrough on the Hill, Pickwell and Somerby and spent some time walking through each and seeing for myself the sites which were allocated or designated in the plan. I returned to Somerby parish the following morning to see conditions during the early part of the working day.
19. Following my site visits, I prepared a document seeking clarification on a number of matters which I sent to both the Parish Council and Melton Borough Council, entitled Initial Comments of the Independent Examiner, dated 28th September 2020. I received responses from Melton Borough Council on 5th October 2020 and a full response from the Parish Council on 12th October 2020. These responses were placed on the respective websites.
20. Following receipt of the Parish Council's response to my comments on the need for new plans to show the precise location of viewpoints, I invited the Parish Council to prepare these new plans. These were sent to me on 6th November and I have asked that they also be put on to the websites.

The Consultation Process

21. Following the decision of the Parish Council to prepare a neighbourhood plan the Parish Council wrote to a range of stakeholders to seek their involvement with the plan making process.
22. An initial public drop-in session took place on 18th June 2016 with 40 people attending. They were invited to make comments on a range of topics and 79 individual comments were received.
23. In September 2016, three theme groups were established which met throughout the plan's initial production period, up until January 2018.
24. In January 2017 a questionnaire was distributed to all adults in the parish. 661 forms were distributed which led to 397 responses being received. These responses were then analysed and the reports were referred back to the public during engagement days held in March 2017. These were held in the individual villages. A separate business questionnaire was distributed to 37 businesses within the parish and 31 responses were received. A different questionnaire was distributed for young people, aged 11 to 17, which produced 13 responses. Separately a number of community groups were consulted.

25. Emerging neighbourhood plan policies were shared with the public during a fifth engagement day held on 17th November 2018, which was attended by 73 people who who completed 53 responses and in addition made 180 written comments.
26. All this activity culminated with the preparation of the Pre-Submission version of the neighbourhood plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 1st June to 13th July 2019. In total, 179 comments were received which are fully set out in Appendix 2m of the Consultation Statement, which both records the comments made and the resultant changes made to the plan as a result of consultation responses.
27. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and this input has helped shape the plan.

Regulation 16 Consultation

28. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 28th May 2020 and 10th July 2020. This consultation was organised by Melton Borough Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
29. In total, 15 responses were received including, from Somerby Parish Council who are the Qualifying Body who have submitted the plan, and not surprisingly, stated their support for the plan. The other responses were from Natural England, Historic England, Anglian Water, Severn Trent, Melton Borough Council, Leicestershire County Council, Environment Agency, The Coal Authority, the Ernest Cook Trust and from 5 local residents.
30. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

31. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
32. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
 - Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?

- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

33. For the purpose of this neighbourhood plan, the overarching strategic policy context is provided by the Melton Local Plan, which was adopted in October 2018. That is the development plan for the consideration of one of the basic conditions.
34. The Melton Local Plan designates Somerby as a service centre, with Pickwell and the other two settlements in the plan area, identified in Appendix 3 of the local plan, at a lower position in the settlement hierarchy, as “rural settlements”.
35. Policy SS2 states that service centres and Rural Hubs will deliver approximately 35% of the borough’s residual housing requirement, which is a minimum of 6,125 units, on a proportionate basis, with 65% been provided in the Melton urban area. It goes on to say that the rural settlements will contribute to the borough’s housing needs through windfall sites, within and adjacent to settlements.
36. Table 6 shows that Somerby, as a service centre, should deliver, on the basis of having 4% of the borough’s population, a total of 72 dwellings, but discounting existing commitments and completions, leaves a residual requirement of 44 dwellings. Greater detail is set out in Policy SS3, which includes allowing developments within or on the edge of existing settlements, to meet identified local needs identified by substantive evidence such as a neighbourhood plan.
37. The plan allocates two sites in the Somerby, namely Site SOM1 – The Football Field for 27 units and Site SOM2 – Land off High Street, for 42 dwellings as set out in Policy C1A. This is in excess of the figure sought in Policy SS2. In Policy C1B the plan identifies a number of reserve sites, including land of the Borough Road, Somerby- for 33 dwellings. The policy sets out clear criteria for triggering the release of the reserve sites.
38. Policy C2 sets out requirements for housing mix. Affordable housing requirements vary across Melton borough and Somerby Parish falls within Value Area 1, where there is a requirement that at least 40% affordable housing should be provided on sites of 11 units or more.
39. Policy C7 seeks to protect, retain and enhance existing community services and sets down criteria for proposals that involve the loss of such facilities.
40. Policy EC2 deals with employment growth outside Melton Mowbray and allows the reuse of existing farm buildings and the construction of well-designed new buildings, farm diversification, small-scale tourism and the expansion and of existing rural businesses.
41. Policy EN1 is a landscape policy and refers to areas of separation and local green space. Policy EN2 addresses Biodiversity and Geodiversity. Policy EN4 deals with areas of separation (AOS) to avoid settlements coalescing and protecting the individual character of settlements. That policy does not identify an AOS in

Somerby parish, but the text recognises that AOS can be identified in neighbourhood plans.

42. Policy EN5 is a policy which covers local green space, again recognising the role neighbourhood plans can play in their designation.
43. Policy EN6 deals with protecting the individual character of settlements, their historic features and conservation areas and entrance/gateway features and highlights the role that neighbourhood plans play in identifying features that contribute to settlements character.
44. Policy EN 13 deals with heritage assets, including non-designated heritage assets.
45. My overall conclusion is that the neighbourhood plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Melton Local Plan.

