Broughton and Old Dalby Parish Neighbourhood Plan 2017-2036

**Questions from the Independent Examiner**

# Prepared by

**JOHN SLATER BA(Hons), DMS, MRTPI**

**John Slater Planning Ltd**

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# Introduction

1. As you will be aware I have been appointed to carry out the examination of the Broughton and Old Dalby Parish Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents and am about to start drafting my report. I also carried out a visit to the area on 9th October 2017.
2. My view is that I should be able to deal with the examination of this Plan by the consideration of the written material alone but I do reserve the right to call for a public hearing, if I consider that it will assist my examination. There are a number of questions that I have arisen before I start writing my examination report upon which I would appreciate the comments from both the Qualifying Body (QB) and possibly, the Local Planning Authority (LPA).

# Questions

1. I note that pre-application discussions are taking place regarding a new model village at Six Hills. I note that the plan states that the NP will need to be reviewed if the proposal were to be approved. In which case could the LPA and the QB comment on whether it is premature for the neighbourhood plan to be proposing a separation area and how confident can I be that the boundaries shown are appropriate. How is the Six Hills proposal being advanced – will it be through a planning application or as a Local Plan allocation.?

The area marked as a ‘provisional Area of Separation’ is based upon the current understanding by the QB of the boundaries. The QB would like to establish the principle of having an Area of Separation if the Six Hills development were to proceed.

1. Can the LPA update me as to the likely timescale for the decision to be taken on planning application 17/00397/OUT, which covers the proposed housing reserve site?

LPA to respond

1. Can the QB explain to me the rationale behind the inclusion within the Limits of Development of the parcel of land fronting Dalby Road on the west side of Marquis Road at Queensway– is there an extant planning consent on the land?

The land referred to was granted outline planning permission on appeal on 6 February 2016.

1. I note that the Plan refers to the possible release of additional land by the MOD at Old Dalby. Can the LPA or the QB identify the land on a map and let me know what policies would relate to that land – is it classed as countryside

This land is outside the LtD and therefore countryside.

LPA to also respond

1. I noted on my site visit the existing housing development at Station Lane, plus the fact that planning consent has been granted for a further 20 units, plus the proposed allocation of the site beyond, as a reserve site under Policy H2. Did the QB consider the possibility of proposing its own Limit of Development for this residential enclave or should proposals be considered under countryside policies? In respect of that land between the industrial development and the railway line, would it be covered by the limit of 10 for windfall development set for Old Dalby? I see on the table of planning decisions on page 27, that the decisions are recorded as Old Dalby but that Queensway limit on the opposite site of the road is set at 3.

LtD was not considered for this area in order to concentrate development on the main settlements. The relationship of this area is with Old Dalby rather than Queensway. The issue of windfall limits was removed from the proposed LPA windfall policy in the ‘focused changes’ after the NP had been formally submitted at end June 2017.

1. I note that there is an outstanding planning application for part of the land at Central Field, Nether Broughton for 3 dwellings. Can the LPA provide me as a likely timescale for its determination, as it would not be appropriate for it to be allocated as LGS, if there is an extant planning consent. Similarly, I noticed that the Parish Council did not object to the planning application on the basis that it would secure the protection and enhancement of the open space in the central section of the site. Would the QB have a view as to whether the extent of the LGS designation should be reduced to cover that just section and should the whole field be included within the Limit of Development

 This Planning Application (17/00950/OUT) was granted by the Planning Committee on 19 October 2017 with permission for 3 houses on the bottom 1/3 of the land on the basis of the top 2/3 being gifted to the Parish Council for retention as open space. Hence, the LtD and LGS areas should be amended to reflect this decision.

1. Can the QB provide me with copies of the correspondence that shows that the owners of the land proposed for designation as LGS were contacted prior to the publication of the proposals, as recommended by the Planning Practice Guidance?

The QB has conducted an extensive communication and engagement exercise over the last 18 months during the development of the Neighbourhood Plan, as evidenced by the Consultation Statement. There is no specific ‘correspondence’ with owners of the LGS as contact was made on a personal basis as detailed below.

The Old Dalby Village Green, the Queensway Allotments and the top section of the Old Dalby Play Park are owned by the Parish Council which, as the QB, is fully aware of this matter.

