

Burton and Dalby Neighbourhood Development Plan 2011-2036

**A report to Melton Borough Council on the Burton
and Dalby Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Melton Borough Council in June 2022 to carry out the independent examination of the Burton and Dalby Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 6 July 2022.
- 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, and proposes the designation of a series of local green spaces.
- 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 Burton and Dalby 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
25 August 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Burton and Dalby Neighbourhood Development Plan 2011-2036 ('the Plan').
- 1.2 The Plan has been submitted to Melton Borough Council (MBC) by Burton and Dalby Parish Council (BDPC) 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, 2019 and 2021.
- 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. A 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 form a 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 BDPC, to conduct the examination of the Plan and to prepare this report. I am independent of both MBC and BDPC. 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 as submitted should proceed 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 Basic Conditions Statement.
- the Consultation Statement.
- the Design Code.
- the MBC SEA/HRA screening report.
- the representations made to the Plan.
- BDPC's responses to the clarification note
- the Landscape Appraisal 2018
- the Local List (David Edleston July 2019)
- the Melton Local Plan 2011 to 2036.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.
- the National Planning Policy Framework 2021
- Planning Practice Guidance
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 6 July 2022. 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 5.12 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.

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 BDPC 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 October to November 2021.
- 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 drop Session at The Hollies Education Centre (August 2016);
 - the drop-In Session at Burton Lazars Village Hall (October 2016);
 - the drop-In Session at Great Dalby Village Hall (June 2017); and
 - the Questionnaire Survey (January 2020).
- 4.4 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase in particular. It is proportionate to the task involved. It provides a summary of the consultation processes and is underpinned by more detailed appendices
- 4.5 Appendix 3 sets out details of the responses received 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. It helps to describe how the Plan has evolved over time.
- 4.6 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.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by MBC for a six-week period that ended on 24 May 2022. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- Sport England
 - Severn Trent
 - Leicestershire Constabulary

- JPG Properties
- Leicestershire County Council
- Natural England
- Health and Safety Executive
- Historic England
- Leicestershire County Council
- Highways England
- Environment Agency
- The Coal Authority
- Melton Borough Council
- National Grid
- NHS East Leicestershire and Rutland

4.8 A representation was also received from a local resident.

4.9 I have taken account of all the representations received as part of the examination of the Plan. Where it is appropriate and relevant to do so, I refer to certain representations on a policy-by-policy basis in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Burton and Dalby. In 2011 it had a population of 985 persons living in 433 households. It was designated as a neighbourhood area on 15 March 2016. The parish lies to the south and east of Melton Mowbray and is bisected by the A606 to the east and the B6047 to the west. Its northern boundary extends to the River Eye to the east of Melton Mowbray and to the south it extends to Burrough Hill Country Park.
- 5.2 There are three separate settlements in the parish. Burton Lazars lies on the A606 between Melton Mowbray and Oakham. The village contains about 190 dwellings and has a church and a village hall. It is identified as a 'Rural Settlement' in the Melton Local Plan. Great Dalby contains around 180 dwellings. The village is bisected by the B6047 which links Melton Mowbray and Market Harborough. The village has a church, chapel, pub, primary school and village hall. It is identified as a 'Rural Hub' in the Melton Local Plan. Little Dalby is a small estate village set in a secluded rural landscape. The village and surrounding woodland and farms form part of the Ernest Cook Trust Estate. It lies to the east of Great Dalby and south of Burton Lazars. It has 24 dwellings and a church. Little Dalby is identified as a 'Rural Settlement' in the Melton Local Plan.
- 5.3 The landscape of the parish is comprised of broad, rolling ridges and secluded valleys with a quiet, remote and rural character and with small settlements and scattered farms. The parish also includes part of the former Melton Mowbray Airfield.

Development Plan Context

- 5.4 The Melton Local Plan (MLP) 2011-2036 was adopted in October 2018. It sets out policies for the use and development of land across the Borough. Policy SS2 (Development Strategy) provides a focus for development by way of a settlement hierarchy based on the Melton urban area, the service centres, the rural hubs and the rural settlements. Within this hierarchy Great Dalby is classified as a Rural Hub and Burton Lazars and Little Dalby are classified as Rural Settlements.
- 5.5 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. Policy SS3 identifies the basis on which this will take place.

- 5.7 The MLP 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 MLP. 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 6 July 2022. I travelled to the parish along the A606 from Melton. This highlighted the way in which it was located in the wider countryside between Melton and Oakham. It also highlighted the way in which it sat within the overall landscape.
- 5.10 I spent time in each of the three villages. It was immediately evident that they displayed their own distinctive characters.
- 5.11 I paid particular attention to the proposed local green spaces and the proposed Area of Separation between Burton Lazars and Melton Mowbray.
- 5.12 I also looked at the former Melton Airfield so that I could understand more fully the details of Policy B&D24.