Compliance with European and Human Rights Legislation

46. Melton Borough Council issued a Screening Opinion, in a report dated 17th July 2019 which concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.
47. The Council, as competent authority, in the same report also screened the plan under the Conservation of Habitat and Species Regulations. This report also considered the neighbourhood plan in terms of the impact on the nearest European protected site, which is the Rutland Water SPA / Ramsar and it concluded that there were no significant impacts and the plan could be screened out.
48. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

49. I must firstly commend Somerby Parish Council on the quality and quantity of the supporting evidence that lies behind the submission documents. It has, in the vast majority of cases, satisfied me that the policies are based on proportionate and compelling evidence. I would particularly point to the areas where the neighbourhood plan is proposing to depart from the spatial strategy set out in the local plan, particularly with the addition of a second reserve housing site, despite not being located within a “service centre” village. In most cases I am satisfied that the inclusion of this extra evidence, in the supporting documents justifies the choices the community have made.

50. It is evident that much of the early work in preparing the neighbourhood plan has been carried out in parallel with the then emerging Melton Local Plan. I believe there has been close working between the Borough Council planners and the Parish Council, which has assisted the close alignment of the two plans. In particular, the local plan recognises the roles that neighbourhood plans can play in adding a local dimension to its more strategic policy, and shaping development in line with the community's aspirations.
51. This neighbourhood plan is centred around a strong vision statement for the parish and the plan, as submitted, contained 35 policies which to seek to deliver on that ambition.
52. In a number of areas, the neighbourhood plan policies are seeking to impose more stringent requirements on applicants than would be normally expected in other parts of the borough, or indeed elsewhere. Examples include the flood risk policy, where I have not been able to recommend the policy's retention as I do not feel that the imposition of its requirement *on all development* has sufficient justification, based on the particular characteristics of the parish, which I feel do not warrant these extra obligations. Similarly, there are areas where the plan has a higher threshold in terms of the protection of sites with wildlife or biodiversity interest, which imposes a higher threshold than the more refined approach as set out in the NPPF.
53. Where these matters have affected my recommendations, I address the matter in the individual policy sections, but generally my conclusion is that the plan, as a whole, once amended in line with my recommendations, will pass the basic condition test of having regard to policy and advice from the Secretary of State.
54. This neighbourhood plan has not had to identify additional residential allocations, due to the level of commitments and the inclusion of two allocation sites in Somerby in the local plan. Nevertheless, the Parish Council's work on reviewing, for example, the limits of development and the allocation of a second reserve site has revealed a positive approach to development, which will take place within the settlements in the plan period.
55. In terms of my assessment as to whether the plan deliver sustainable development, I have concluded that the policies have appropriately balanced the needs to provide new housing, to meet the needs for future and present generations, with strong policies to protect the parish's high landscape quality and the significant heritage assets it possesses. The plan seeks to protect important open spaces, not just in terms of their amenity but also into protecting the setting of the villages, as well as identifying sites of environmental importance. These are balanced with policies which will allow businesses to continue to thrive in the parish.
56. One re-occurring issue throughout the plan, is that policies often will include a requirement to comply with other development plan policies, including other policies in this neighbourhood plan. That is an unnecessary duplication as these policies will already be a material matter in the consideration of any planning application. Similarly, there are instances where the plan departs from the

statutory requirements that the policies should relate only to the use and development of land so as to be able to be used to determine planning applications. One example is the policy relating to the level of postal services in the parish, which is not a planning policy.

57. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. These changes are likely as a result of my recommendations, so that the plan will still read as a coherent planning document. It is also an opportunity to make the textual changes suggested by the Parish Council in its response to the Reg 16 comments.
58. Following the publication of this report, I would urge the Parish Council and Melton planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

The Neighbourhood Development Plan Policies

Policy HR1: Reserve Site

59. The Melton Local Plan has already identified one reserve site in the parish, the land off Burrough Road (SOM 3), which would have the capacity of 33 dwellings. The trigger for its release would be if it is shown that there is a shortfall in the delivery of housing from allocated sites in Somerby, rather than the district as a whole. That was a matter picked up by the Inspector in her examination report (paragraph 94).
60. The neighbourhood plan is promoting another reserve site, RSOM1, which is a corner of agricultural land on the west side of Pickwell Road, Pickwell situated next to the Village Hall. This site has received the community's support for its development, as well as the agreement of the landowner and the land was deemed deliverable in the Borough Council's SHLAA exercise.
61. The wording of the policy offers two alternative triggers to the site's release. Criteria a) essentially matches the reserve site release provisions as envisaged by Local Plan Policy C1B. In order to avoid ambiguity as to whether the trigger is a shortfall of housing, at a districtwide level or within the plan area, I will clarify that it is the latter rather than the specific settlement, so as to accord with the expectations of the policy by delivering a potential allocation in a neighbouring village.
62. I do not consider it appropriate for a neighbourhood planning policy to be prejudging future changes to the development plan. This is effectively being done in b), setting out criteria for regarding future site allocation, in what would be, if unamended, part of the current development plan. A neighbourhood plan

should not be seeking to fetter the choices that will need to be made in the future as to what criteria will be used to select sites for housing in future years.

63. I raised in my Initial Comments document the question as to what the status of the Somerby reserve site would be, if the Pickwell site were to be developed. The justification set out in paragraph 033 in Chapter 4.0 of the plan document is that, as an alternative site, it would be more acceptable to the community. The response from the Parish Council acknowledged that the development of the two sites could be required, depending on the extent of the identified shortfall in actual housing delivery, notwithstanding that the policy refers to one site being *preferred* over the other. The Borough Council responded to the same point, by stating that having two reserve sites increases the flexibility of the plan and I will recommend a rewrite of the policy to make it plain that the preference would be the development of the site most closely satisfies the identified shortfall but the remaining site would retain its “reserved” status to meet any future housing requirements that are deemed necessary.
64. I consider this to be a sensible approach as the sites are different sizes with the Pickwell RSOM1 site being smaller, capable of providing only 11 units, the SOM3 site is larger potentially providing 33 units. The Somerby reserve site is better located in terms of, for example, young children being able to walk to the village primary school and playgrounds or residents be able to easily access the village’s facilities, such as the village hall, pub and the village shop, but I acknowledge the arguments put forward in the plan and Appendix 6 which echo the advice in the NPPF (para 78) which refers to the acceptability of one village being able to support new development, if there are facilities in a neighbouring village.