The St John the Baptist churchyard, the St Mary’s churchyard and the bottom section of the Old Dalby Play Park are owned by the church. The Church Wardens were contacted specifically as part of the Regulation 14 phase (see Consultation Statement Appendix 7 section o) with no concerns being expressed.

The Crescent and Princess Road greens area is owned by the MoD which was contacted as part of the Regulation 14 phase (see Consultation Statement Appendix 7 section on Landowners). The MoD responded (see Appendix 8 items 31-33) with no concerns regarding LGS.

The Scout Hut and related open space is owned by the 1st Old Dalby Scout Group. This Group has been fully aware of the Neighbourhood Plan since the start of its development. In addition, they were contacted as part of the Regulation 14 phase (see Consultation Statement Appendix 7 section on Statutory/Voluntary Organisations). They responded (see Appendix 8 items 41-43) with no concerns regarding LGS.

The Old Hall Parkland is owned by the family who live in Old Dalby Hall. They have been updated regularly on the development of the Neighbourhood Plan since registering in October 2016 to receive email information. No concerns have been noted regarding LGS.

Top Field, Old Dalby is owned jointly by two families living in Old Dalby. One of these families has been updated regularly on the development of the Neighbourhood Plan since registering in October 2016 to receive email information. The other family is aware of the NP through other communications. Members of one family attended a consultation event on 11 February which showed (among many other things) the proposed LGS areas and no concerns were raised.

Moat Field, Nether Broughton is owned by the Lovett family who live and farm in Nether Broughton. They have been updated regularly on the development of the Neighbourhood Plan since registering in October 2016 to receive email information. The daughter-in-law was a member of the Environment Theme Group and attended some of their meetings. No concerns have been noted regarding LGS.

Central Field, Nether Broughton is owned by the Greaves family. They have been updated regularly on the development of the Neighbourhood Plan since registering in October 2016 to receive email information. In addition, they have been in dialogue with the Parish Council for quite some time, leading to a recent planning permission regarding this area and referred to in the answer to Qn 8 above.

1. I understand that the proposed affordable housing percentage has changed with the latest version of the emerging Local Plan. Would the QB want to made plan to reflect that change and could the LPA and QB suggest a revised wording for me to consider, in making my recommendation, or does the QB want to keep it as submitted? I note the Policy H5 supports a local connection affordable housing policy. Is there any evidence such as a Local Housing Needs Assessment that would support the need for such a policy?

The policy wording should probably be changed to say ‘Development proposals for new housing should provide affordable housing in accordance with borough wide planning policies’.

The evidence for local need is established in the Housing Needs report (June 2016) which identifies the difficulty that first-time buyers will have accessing the housing market locally due to the high house prices.

Since the proposed affordable housing policy in the Local Plan has changed, it seems appropriate to amend Policy H5 and the revised wording suggested above is agreed.

1. Is there an inconsistency between Policy H3 which requires the inclusion of 4+ bedroom properties on windfall sites and Policy H4 which requires the provision of 1,2 and 3 bed properties and refers to an issue of under occupation of larger properties in the parish? Perhaps the QB and the LPA could both comment.

The purpose of both policies is to ensure that new housing development provides a mix of housing to meet local need. Developers tend to favour large houses which maximise profits but don’t redress the imbalance in the local housing market.

H3 supports larger homes but only if in a minority of the overall numbers, whilst H4 specifically supports the provision of smaller houses within an overall mix. The intention of both policies is therefore the same. However H4 could be strengthened and aligned more with H3 if the words ‘4+ bedroom properties can be included in the mix of dwellings, but only where they comprise a clear minority of the overall total’.

1. A number of policies e.g. ENV 3 and EN7 refer to “Permitted development” which has a specific meaning in planning terminology, as development covered by the General Permitted Development Orders. Is that the intention or is it a reference to development which has been permitted by the grant of a specific planning consent? Could the QB please clarify?

The intention of this policy is to ensure that the determination of future planning applications take the specific features identified in the policy into account. It is not intended to relate to General Permitted Development Orders. We apologise for the confusion this proposed wording caused. A revised form of wording for Policy Env 3 could say ‘**development proposals** expected to protect and enhance wildlife corridors and …’ whilst Policy Env 7 could say ‘**development proposals in the identified gaps between the villages should** be located to maintain the separation of the villages and, wherever possible, will be designed to enhance the rural character of the areas between the villages.