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) obligations and European Convention on Human Rights (ECHR); 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 July 2021. 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 Burton and Dalby 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 proposes the designation of local green spaces and an Area of Separation between Burton and Melton. 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. 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 for broadband (Policy B&D14), for business conversions (Policy B&D21), for working from home (Policy B&D23) and for the former Melton Airfield (Policy B&D24). In the social role, it includes policies on local green spaces (Policy B&D9), rural workers accommodation (Policy B&D20) and the retention of services and facilities (Policy B&D15). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on landscape character (Policy B&D1), an Area of Separation (Policy B&D5) and on design (Policy B&D12). BDPC 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.

Strategic Environmental Assessment

- 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 December 2021 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.

Habitats Regulations Assessment

- 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 the relevant legislation.

Human Rights

- 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. 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 neighbourhood area. The wider community and BDPC 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 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.
- 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.

General Comments

- 7.8 The Plan has been prepared in a very effective fashion. It is helpfully supported by figures and maps. The distinction between its supporting text and its policies is very clear. In addition, the vision and the objectives of the Plan provide a very helpful context for the subsequent policies.
- 7.9 The presentation of the Plan is very impressive. It makes good use of colour. It would comfortably sit as part of the wider development plan in the event that it was made. The Plan's policies make extensive use of the findings of the Burton and Dalby Parish Design Guide (June 2021) which was commissioned as part of the wider preparation of the Plan. The Guide is an excellent document in its own right. In addition, the way in which it feeds into the relevant policies in the Plan is best practice.

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

- 7.10 These elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the neighbourhood area and the Plan's policies.
- 7.11 The Introduction identifies how the Plan has responded to the neighbourhood plan agenda both nationally and in the Borough. It comments helpfully about the evolution of the Plan and how the community has been involved. In this regard, it overlaps with the submitted Consultation Statement.
- 7.12 Map 1 identifies the neighbourhood area. Whilst the Plan period is shown on the front cover, I recommend that it is explicitly identified in the supporting text.

At the end of paragraph 1.4 add: ‘The Plan period is 2011 to 2036’

- 7.13 Section 2 provides a general description of the parish, and its three communities in particular.
- 7.14 Section 3 comments about how the Plan relates to the concept of sustainable development and how this has informed its vision and objectives.
- 7.15 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 B&D1: Landscape Character

- 7.16 This policy seeks to ensure that new development safeguards the landscape character of the parish. It is underpinned by extensive supporting text in Section 4 of the Plan and the findings of the 2018 Landscape Appraisal.
- 7.17 The policy properly captures the nature and significance of the landscape character of the parish. It is helpfully written in a non-prescriptive fashion. It meets the basic conditions.

Policy B&D2: Dark Night Skies

- 7.18 The policy follows on from the previous policy. It seeks to ensure that development does not harm the quality of dark night skies by ensuring that any proposed lighting is necessary, and by reducing light spill to minimise the overall impact of light.
- 7.19 I recommend a detailed modification to the wording used in the first part of the policy. As submitted, the policy would need to be applied in an absolute fashion. The recommended modification would also allow the first sentence to relate more comfortably to the second sentence. Otherwise, the policy meets the basic conditions.

In the first sentence replace ‘negatively’ with ‘unacceptably’

Policy B&D3: Great Dalby Character

- 7.20 This policy sets out the Plan’s approach towards ensuring that development proposals safeguard and celebrate the character and appearance of Great Dalby.
- 7.21 Key elements of the policy comments more about what the Plan does not support rather than what it seeks to ensure comes forward. In its response to the clarification note BDPC advised:

‘The Burton and Dalby Neighbourhood Plan Landscape Appraisal 2018 has provided a comprehensive assessment of the local landscape and helps identify the distinctive qualities of the Parish’s three settlements. The Parish Council’s intentions for Policies B&D3, B&D5 and B&D6 was to be supportive of those developments that respected the distinctive qualities of each settlement, subject to the other policies of the Draft Plan, while highlighting those forms of development that the Landscape Appraisal identified would be harmful and therefore should be avoided’

- 7.22 I recommend modifications to the policy to take account of this response. They have two related elements. The first reinforces the source of the Plan's information about the form and character of the settlement. The second clarifies that the developments listed in the policy should be avoided rather than 'not supported'. Any such developments which may come forward would need to be assessed by MBC on a case-by-case basis. Otherwise, the policy is a positive response to the background work undertaken on the Plan. In addition, it is set out in a non-prescriptive fashion. With the incorporation of the recommended modifications, it meets the basic conditions.