Recommendations

Insert at the end of a) “of the plan area” and delete “or”

Delete b)

Replace the final paragraph with “If the development of a reserve site is shown to be necessary due to the situation as set out in a), then whichever reserve site most closely satisfies the quantum of that shortfall should be developed in preference to the other reserve site in the parish. Once the first reserve site has been developed and a shortfall still remains, there will be a presumption in favour of the release of the other reserve site.”

Policy HR2: Limits to Development

65. I wish to congratulate the Parish Council for the rigour which it has shown in its review of the limits to development. This has evidently been an objective exercise, based on sensible criteria. Whilst the latest version of the local plan has abandoned the use of limits of development, I believe that the use of settlement boundaries can have a legitimate role in differentiating the built-up areas of rural settlements from the surrounding countryside and it facilitates the exercise of a degree of policy flexibility, for example, in terms of the identification of exception sites, outside of but adjoining the settlement boundary.

66. In order for me to properly understand the extent of the changes being proposed, I asked the Parish Council to produce maps showing what areas will now be included within the settlement boundary, which had not previously been included in the 1999 Melton Local Plan. The Parish Council provided me with clear maps that show the areas now included within the settlement boundary in Pickwell and Somerby with sufficient justification being put forward for the changes. The Borough on the Hills boundary is unchanged and previously Leesthorpe did not have a settlement boundary.
67. In terms of the drafting of the policy, a planning application will be considered against all relevant policies in the development plan. It is not necessary to state that development within the settlement will only be acceptable if it meets other requirements in the plan. All the proposals will be considered against all relevant requirements in any event.
68. In the second paragraph, it states that in the countryside areas that development will then be carefully controlled in line with local and national strategic planning policies. That approach is consistent with meeting the basic conditions.
69. However, the requirements set out in the third paragraph of the policy are more restrictive than the Secretary of State's policy as sets out in the NPPF, for example, which allows for the conversion of existing buildings and the erection of well - designed new buildings for business uses or sustainable rural tourism and leisure development, which respect the character of the countryside. In addition, the following types of residential development are considered appropriate in the countryside, such as housing for meeting the essential needs for rural workers, the subdivision of existing dwellings, the residential conversion of redundant or disused buildings or the construction of new houses of outstanding or significant design. The list of development which will be supported also would not support other forms of development that this plan supports elsewhere. I am not convinced that the statement set out in paragraph 55 of the plan would justify imposing a more restrictive regime than the Secretary of State promotes and which apply to other equally important rural areas. Without these changes, I do not believe the policy would comply with the basic condition in respect of the plan having regard to Secretary of State policy and advice.
70. I do not consider that the criteria in the third paragraph a) and b) add rural to existing policy and are covered by the policy set out in the second paragraph of the policy which is to be retained.
71. The policy in c) does offer greater flexibility, in terms of allowing for proposals which facilitate domiciliary care or downsizing, by way of the sub division of a dwelling or the conversion of a subordinate outbuilding or the construction of subordinate residential accommodation. I consider this is a locally distinctive policy which responds to an identified community aspiration to support residents wishing to remain living in the villages as they grow older.

72. The criteria d) and f) are covered by other policies in the plan and the requirement e) that robust evidence is required does not need to be spelt out as policy, as that will be a matter for the decision maker in assessing proposals put forward. It implies that where this need for robust evidence is not stated, that weak evidence will suffice.
73. I consider that the section of the policy dealing with the reserve sites does not need to state that their development will be considered against site specific policies – that is how they will be assessed having regard to Local Plan Policy C1B and Policy HR1. In effect it is a policy that requires a development to comply with another policy, which it already has to comply with!
74. However, I think that section goes on to give a helpful statement of policy, which provides the clarity that once developed, the reserve site(s) will be considered to be within the limits of development. Once developed, it would be nonsensical to treat any subsequent proposals which came forward inside the site, as development in open countryside.
75. The final paragraph is merely repeating what is set out in national policy and is unnecessary duplication, which is discouraged by paragraph 16f) of the NPPF.
76. I found that Figure 3.4, showing the Somerby Limits of Development to be less than clear as to the extent of the local plan allocation sites. I raised this at the Initial Comments stage and I have been furnished with a much clearer version which I will recommend should be inserted into the plan document.

Recommendations

Insert revised Figure 3.4

In the first paragraph, delete all the text after “Figure 3”

At the end of the second paragraph, insert “In particular, proposals” then insert the text of c)

Delete the third and fourth paragraphs including criteria a) to f)

Replace the fifth paragraph with “If residential development takes place on Site SOM3 or RSOM1, the site will be treated as being within the Limits of Development”.

Delete the final paragraph

Policy HR3: Housing Mix

77. This policy is based on clear evidence of housing needs in the parish. This allows flexibility if more up to date evidence becomes available. I am satisfied that it is broadly consistent with the housing policies in the local plan, as set out in Policies SS2 and SS3, as well as the housing chapter of the NPPF, particularly paragraph 61. The policy meets basic conditions.