1. Policy CF1 refers to buildings and land currently or last used as a community facility. In order to avoid uncertainty as to what facilities are covered by the policy, at development management stage, I would wish to see a list of the plan area’s community facilities and for these to be shown on a map including showing the extent of the sites.

This information is being provided in a separate document.

1. I have some comments regarding the scoring methodology used for the selection of LGS. Paragraph 77 of the NPPF sets out 3 criteria to be used to decide whether the sites are appropriate and in the second criterion gives examples of possible attributes that could constitute “particular local significance”. However, the Steering Group has seen them as capable of being scored separately. If a site displayed historic significance and tranquillity with ecological importance would score higher than say a village sports field. I do not think that was the way the NPPF was drafted to secure the protection of LGS. However, I would appreciate understanding why the QB adopted this approach.

The Advisory Committee was keen to ensure that there was a clear and transparent methodology for determining the most important local open spaces and ultimately sites to be put forward for LGS designation, recognising the high degree of protection afforded. It considered that approaches undertaken in other neighbourhood plans - where specific sites were selected, described and put forward for examination - failed to consider the merits of each of the chosen sites against other open spaces locally and therefore left itself open to challenge. By only considering the sites put forward, the neighbourhood plan could identify *special* sites but not necessarily ones of *particular* local significance.

An extremely thorough and comprehensive process was therefore undertaken by members of an Environmental Theme Group, reporting to the Advisory Committee, which sought to rank each open space in the Plan area. It based this ranking on the criteria identified in the NPPF and was open and transparent about the process undertaken. The NPPF is unclear as to whether individual aspects should be seen individually or in combination, but the approach taken was to score each valued aspect on the basis that a site with several of them was more likely to be of greater local significance. Those sites which scored most highly and beyond a threshold were proposed as LGS designations as being demonstrably significant compared to all other local sites. The process also identified other sites, which although not sufficiently special to warrant designation as LGS nonetheless contained important features. The neighbourhood plan seeks to ensure that development proposals take these important features into account to help safeguard all locally important features.

This is a measurable approach which is based on the NPPF criteria and aids an understanding of relative importance. It was based on approaches undertaken in Made neighbourhood plans elsewhere in Leicestershire (Thurcaston and Cropston in Charnwood Borough and Hungarton in Harborough District) as well as other neighbourhood plans in Leicestershire that have passed Examination (for example Wymondham and Edmondthorpe in Melton Borough and Great Easton in Harborough District).

1. Can I be appraised as to the acreage of the site covered by Old Hall Parkland LGS and would both the LPA and the QB comment on whether it constitutes an *extensive tract of land?*

The area is c.16.8 hectares and is effectively a single parcel of land.

It is a significant, coherent example of a surviving piece of early 19th century ornamental landscaping that occupies the site of a medieval Preceptory and its surrounding stock enclosures and farmland. Historic England would almost certainly regard the parcel of land as being part of the setting of the Listed Old Hall and Scheduled Preceptory site. It is also all registered as an area of Priority Habitat by Natural England.

It is an accessible area with public footpath, used extensively by walkers and very much valued by the local community, including providing a pleasant route from Old Dalby to Bluebell Wood and beyond.

1. Is the QB envisaging that Policy BE2 Working from Home would allow employees, who do not reside at the property could be employed at people’s houses? I need to be clear that was the intention, (which I suspect it was).

Yes and that was the intention. The possibility of large numbers would be restricted under the conditions incorporated under this policy.

1. Finally, I am intrigued by the Policy BE4 Old Dalby Test Track. Could the LPA confirm to me whether there are any planning controls that restrict the use of the line to “the testing of trains and railway equipment” or is it available to all railway use including passengers and freight. Furthermore, are there any planning restrictions that relate to the operating hours of the line and if there are, what are the permitted hours of use and are they enforceable?

LPA to comment

# Concluding Comments

1. It would be helpful if I could have responses to these questions within the next 14 days to allow me to conclude my examination report expeditiously
2. I would be grateful if this note and the subsequent responses could be placed on Melton Borough Council’s and the Neighbourhood Plan’s respective websites.

John Slater BA(Hons), DMS, MRTPI Independent Examiner

John Slater Planning Ltd 14th October 2017