At the end of the first sentence add 'as described in the Neighbourhood Plan Landscape Appraisal 2018'

Reposition the second sentence (and is associated lettering sequence) so that it is a separate part of the policy.

In the second sentence replace 'will not be supported' with 'should be avoided'

Policy B&D4: Burton Lazars Character

- 7.22 This policy sets out the Plan's approach towards ensuring that development proposals safeguard and celebrate the character and appearance of Burton Lazars
- 7.23 Key elements of the policy comments more about what the Plan does not support rather than what it seeks to ensure comes forward. In its response to the clarification note BDPC advised:

'The Burton and Dalby Neighbourhood Plan Landscape Appraisal 2018 has provided a comprehensive assessment of the local landscape and helps identify the distinctive qualities of the Parish's three settlements. The Parish Council's intentions for Policies B&D3, B&D5 and B&D6 was to be supportive of those developments that respected the distinctive qualities of each settlement, subject to the other policies of the Draft Plan, while highlighting those forms of development that the Landscape Appraisal identified would be harmful and therefore should be avoided'

- 7.24 I recommend modifications to the policy to take account of this response. They have two related elements. The first reinforces the source of the Plan's information about the form and character of the settlement. The second clarifies that the developments listed in the policy should be avoided rather than 'not supported'. Any such developments which may come forward would need to be assessed by MBC on a case-by-case basis. Otherwise, the policy is a positive response to the background work undertaken on the Plan. In addition, it is set out in a non-prescriptive fashion. With the incorporation of the recommended modifications, it meets the basic conditions.

At the end of the first sentence add 'as described in the Neighbourhood Plan Landscape Appraisal 2018'

Reposition the second sentence (and is associated lettering sequence) so that it is a separate part of the policy.

In the second sentence replace ‘will not be supported’ with ‘should be avoided’

Policy B&D5: Area of Separation

- 7.25 This policy proposes an Area of Separation to the north of Burton. As the Plan describes Melton Mowbray lies to the north of Burton. The two settlements are separated by about 440m of largely open countryside either side of the A606. The area includes the nationally important scheduled historic site of St Mary and St Lazarus Hospital. Melton Mowbray is the focus for growth in the Borough and there are plans for a distributor road around the east of the town. Both the Melton Mowbray Distributor Road and substantial housing growth as a southern extension to Melton Mowbray will bring built development closer to Burton Lazars with the loss of countryside separating the two communities and eroding the separate identity of the village.
- 7.26 I looked at the proposed Area of Separation during the visit. In particular I walked along the footpath from Lime Street to the north. I saw the openness of the area concerned and its relation to the village. I saw that it was usefully defined by natural and man-made features.
- 7.27 The policy takes an appropriate approach to this matter. It meets the basic conditions.

Policy B&D6: Little Dalby Character

- 7.28 This policy sets out the Plan’s approach towards ensuring that development proposals safeguard and celebrate the character and appearance of Little Dalby
- 7.29 Key elements of the policy comments more about what the Plan does not support rather than what it seeks to ensure comes forward. In its response to the clarification note BDPC advised:

‘The Burton and Dalby Neighbourhood Plan Landscape Appraisal 2018 has provided a comprehensive assessment of the local landscape and helps identify the distinctive qualities of the Parish’s three settlements. The Parish Council’s intentions for Policies B&D3, B&D5 and B&D6 was to be supportive of those developments that respected the distinctive qualities of each settlement, subject to the other policies of the Draft Plan, while highlighting those forms of development that the Landscape Appraisal identified would be harmful and therefore should be avoided’

- 7.30 I recommend modifications to the policy to take account of this response. They have two related elements. The first reinforces the source of the Plan’s information about the form and character of the settlement. The second clarifies that the developments listed in the policy should be avoided rather than ‘not supported’. Any such developments which may come forward would need to be assessed by MBC on a case-by-case basis. Otherwise, the policy is a positive response to the background work undertaken on the Plan. In addition, it is set out in a non-prescriptive fashion. With the incorporation of the recommended modifications, it meets the basic conditions.

At the end of the first sentence add ‘as described in the Neighbourhood Plan Landscape Appraisal 2018’

Reposition the second sentence (and its associated lettering sequence) so that it is a separate part of the policy

In the second sentence replace ‘will not be supported’ with ‘should be avoided’

Policy B&D7: Green Infrastructure

7.31 This policy sets out a proactive approach towards ensuring that new development responds sensitively to the green infrastructure network in the parish.