Policy HR4: Windfall Sites

78. I consider it entirely appropriate for the neighbourhood plan to be setting criteria for considering windfall development in the parish. Whilst paragraph 4.2.17 is only in the supporting text of the local plan, rather than being enshrined in policy, it refers to settlements where no sites are allocated for new housing, which

could possibly remove the requirement for windfall development to apply to Somerby and arguably also to Pickwell.

79. The Borough Council has raised with me the issue as to the general conformity of this policy, which restricts development to within the limits of development, with Policy SS3 of the local plan, which allows development “within or on the edge of existing settlements”. I have been pointed to 2 recent neighbourhood plan examinations where the examiner introduced amendments to similar policies, which had the effect to allow developments on the edge of the settlement, in order to reflect Policy SS3. Conversely the Parish Council has drawn my attention to another neighbourhood plan in the district, where the same examiner who dealt with the above two examinations, recommended that the limits of development policy to be retained unamended. I was also reminded of one of my earlier examination, in Melton district, where I had discussed this same issue, albeit that was before the local plan had been adopted.
80. I have given this matter very careful consideration, but I have concluded that any departure from one element of Policy SS3, would not lead me to conclude that the neighbourhood plan was not in general conformity with the strategic policy set out in the local plan, which is the basic condition test. I have reached this conclusion as the parish and in particular the village of Somerby is delivering significantly more than the residual requirement for houses expected for this service centre, with the inclusion of two housing allocations and possibly two reserve sites, which is in accordance with Policy SS2.
81. These allocations are located, in line with the spirit of Policies SS2 and SS3, on the edge of the existing settlement. Furthermore, I have not seen any information that there is unproven “local needs as identified by substantive evidence” which would create a need to provide more housing to be built outside the limits of development, which is a component of Policy SS3. Furthermore, such an approach could undermine the case for a rural exception site to address specific local needs under Local Plan Policy C5, if market housing is allowed to be located outside the village envelope.
82. Similarly, I am satisfied that, in the other villages beyond Somerby, the limits of development have been drawn with sufficient flexibility that would allow a number of opportunities for development to take place, which are situated on the edge of the existing settlement, but importantly, within the limit of development.
83. In line with previous comments, it is not necessary for a policy to require compliance with other policies in the plan, as planning applications are assessed against all relevant policies in the development plan.
84. Similarly, the need in the policy for development to meet the identified housing requirement of for the plan area in terms of housing mix as set out in criterion c) is effectively a duplication of the requirements of Policy HR3 which applies to “*all proposals for new housing*”, not just to developments of 11 or more.
85. I consider that the clarity of the policy could be improved, if the requirement for proposals to fall within the limits of development, should be set out as the first

criteria, as it is effectively a policy “gateway” requirement, for consideration as acceptable windfall development.

86. I did consider, whether there should be flexibility to allow development on the edges of existing settlement, as allowed by Policy SS3 of the Local Plan, but that approach will be inconsistent with Policy HR2, as the neighbourhood plan uses limits of development, which the local plan policy does not.

Recommendations

Delete in the first paragraph “and meeting relevant requirements set out in the policies in this Plan and the Melton Local Plan”

Delete c)

Replace requirement e) to become a) and renumber accordingly.

Policy HR5: Long-term Housing Site Selection Criteria

87. As the plan acknowledges, sufficient provision for new housing has been made within the neighbouring area to meet the minimum requirements of the 2018 adopted local plan. If, as part of any future review of the local plan, there is a change in the overall housing market situation, then it will be for the local plan process to establish a spatial strategy to address this new housing requirement, based on the most up-to-date housing methodology. That needs to be applied consistently across the borough.
88. It appears that this policy is not a policy which could be used to determine planning applications, but rather it appears to be an attempt by the Parish Council to embody, within the current version of the development plan, policies which seek to influence the approach of future versions of the new local plan. I do not consider that is an appropriate use of neighbourhood plan policy, which requires the policies to be used to determine planning applications, not to set parameters for future plan making.
89. I will recommend that this policy be deleted as it goes beyond the requirements set out in legislation for neighbourhood plan policy, but it would be quite appropriate for the neighbourhood plan document to set out the community’s aspirations as supporting text or as a Community Priority. It would be equally inappropriate for this version of the neighbourhood plan to be seeking to pre-empt future reviews of the neighbourhood plan.

Recommendation

That the policy be deleted

Policy HR6: Affordable Housing Provision

90. The first part of the policy establishes a requirement for development to comply with another policy in the development plan. That is unnecessary duplication. Developments over that threshold are required to provide affordable housing under the terms of the Local Plan and there is no value in having a policy that requires compliance with that existing policy.
91. I do not consider that it is necessary to highlight one particular form of tenure as the plan period runs to 2036, and the housing position may change over that period. I know that Borough Council’s indication, in paragraph 5.8.1 for the local

plan, that there is be an Affordable Housing and Housing Mix Supplementary Planning Document proposed. The current under-provision of owner-occupied affordable housing can be reported in the supporting text.

92. The plan will need to update the definition of affordable housing in the supporting text to reflect the changes introduced in the latest versions of the NPPF.
93. My final comment on this policy is that it seeks to give preference to eligible households with a local connection. A neighbourhood plan policy is required, by statute, to be a policy for the use and development of land. The allocation of affordable rental properties is actually a housing allocation policy, which is administered by the Housing Authority, rather than by the Planning Authority. The Parish Council have accepted that the reference to “rental housing” be removed but I do not believe that it is reasonable to allocate houses for sale only for those from the local community.
94. I therefore will have to recommend that this part of the policy be deleted.