7.32 I recommend modifications to the policy to ensure that its role in the development management process is clearer. The wording of the recommended modifications will also ensure that the policy can be applied on a proportionate basis. Plainly different proposals will have a different ability to deliver the type of green infrastructure works anticipated by the policy. In recommending the details of the modification I have taken account of the helpful response of BDPC to the clarification note.

Replace the policy with:

‘As appropriate to their scale, nature and location development proposals should maintain and where practicable enhance the special rural character of the neighbourhood area by:

Managing development to secure a net gain in green infrastructure through:

- **establishing multi-functional greenspaces within the green infrastructure network; and**
- **providing, where opportunities exist, new wildlife habitats, facilities and routes to enhance green infrastructure and the linkages between them;**

Safeguarding identified green Infrastructure by:

- **promoting development which complements the integrity of the overall green infrastructure network; and**
- **incorporating developer contributions which would facilitate improvements to the quality and robustness of the green infrastructure network.**

Policy B&D8: Ecology and Biodiversity

7.33 This policy celebrates the rich ecology and biodiversity of the parish. It has three related parts. The first comments that new development should not harm four identified habitats. The second comments that new development should enhance the identified habitats. The third comments that new homes should have features which would support biodiversity.

7.34 In general terms I am satisfied that the policy meets the basic conditions. It has regard to Section 15 of the NPPF. However, I recommend two modifications to ensure that

the policy meets the basic conditions. In the first part of the policy, I recommend that the emphasis is shifted from a negative to a positive approach. In the second part of the policy, I recommend that the reference to development proposals ‘enhancing’ the identified habitats is related to the practicability of doing so. Plainly this will be determined by the nature of the proposal concerned and how it relates to any particular habitat.

In the first part of the policy replace ‘Development should not harm’ with ‘Development proposals should safeguard’

In the second part of the policy replace ‘New development will be expected to maintain and enhance’ with ‘Development proposals should maintain and where practicable enhance’

Policy B&D9: Local Green Spaces

- 7.35 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on the Policies Map. The proposed LGSs reflect the character and the nature of the parish and the way in which green spaces form important parts of the local environment. In several cases they are traditional incidental green spaces within the built-up elements of the parish. In other cases, they are rear gardens, paddocks and other land in the curtilages of buildings. The policy is underpinned by an analysis of each proposed LGS in Appendix 1 of the Plan.
- 7.36 I looked at the proposed LGSs when I visited the neighbourhood area.
- 7.37 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11 comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.38 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do 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 LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

LGS 9

- 7.39 A detailed representation was received to the proposed designation of LGS9 (Paddocks between Cross Lane and New Road, Burton Lazars) by JGP Properties. The proposed LGS principally consists of a paddock. A public right of way runs from north to the south of the land. The proposed LGS includes a ‘finger’ of land which extends to New Road.

7.40 JGP Properties does not object to the designation of the majority of the parcel of land as LGS. However, the representation drew my attention to what was then an undetermined planning application which had the ability to affect the proposed designation (21/00834/FUL). That application proposes a replacement dwelling on land to the immediate east of the proposed LGS and the use of the finger of land as private amenity space for the dwelling. In these circumstances JGP Properties suggest that this part of the paddock is excluded from the proposed LGS.

7.41 MBC granted planning permission for the proposed development in June 2022.

7.42 In its response to the clarification note on this matter BDPC commented that:

'In view of the granting of planning permission, a modification to remove part of the application site (house footprint, hardstanding and access) from the LGS would be supported. This would leave the remainder of LGS9, including a strip to New Road, intact'

7.43 I looked carefully at the proposed LGS during the visit. I saw the attractive way in which it sat between New Road and Cross Lane and provided an open and attractive green space within the heart of the village. I also saw the footpath through the site. In general terms I am satisfied that the proposed LGS meets the basic conditions. Together with other proposed LGSs in this part of Burton Lazars it is part of residual pasture land associated with the historic houses on New Road. As the Landscape Appraisal comments:

'In the late 19th century small scale orchards were associated with the fringes of the settlement. During the 20th century housing development has infilled the gaps between older farms and along the lanes which connect them and has extended development onto the northern slopes of the ridge along Cross Lane. However, the small-scale pastures which extended from the dwellings along New Road still remain, forming small pastures and back plots in the heart of the village which can be glimpsed between the buildings'

7.44 It is common ground that the boundary of proposed LGS should be revised to take account of the recent granting of planning permission for the replacement house to its immediate east. BDPC suggests that the revision should be to remove part of the application site (house footprint, hardstanding and access). JGP Properties suggest that it should be the whole of the application site. On the balance of the evidence, I recommend that the whole of the application site should be removed from the proposed LGS. This would reflect the nature of the recent planning permission. It would also acknowledge that the curtilage of that property would inevitably be affected by residential paraphernalia and that its character and appearance would be likely to be demonstrably different from that of the paddock to the north.

LGS 12

7.45 I looked carefully at this proposed LGS during the visit. It is an open parcel of land between 18 and 20 Cross Street. The LGS Appraisal considers that it should be designated as a LGS for two principal reasons, The first is that in the 2020

Questionnaire Survey 53% of respondents supported the designation of the site as a LGS. The second is that it contributes to open character of this part of village.

- 7.46 I have taken account of the first reason. Having looked at the site carefully I disagree with the BDPC's conclusion about its contribution to the open character of this part of the village. I am not convinced that Cross Street has an open character. Whilst the houses are generally substantial and set in relatively large plots, there are houses on either side of the street. This parcel of land is an exception to this natural pattern. In addition, I saw no natural beauty directly associated with the site nor has BDPC drawn my attention to any such attractiveness.
- 7.47 Whilst I acknowledge that the site is within the heart of the village and local in scale, I am not satisfied that it is demonstrably special to a local community and holds a particular significance. As such, it falls short of the standards expected for a parcel of land to be designated as LGS. In these circumstances I recommend that it is deleted from the policy.

The policy itself

- 7.48 The policy lists the proposed LGSs. Thereafter it seeks to build on the national approach to development affecting LGSs in paragraph 103 of the NPPF. Given the number and diversity of proposed LGSs I can understand the circumstances which have caused the Parish Council to design the policy in this way. Nevertheless, I recommend a modification so that the policy follows the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.49 I also recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by MBC. In particular MBC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.
- 7.50 Otherwise, the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development. In many cases the proposed LGSs help to define the character of the neighbourhood area.

Replace the policy with:

**'The Plan designates the following parcels of land as local green spaces:
[List the sites as set out in the submitted policy less LGS12].**

Development proposals within the designated local green spaces will only be supported in very special circumstances'

Delete LGS 12 from Map 7 and refine boundary of LGS9 so that it excludes the application site (as edged in red) as shown in planning application 21/00834/FUL.

At the end of paragraph 5.28 add: 'Policy B&D9 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by Melton Borough Council. In particular, it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy B&D10: Great Dalby Conservation Area

- 7.51 This policy sets out the Plan's approach to preserving or enhancing the character or appearance of the Great Dalby Conservation Area.
- 7.52 MBC considers that the policy does not add any distinctive value to the relevant policy in the MLP. I have considered this matter carefully within the context that a neighbourhood plan does not need to repeat or restate existing policies in the development plan. However, in this case, it draws specific attention to the conservation area appraisal in the Heritage Appraisal. This brings distinctive local value. As such, I am satisfied that the policy meets the basic conditions.

Policy B&D11: Non-designated heritage assets

- 7.53 This policy proposes a series of buildings and assets of archaeological interest as non-designated heritage assets. The policy then applies the approach in paragraph 203 of the NPPF to the identified assets.
- 7.54 The details about the buildings are set out in David Edleston report (July 2019). The equivalent details about the archaeological features are captured in Appendices 2 and 3 of the Plan.
- 7.55 MBC query the extent to which the buildings proposed as non-designated heritage assets have been fully assessed. On the basis of the information contained in the July 2019 report I am satisfied that the process has been undertaken in a professional and robust fashion. Indeed, the buildings concerned are a fundamental part of the attractive built heritage of the parish.
- 7.56 The policy title and that of the supporting text correctly refers to non-designated heritage assets. However, the titles to maps 8-12 (which provide the necessary information about the assets) refer to locally listed heritage assets. I recommend that the titles of the maps are modified to bring both clarity and consistency to the Plan.

In Maps 8-12 change the titles to 'non-designated heritage assets'

Policy B&D12: Design

- 7.57 This policy comments about the Plan's expectation for the design of new development. Its approach is heavily underpinned by the work undertaken on the Design Code. The work on the Design Code has been carried out to a very good standard and properly

captures key elements of the character and appearance of the parish and its vernacular architecture.

- 7.58 As submitted, the policy provides little direct guidance about the type of development which it wishes to secure. As such, I recommend a modification which sets out an overall context for new development and also a stronger connection to the excellent Design Code. In this context I also recommend that the supporting text is expanded so that it provides a direct link to the Design Code.
- 7.59 The overall approach taken with the Design Code is an excellent local response to Section 12 of the NPPF. With the incorporation of the recommended modifications, it meets the basic conditions. It will make a significant contribution to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘Proposals for new development should reflect the local characteristics and circumstances in the neighbourhood area and create and contribute to a high quality, safe and sustainable environment.