Recommendation

Delete the first and final paragraphs

Policy CD1: Building Design Principles

95. The Secretary of State in a Written Statement to the House of Commons dated the 25th March 2015, stated that “neighbourhood plan should not set... any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”. This would affect requirement i) relating to the use of “environmentally sustainable building materials”. The Parish Council’s aspirations can be achieved through the changed emphasis that such developments “will be supported”, as used in requirement h).
96. I do not consider it realistic to expect development, in absolute terms, not to increase the level of noise, including traffic noise significantly greater than at present, for example, in respect of the development of greenfield sites which are allocated for development in Somerby or indeed on the reserve sites. I consider the scheme should seek “to minimise” increases in noise.

Recommendations

In g) replace “not create a” with “seek to minimise any increase in the”
In i) after “building material” insert “will be supported”

Policy ENV1: Protection of Local Green Space

97. As set out in paragraph 99 of the NPPF, the local green space (LGS) designation process allows local communities to identify and protect green areas of particular local significance. Paragraph 100b) then gives examples of why sites could be significant. I stress that these are examples and a site could be treasured by the local community say if it matches one or indeed none of the examples quoted.
98. I have to say that I consider scoring methodology used by the Parish Council in Appendix 5 is flawed, as it uses the sum of what are actually examples of why places could be considered to be special, the cumulative scoring against all

criteria could militate against a site being identified a special to the community for one reason only.

99. Putting aside this criticism of the Parish Council's methodology, I am satisfied with its response to my question regarding apparent inconsistency in the choices made. This concern was prompted by my own perspective gained on my visits to the parish. I was intrigued why the roadside triangle in Burrough on the Hill was selected as LGS, whilst the similar traffic island in Pickwell was not. This was my personal perception and it is not my role as examiner to impose my "impressions", as the neighbourhood plan should reflect the community's choices so long as the basic conditions are met. In particular it is clear that there was active community involvement in the selection of the LGS and the sites put forward represent the community's choices.
100. I have paid particular regard to the Regulation 16 representations made on behalf of the Ernest Cook Trust to a number of sites. I note that the possibility of the playground in Somerby being moved to the site of SG1.1 but I do not necessarily consider that a children's play area would be incompatible with its designation as local green space, although the impact of a playground on the setting of the listed building would be a consideration at the development management stage.
101. I do not believe that the designation of Kings Lane Paddock, BG1.3 in Burrough on the Hill would be inconsistent with the local planning of sustainable development, notwithstanding the landowner's belief that this site could be developed. I can appreciate that the open nature of the site, with the stunning views across the escarpment, would be seen as important to local residents and is a good example of the use of LGS designation being used to protect land from development.
102. I am satisfied that all nine sites are, in some way, demonstrably special to the local community and hold some particular significance, notwithstanding the methodology issues, which warrant protection through its designation as local green space.

Policy ENV2: Retention of Sites and Features of Environmental Significance

103. This policy seeks to recognise the significance of a number of historically and ecologically important sites, whether they have been already designated at a county level or have now been identified through the neighbourhood plan process, as locally significant. This policy requires development proposals to balance the benefit from any development against the significance of these features. I consider that to be an appropriate policy response that is consistent with national policy and advice.
104. There is one issue, the locally identified site SN - 01 Horse Pond, Somerby is also to be protected as a local green space whose designation offers a high threshold of protection. There is no value in designating it as a site of environmental significance as well as a local green space.

Recommendation

Remove from Locally Significant Sites SN-01 Horse Pond, Somerby

Policy ENV3: Important Open Spaces

105. This policy identifies those open spaces that are important in terms of amenity of the three settlements. These are divided between facilities which are to be protected but can be replaced by equivalent or better provision and those open spaces which contribute to the form and character of the respective settlement.
106. I note that site P1 is identified as such as an important open space to be protected but it is also a reserve housing site SOM 3, identified in the Melton Local Plan. As such is protection by this policy could conflict with its development allocation, albeit as a reserve site and I will recommend it be removed from this policy.
107. I note the objection from the Ernest Cook Trust on the grounds that the identified side of the playground CYP-1, may need to be re-located to the site of the housing allocation SOM2, but that re-provision is specifically allowed under the terms of the policy. Until the facility is re-provided, I consider it important to retain protection to the village's playground.
108. Similarly, a number of proposed LGSs are identified in Burrough on the Hill and I propose to remove Sites A3 and A4 from the list as the LGS offers a higher level of protection. The corresponding maps will need to be amended.
109. On the matter of the methodology adopted, I note that Appendix 4 uses the same cumulative assessment scoring criteria as used in terms of the LGS designation. Again, I do not believe that scoring areas of recreational value e.g. a football pitch in terms of its value to wildlife, is a meaningful basis for being identified as an important open space. Nevertheless, despite these reservations, I am satisfied they are all appropriately recognised as important open space, apart from Site BG1 which is a residential private garden, which whilst prominent and attractive, should not be designated as open space.

Recommendation

Delete from the list and maps Sites P1, A3, A4 and BG1

Policy ENV4: Locally Non-Designated Heritage Sites

110. I am satisfied that this policy can protect, consistent with non - designated heritage asset status, not just buildings but also the historic parkland landscape which is important to the parish. They are all fully described in Appendix 10. I note Site 31: Croft Field, within the allocation site SOM2 is important for its archaeological features, but I understand from the Trust which currently owns the site that this heritage will be accommodated within the masterplanning of the site.
111. I am satisfied that the policy meets basic conditions and follows the policy for dealing with such non- designated heritage assets as set out in the NPPF.