As appropriate to their scale, nature and location development proposals should demonstrate how they satisfy the requirements of the design codes in Section 3 of the Burton and Dalby Design Code.

In addition, development proposals should have appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution and provide a safe and suitable access with appropriate on-site parking provision’

At the end of paragraph 6.43 add: ‘Policy B&D 12 sets out the Plan’s approach to design. The Design Code (provide electronic underlined link) will provide very specific advice to developers in preparing planning applications’

Policy B&D13: Retention of Services and Facilities

- 7.60 This policy seeks to add local value to Policy C7 of the MLP. That policy sets out a context to the safeguarding of local services and facilities. The submitted Plan identifies eight facilities which would be safeguarded by Policy C7 of the MLP.
- 7.61 The policy is a carefully-considered and practical way to address this matter. The policy meets the basic conditions. It will contribute significantly to the delivery of the social dimension of sustainable development.

Policy B&D14: Superfast Broadband

- 7.62 This policy recognises the importance of access to superfast broadband. The supporting text comments that the superfast broadband network in Great Dalby and Burton Lazars is Fibre to the Cabinet. The policy comments that new residential or employment development should incorporate open access ducting to industry

standards, to enable all premises and homes to be directly served by fibre optic broadband technology.

- 7.63 The approach taken is appropriate and meets the basic conditions in general terms. I recommend that the final sentence of the policy is deleted and repositioned into the supporting text. It is more of an explanation of a process rather than a planning policy.

Delete the final sentence of the policy.

At the end of paragraph 7.17 add: 'Policy B&D 14 sets out the Plan's approach to this matter. Exceptions to the approach will only be considered where it can be demonstrated that making such broadband provision would render the wider development unviable'

Policy B&D 15: Infrastructure

- 7.64 This policy sets out the Plan's approach to infrastructure. It has two related parts. The first indicates that new development should make contributions to certain elements of infrastructure where the need arises directly from the development concerned. The second comments about the operations of the contributions process in the Borough.
- 7.65 MBC suggests that the policy should be more closely aligned to the approach taken in the Developer Contributions Supplementary Planning Document (SPD) which was adopted in September 2021. That SPD sits alongside the MLP. The purpose of the SPD is to set out the Borough Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy Charging Schedule. It provides guidance to Policy IN3 of the MLP and works towards achieving the Council's corporate priority of delivering sustainable and inclusive growth in Melton. Policy IN3 explains that developer contributions towards local infrastructure are expected in proportion to the scale of its impacts, following an order of priority. It also comments that with the exception of the Melton Mowbray Distributor Road the infrastructure is not defined and the SPD offers clarification of the infrastructure needs within the priority order referred to in Policy IN3.
- 7.66 The SPD identifies three infrastructure priorities in the parish as follows:
- Public Transport Provision – in the form of an efficient bus services that meets the needs of the local community.
 - Improvement of Great Dalby Village Hall– improve local recreation and leisure facilities encouraging healthy lifestyles and a more inclusive community.
 - Bus Shelters – make sustainable travel a more attractive option for new residents

- 7.67 In its response to MBC's representation on the Plan, BDPC commented that:

'A neighbourhood plan must meet basic conditions if it is to proceed to referendum. In particular, it must be in general conformity with the strategic policies contained in the development plan for the area. The Burton and Dalby Neighbourhood Plan is not required to be in conformity with Supplementary Planning Documents as they do not form part of the development plan for the area.'

- 7.68 I have considered this matter very carefully. On the balance of the evidence, I recommend that the policy is modified so that it can be applied in a proportionate fashion. In addition, the revised wording will ensure that its purpose is clear in general, and that developer contributions should be sought only where they meet the requirements of national legislation. For clarity, I also recommend that the supporting text comments about the adopted SPD. This is important both in its own right and to provide the necessary signposting to applicants and developers.
- 7.69 I recommend that the second part of the policy is deleted. It explains the process to be followed rather than being a land use matter. However, given its overall importance, I recommend that it is repositioned into the supporting text

Replace the initial element of the first part of the policy with:

‘As appropriate to their scale, nature and location development proposals should make provision for new or improved infrastructure, together with financial contributions for the following off-site infrastructure requirements:’

Delete the second part of the policy.

At the end of paragraph 7.25 add:

‘A Developer Contributions Supplementary Planning Document (SPD) was adopted by the Borough Council in September 2021. The SPD sits alongside the Melton Local Plan 2011-2036. The purpose of the SPD is to set out the Borough Council’s approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy Charging Schedule within the Borough. The SPD identifies three infrastructure priorities in the parish. The first is public transport provision – in the form of an efficient bus services that meets the needs of the local community. The second is the Improvement of Great Dalby Village Hall– improve local recreation and leisure facilities encouraging healthy lifestyles and a more inclusive community. The third is bus shelters – make sustainable travel a more attractive option for new residents. Where appropriate, development proposals should follow this approach.’

Reposition the second part of the policy to the end of paragraph 7.26.

Policy B&D16: Housing in Great Dalby

- 7.70 This policy comments about new housing in Great Dalby. It is underpinned by very helpful supporting text (paragraphs 8.16-8.25). The policy comments that the housing needs of Great Dalby will be met by existing committed development and windfall development within or on the edge of Great Dalby village. The policy also identifies the type of windfall development which will be supported within the Plan period.

- 7.71 The policy has been carefully-crafted. It meets the basic conditions.

Policy B&D17: Windfall Housing in Burton Lazars

- 7.72 This policy sets out the Plan’s approach to windfall housing in Burton Lazars. It has two related parts. The first sets out a series of criteria which windfall developments seeking to meet local housing needs would be assessed. The second part of the policy

identifies other potential opportunities for new housing development in and around the village.

- 7.73 The first part of the policy seeks to provide a local interpretation to Policy SS3 of the MLP. In doing so, it relies on feedback from the community consultation and proposes a cap of six dwellings within the Plan period. In effect Policy SS3 provides the opportunity for development to come forward over and above sites allocated in the MLP where the proposed development explicitly seeks to address local housing needs. It comments as follows:

‘In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas. In addition to those sites allocated through the local plan, planning permission will be granted for new residential development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and (subject to criteria):’

- 7.74 In its response to the clarification note BDPC comments about the relationship between the policy and the feedback from the resident’s questionnaire. It also indicates that the overall number of houses which may arise from the policy may exceed the indicated number of six.
- 7.75 The overall approach taken in the policy is entirely appropriate. In particular it provides a local iteration of Policy SS3 of the Melton Local Plan.
- 7.76 However I am not satisfied that its reference to six dwellings is either appropriate or meets the basic conditions. I have reached this conclusion for the following reasons:
- the feedback from the 2020 questionnaire is based on 90 responses from the 433 households in the parish;
 - local housing needs and overall circumstances may change in the Plan period; and
 - the imposition of a cap on such dwellings may have an unintended consequence in preventing additional dwellings of this type coming forward to meet local needs.
- 7.77 In these circumstances, I recommend that the policy is modified so that it does not refer to a specific number of dwellings which may come forward to meet such needs. Nevertheless, I recommend that the supporting text is consolidated to explain the relationship between the policy and the underlying evidence base.
- 7.78 The policy makes appropriate reference to the delivery of First Homes. It will do much to assist in the delivery of housing to meet identified local housing needs. Nevertheless, I recommend the deletion of the specific element in the policy about the

value of 50% of a house delivered in this fashion. The figure used (£130,000) is based on dated information. As such, it has the ability to run counter to the wider intentions of the policy.

- 7.79 I also recommend a detailed modification to the wording of criterion e) so that its intention is clear. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace the opening part of the policy with: ‘Proposals to meet the local housing needs of Burton Lazars will be supported subject to the following criteria:’

In criterion a delete ‘a small number of’

In criterion e replace ‘and of’ with ‘and be of’

In f delete ‘The first sale price, after 50% discount, will be a maximum of £130,000.’

At the end of paragraph 8.31 add: ‘Policy B&D17 sets out the Plan’s approach to this matter. It provides flexibility for housing to come forward which would meet the needs of local residents as informed by the 2020 Household questionnaire. The policy is worded in a sufficiently flexible way to allow development to come forward both to meet the local housing need identified in 2020 and any additional needs which may arise in the Plan period’

Policy B&D18: Rural Housing

- 7.80 This policy sets out the Plan’s approach to rural housing. It identifies the limited types of housing which would be supported.
- 7.81 The policy has regards to national policy. For clarity I recommend that the policy’s wording makes it clear that it applies in the countryside. I also correct errors in the policy in respect of the numbers of other policies. Otherwise, it meets the basic conditions.