Policy ENV5: Ridge and Furrow

112. In my experience, it is not unusual for neighbourhood plans, especially in the Midlands, to designate ridge and furrow features as non-designated heritage assets.
113. The policy promoted in the neighbourhood plan is one of avoidance of harm, whilst the criteria set out in the NPPF seeks a balanced judgement as is set out accurately in the second part of the policy. I will be recommending a minor revision to the drafting of the policy. I will also be recommending that a relevant key be inserted on the map, to explain the difference in the colour used.

Recommendations

Replace “is to be avoided;” with “must balance” and delete “must be balanced”

Insert the key into Figure 11.2

Policy ENV6: Area of Separation

114. I raised this policy and its relationship with Policy ENV7 in my Initial Comments document. In its response, the Parish Council has suggested that “settlement character” should be replaced by “settlement identity”. I believe that this will be a helpful clarification in reflecting the community’s views to preserve the distinctive identity of the villages of Somerby and Pickwell, through this policy. However, this is in the supporting text so can be changed without being one of my recommendations.
115. This area is already outside the limits of development and are subject to the countryside protection policies. The requirement, in the second paragraph, is merely repeating existing policy but can be retained as it assists the understanding of the rationale of the policy.
116. The key essence of what the policy is seeking to achieve is found in the final sentence. Essentially this requires that any building which is located in the area of separation should maintain or possibly enhance the separation between the villages. This could perhaps apply to new agricultural buildings which are appropriately located in the countryside but the policy could seek to influence the siting of the building. The requirements set out are absolute, that the buildings will be located and designed to maintain.... the separation between the villages, but I consider that it should not be a policy that seeks to prevent buildings in absolute terms, it should set an expectation that require them to be sited so as to maintain *as far as possible* the separation of the two villages in visual terms.
117. The term “permitted development” has a specific meaning in planning terms, relating to the planning permission granted by development order. To avoid confusion, I will recommend the removal reference to “permitted”.

Recommendations

In the final sentence, delete “permitted”

In the final sentence after “maintain” insert “as far as possible”

Policy ENV7: Settlement Character

118. I was able to appreciate during my site visit, the unique character of the three settlements and the significant areas of parkland surrounding them. The parish has a very distinctive character. I consider that this policy which supports proposals that will protect these features, which define the three main villages' character, does meet the basic conditions.

Policy ENV8: Local Landscape Character Areas

119. I was struck by the scenic quality of the landscape in this part of Leicestershire, and was surprised to the extent of the panoramic views from the ridges which criss-cross the parish. I believe this policy meets the NPPF requirements that plans and policies should protect and enhance valued landscapes. I consider the policy meets basic conditions.

Policy ENV9: Important Views

120. In view of the importance of being able to identify the viewpoints, I asked the Parish Council to prepare more detailed maps showing the extent of the arc of view available from the identify viewpoints. It is important that a decision maker is clear as to which specific view has to be assessed when faced with a development proposal. The submitted plan did not provide sufficient clarity and it would open up areas of disagreement at a development management stage as to which particular views are considered important enough to be identified for policy protection, beyond the existing countryside and landscape protection policies.

121. The amended 4 plans which I have been provided with provide the actual viewpoints with sufficient clarity to enable the impact of a development on the views to be objectively assessed. I consider that it is appropriate for the local community through the plan to identify the views that it considers are important and is not a matter for my attention in terms of the basic conditions

Recommendation

Replace Figure 16 with the revised plans provided by the Parish Council

Policy ENV10: Biodiversity and Wildlife Corridors

122. This policy does not differentiate between habitats and species and expect them all to be safeguarded. Paragraph 171 of the NPPF states that plans should distinguish between the hierarchy of international, national and locally designated sites. On non-European protected sites, the Secretary of State requires that when determining planning applications affecting these sites, the presumption should be that significant harm which cannot be avoided, adequately mitigated or as a last resort compensated for, the permission should be refused. I will recommend a form of wording that reflects that approach.

123. Beyond that I consider that the policy meets the basic conditions.

124. I did explore whether there could be a value of merging Policy ENV14 which deals with designing into new development specific measures to accommodate wildlife but I have concluded, having regard to the views expressed by the

Parish Council, that the matters covered by Policy ENV14 are more specific and there is no basis, in terms of meeting the basic conditions, for me to have to recommend the amalgamation of the two policies.

Recommendation

After the first sentence insert “If significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission will be refused.”

Policy ENV11: Trees, Hedgerows and Green Verges

125. Somewhat bizarrely, this policy as submitted, introduces a threshold of five or more dwellings before schemes are required to take account of the local landscape character, adjoining properties, materials and biodiversity etc. Similarly, there is a threshold for schemes, of up to 2 dwellings, where there should be no net loss of trees on or hedgerows.
126. When asked to justify the imposition of these thresholds, the Parish Council were candid enough to concede that they could not provide any justification, but suggested that it could have been used in another neighbourhood plan. In my experience, it is good planning practice, for all new buildings, even a single dwelling, to have to take into account the site context and where appropriate, to assess the need to retain trees or hedges. I will therefore be recommending that the thresholds be deleted from the policy.
127. The policy’s requirements regarding loss of hedgerows and trees is somewhat conflicted in that it seeks in b) no net loss of trees, in c) no *significant* loss and where they are lost they need to be provided at a ratio of 2:1. I propose a revised form of wording that seeks to provide a coherent approach which seeks to deliver on the aspirations of the policy in terms of replacement planting but make it clear that new tree planting required in f) should be in addition to the replacement planting .
128. Beyond that point, the policy meets the basic conditions.

Recommendations

In a) omit all text up to “development”

Delete b) c) and e) with “The general presumption is that, wherever possible, all existing trees and hedgerows, that contribute to the amenity of the area, should be retained. Proposals should seek to avoid the unnecessary loss or damage to existing trees, woodlands, hedgerows or green verges during or as a result of development but where trees cannot be retained as a result of the development, they shall be replaced at a ratio of at least 2:1, where possible either on site or in the near vicinity. Hedgerows that cannot be retained should be replaced, as appropriate, as part of the overall landscaping scheme for the development.”

At the start of f) insert “In addition”

Policy ENV12: Dark Skies and Tranquility

129. My only concern with this policy is the expectation that where development takes place, that noise levels are not significantly greater than current levels. I consider that where development takes place, say on a greenfield site that would be an unreasonable expectation. I would recommend that the policy refers to minimising noise levels as it does in respect of lighting.
130. Other than that, the policy meets basic conditions.

Recommendations

Replace f) with “Any increase in the level of noise, as a result of the development, compared to the current measured level of noise at night, should be minimised.”

Policy ENV13: Footpaths and Bridleway

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

Policy ENV14: Biodiversity Protection in New Development

132. I have no comments to make except to take the opportunity to improve the grammar of requirement d), in the interest of the clarity of the policy.

Recommendation

In d) replace “not” with “should not be”

Policy ENV 15: Renewable Energy Generation Infrastructure

133. There is a general presumption, set out in the Local Plan, against such infrastructure in this category of landscape character unit, the High Leicestershire Hills Landscape Character Unit which has a Moderate Sensitivity. Notwithstanding this presumption, I consider that it is entirely appropriate for the community to choose to express support for small-scale renewable energy generation infrastructure. In particular paragraph 152 of the NPPF states that “local planning authorities should support community led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans and other strategic policies, that have been taken forward through neighbourhood planning.”
134. I am satisfied that the policy meets the basic conditions.

Policy ENV16: Flood Risk

135. My concern with this policy is that it places obligations on all applicants for any planning application submitted in the plan area, irrespective of the type or location of the development. It imposes a requirement for the applicant to show that their development could not be located on a site of lower flood risk. That is significantly more onerous a requirement than the sequential test, required by national policy, which place this obligation on the plan maker, rather than the applicant for planning permission.
136. In terms of planning applications, the Secretary of State’s approach is that the sequential test is only required for proposals in areas at risk from flooding, which ordinarily is Flood Zones 2 and 3 or land identified by the Environment Agency

as having critical drainage problems. It places these obligations, say on an agricultural applicant, or applications for changes of use or domestic extensions. Paragraph 164 of the NPPF states that minor development and changes of use, including those developments covered by footnote 51, are not required to be subject to the sequential or exception tests but need a flood risk assessment.

137. I appreciate that the expansion of the policy to all developments was prompted by the request of the Environment Agency and the lead local flood authority, but there needs to be a balance struck between appropriate consideration of the impact of development on flood risk and placing new, unnecessary requirements on applicants, through what is a blanket requirement to demonstrate that there is not a site at lower risk of flooding, which goes well beyond the requirements set by the Secretary of State in the latest version of the NPPF. I believe that the requirements set out in Policies ENV 11 and ENV 12 of the Melton Local Plan strike the correct balance and I have no evidence that these do not appropriately cover the parish. Developments in Flood Zone 1 will only require a flood risk assessment if the site is in excess of 1 ha in area or meet one of the 3 criteria set out in Footnote 50, which includes “land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use” I accept there may be evidence of non-fluvial flooding taking place at certain locations in the parish but the County Council as lead local flood authority is a statutory consultee on all planning applications, so if any development were to be proposed in such locations, then the issue of flooding can be addressed at the development management stage .
138. I conclude that the main difference between the neighbourhood plan’s flood policy and those set out in the local plan is its application to all sites in the plan area, which I do not believe is justified, and my proposed amendment should not lead to an increase risk of flooding elsewhere, as Figure 21 shows that most of the plan area is not at risk of flooding, either from rivers or surface water. In those areas which are shown as at risk, then the relevant local plan policies will apply. Accordingly, I conclude that the policy does not meet the basic conditions and I will be recommending that the policy be deleted.

Recommendation

That the policy be deleted.

Policy EE1: Business Growth

139. This is a policy which is supportive of new employment related development. I am concerned that the requirements to not allow any of the emissions set out in the list of items in the policy, is an overly onerous requirement, especially for locations well away from neighbouring properties and could be used by decision-makers to prevent development which would otherwise be acceptable. It is likely that at the time an application is submitted, say for a light industrial unit, the details of the occupiers and the activities that were to take place in the building would not be known. These matters are generally covered by other regulatory regimes as set out in the supporting text. I recommend that the

criterion a) be removed. I will similarly recommend that criterion e) be omitted as the environmental policies will already apply to any proposal in the plan area.

Recommendation

Delete criteria a) and e)

Policy EE2: Connectivity

140. This policy seems to address the issue of the postal service within the parish, in addition to supporting improvements of the broadband provision and mobile phone reception. This is not a matter that falls under the remit of being a policy for the “use and development of land” and accordingly is not something that could be used to determine a planning application. I will therefore have to recommend reference to the postal service be removed from the end of the first paragraph and also requirement d). Clearly this is an issue of concern to the local community and this topic should be moved from the development plan section of the policy and be inserted as a Community Priority, as the plan has already deals with other non-planning matters. I understand that the post office counter is within the Somerby Store which is a community asset protected by Policy CF1. Matters such as the loss of rural post office element in a village store is not a matter that can be protected by planning control, as it is a retail use within a retail building and the Post Office could withdraw its franchise without any need for planning permission.