After ‘development’ add ‘in the countryside’

Replace ‘Policies B&D15 and B&D16’ with ‘Policies B&D16 and B&D17’

Policy B&D19: Residential Conversion of Rural Buildings

- 7.82 This policy sets out the Plan’s approach towards the residential conversion of rural buildings. It sets out a series of criteria to ensure that the form, structure and rural integrity of such buildings are safeguarded and enhanced as part of any conversion. The policy is a very comprehensive and distinctive approach to this matter. It meets the basic conditions

Policy B&D20: Rural Worker Accommodation

- 7.83 This policy sets out the Plan's approach to new rural worker accommodation. It relates to workers of existing rural enterprise and not just land-based agricultural businesses, so it can also apply to forestry and rural education. It includes necessary safeguards to ensure that the approach meets the needs of rural workers on the one hand whilst safeguarding the countryside on the other hand
- 7.84 The policy reflects the rural nature of the parish. I am satisfied that it meets the basic conditions

Policy B&D21: Replacement Dwellings

- 7.85 This policy sets out the Plan's approach towards replacement dwellings. It addresses a series of matters including the setting of the building, the relationship between the existing building and that proposed and the need to avoid the loss of two- and three-bedroom homes.
- 7.86 The policy takes a distinctive approach to this matter. It meets the basic conditions.

Policy B&D22: Business Conversion of Rural Buildings

- 7.87 The policy sets out the basis on which the reuse of rural buildings for employment related uses will be supported. The policy is criteria-based.
- 7.88 The policy has been well considered. The criteria are distinctive to the parish. The approach taken has regard to Section 6 of the NPPF. As such, it meets the basic conditions.

Policy B&D23: Working from Home

- 7.89 This policy comments about development proposals which would enable home working. Paragraph 9.11 of the supporting text helpfully identifies that planning permission will not always be required for home working proposals.
- 7.90 The policy takes a supportive approach to this matter. Home working has the ability to improve the sustainability and self-sufficiency of the parish. I recommend a modification to the second criterion. As submitted, it may allow proposals to come forward which had adverse effects on the amenities of local residents. I recommend a more general approach which would allow MBC to reach a decision based on the acceptability or otherwise of the impacts of the proposed development.

In b replace 'significantly adversely' with 'unacceptably'

Policy B&D24: Former Melton Airfield

- 7.91 This policy relates to the former Melton Airfield. Not all the former airfield lies in the parish but the part that does includes a small industrial estate. The site is also used by Melton & District Model Club for flying model aircraft.

7.92 The policy has three related parts as follows:

- that the industrial estate will be retained for B2 and B8 uses;
- that non-B uses will only be allowed subject to certain criteria; and
- the expansion of existing businesses, together with new employment development within the site will be supported where the heritage value of the former Thor missile base and its remaining structures within the curtilage of the former airfield is conserved in an appropriate way manner appropriate to its significance, including the impact on views important to its setting.

7.93 The policy takes a potentially restrictive approach by excluding the extensive Class E (Business) uses which were introduced by the Use Classes Order in 2021. The new E Class use includes uses previous considered as light industrial uses (the former Class B1). In updating the Use Classes Order the government has sought to provide greater flexibility for business uses to respond to changing business circumstances in general, and to the pressures which arose as a result of the effects of the Covid pandemic.

7.94 In its response to the clarification note BDPC commented on this matter as follows:

‘Had the former Class B1 be retained, this would have been included in Policy B&D24 alongside B2 and B8. However, the Parish Council does not consider it appropriate to allow new Class E uses as this could give rise to shops, restaurants, leisure activities in an unsuitable location. This would be contrary to national policies that support the role that town centres play at the heart of local communities.’

7.95 I have considered this matter very carefully. In particular I have assessed the policy against the approach taken in Section 14 of the NPPF. On the balance of the evidence, I am satisfied that BDPC has taken a practical and proportionate approach to this matter. I saw first-hand from my visit to the parish that the Airfield is located in an isolated location. Its isolation does not naturally result in sustainable development. This would apply particular to certain Class E uses (such as retail). In this context BDPC’s restrictive approach is appropriate. However, it has well-established commercial uses. Their consolidation and/or expansion would contribute towards the delivery of the economic dimension of sustainable development.

7.96 I recommend a detailed modification to the wording used in the second sentence of the policy. Otherwise, it meets the basic conditions. It is a well-crafted policy which responds to very specific circumstances.

In the second sentence replace ‘allowed’ with ‘supported’

Policy B&D25: Water Management

7.97 This policy sets out a series of issues in relation to water management. It does so to good effect. At its heart is an approach whereby development sites should be built to manage surface water sustainably and utilise resources sustainably during use.

7.98 I recommend modifications to part d) of the Plan to bring the clarity required by the NPPF. As submitted this part of the policy reads in a slightly confusing fashion. Otherwise, it meets the basic conditions.

Replace d) with: ‘Protection of existing drainage systems. Development proposals should not prevent the continuation of existing natural or manmade drainage features. Any watercourses or dry ditches within a development site should be retained and incorporated into the wider proposal with any practicable enhancements to their integrity, character and appearance’

Other Matters - General

- 7.99 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 BDPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan I have concluded that the Burton and Dalby 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 Burton and Dalby 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 15 March 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
25 August 2022