Recommendations

In the first paragraph delete all text in the paragraph after “Parish”

Delete d)

Policy EE3: Homeworking

141. This policy makes it conditional that the use of the home for work purposes is subject to a number of criteria. As has become apparent during the COVID-19 lockdowns, more and more people are being encouraged/forced to work from home. The use of a room or rooms for, say a home-office, does not ordinarily require planning permission. The construction of an extension or the introduction of more commercial uses beyond home office work may, as a matter of fact and degree, cross the threshold of planning permission being required, in which case the requirements of the policy will apply. I will therefore propose to introduce the qualification into the policy that “where permission is required” then the criteria in the policy will apply.

Recommendation

At the start of the second sentence insert “Where planning permission is required,”

Policy EE4: Farm Diversification

142. I have no comments to make on this policy other than removing the requirement to comply with environmental policies in the plan.

Recommendation

In b) delete the remainder of the text after “mitigation”

Policy EE5: Tourism and Visitors

143. Whilst they can be benefits to the local community from tourist and visitor related development, it not appropriate to make that an actual requirement, especially as the nature of tourism businesses can change over time. For example, the introduction of Bed & Breakfast run on a farm, may not generate additional employment opportunities initially, other than those already supporting those already working on the farm, nor will it lead to an improvement in local service provision, but the enterprise could still contribute to the economy in the parish, for example, guests spending the money buying meals in the public houses in the villages. I will recommend the removal the criterion c) for a proposal to be supported. I do not consider that a requirement for the development to be “proportionate to the size of the settlement” is capable of being used with confidence by a decision maker in the development management process as the expectation of the policy is not clear.

Recommendation

That c) be deleted.

Policy EE6: Local Employment

144. This policy, whilst a laudable objective, is raising expectations as to what the planning system can deliver, by stipulating where employees and other workers are recruited from or whether by the nature of the business, their employees require a training programme. The planning system can only control the use of land and buildings e.g., light industrial uses and cannot place restrictions as to who is employed. Similarly, the occupiers of a building can change over time from one use to another within the same use class.

145. I recommend that this stipulation be removed from being a development plan policy but it can be retained as an aspiration, expressed as a community proposal.

Recommendation

That the policy be deleted.

Policy TI1: Traffic Volume, Road Safety and Parking

146. This policy seeks to place the onus on an applicant to demonstrate that the development will not cause an issue with regard to these transport matters. Again, the issue is one of the thresholds. Developments which would generate a significant amount of traffic, are required to submit a Transport Assessment. Other applicants are not expected to provide such evidence. I believe that the correct approach for policy-making is as set out in the NPPF, which is to presume against any development which “would result in severe cumulative impact on congestion or road or highway safety pedestrian safety.”

147. There is a contradiction, in terms of residential parking, where in b) it refers to the provisions of sufficient off-street parking for occupants, employees and visitors and then it goes on to refer in d) to specific parking provision, as set out in the Leicestershire Highways Design Guide. I would refer to the need to comply with parking requirements set by the Highways Design Guide but retain

the neighbourhood plan requirement to provide visitor parking on residential schemes.

Recommendations

In the first paragraph, remove all text between “must” and “do not” and insert “which” and add to the end of the sentence, “will not be supported”
At the end of b) after “visitors” insert “in line with the Leicestershire Highways Design Guide and in the case of residential development, visitor parking at a ratio of one space for every three houses, where appropriate”

Policy TI2: Farm Tracks

148. This is a locally distinctive policy which is intended to specifically address the real issue of large vehicles, some of them agricultural machinery, having to negotiate narrow village streets, a situation I saw from myself during my visit to Somerby. I consider that this is the type of imaginative policy that neighbourhood plans should support, to address the particular issues the community face.

Policy TI3: Travel Packs

149. As there is only a very limited two hourly bus service, running between Melton and Syston, which is heavily reliant upon public subsidy which according to the Parish Council has an uncertain future, I consider there is little justification for an applicant to be required to propose a travel plan which includes bus timetables and a free bus pass which would be a viable alternative to car usage by new residents. If the level of public transport to the villages were to change, then this is a matter that could be reassessed in a future review of the neighbourhood plan. Under those circumstances, the plan could then assess whether the level of bus service which was then available to new residents, is likely to change travel patterns through the incentive of subsidised travel, especially whether it would justify the costs to the developer of providing a free bus pass to residents. The type of question to be considered would be whether the bus routes travel in this rural location to destinations where new residents are likely to wish to commute to, and whether the frequency of services makes it a viable choice. I will be recommending the policy be deleted.

Recommendation

That the policy be deleted.

Policy CF1: Retention of Existing Community Assets and Facilities

150. My only concern is the inclusion of the 2 footpaths as community assets and facilities when are protected as they are covered by their own legislation, as well as Policy ENV 13. I would recommend that they be removed from the list of community assets.

Recommendation

Delete from the list “The Leicestershire Round public footpath” and “the Jubilee Way public footpaths”

Policy CF2: New Community Facilities

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

Policy CF3: Developer Contributions

152. How the Parish Council were to spend any potential Community Infrastructure Levy (CIL) receipts, in the event of the Borough Council introducing a CIL scheme, is not a policy that can be used for determining a planning application. It is essentially a budgetary decision by the Parish Council. Accordingly, this should be deleted as a planning policy but can be included in the plan document as a community proposal.

Recommendation

That the policy be deleted.

The Referendum Area

149. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Somerby Neighbourhood Plan as designated by Melton Borough Council on 21st December 2015 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended

Summary

150. I congratulate Somerby Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of work has gone into its production and the Parish Council can be proud of the final document. It is a comprehensive plan that covers a wide range of issues that are clearly important to the local community. The plan will provide a sound basis for determining planning applications in Somerby Parish into the future.
151. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
152. I am therefore delighted to recommend to Melton Borough Council that the Somerby Parish Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
27th November 2020