

Asfordby Neighbourhood Development Plan 2011-2036

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

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Executive Summary

- 1 I was appointed by Melton Borough Council in December 2022 to carry out the independent examination of the Asfordby Neighbourhood Development Plan. I visited the neighbourhood area on 23 January 2023.
- 2 Most of the examination was undertaken by written representations. A hearing was held on Policy A1 of the Plan on 18 May 2023.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive character. It includes a series of environmental and community policies, and proposes a policy which refines the Local Plan's approach to Areas of Separation.
- 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 Asfordby Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
14 June 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Asfordby Neighbourhood Development Plan 2011-2036 ('the Plan').
- 1.2 The Plan has been submitted to Melton Borough Council (MBC) by Asfordby Parish Council (APC) 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 the extent to which 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. 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 APC, to conduct the examination of the Plan and to prepare this report. I am independent of both MBC and APC. 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 MBC SEA/HRA screening report.
- the representations made to the Plan.
- the ADAS report (2006).
- the Influence report (2015).
- the Planning Inspector's decision letter on planning application 14/00150/OUT.
- the Planning Inspector's decision letter on planning application 20/00470/OUT.
- APC's responses to the clarification note.
- the Melton Local Plan 2011 to 2036.
- the NPPF 2021.
- Planning Practice Guidance
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 23 January 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.14 of this report.

3.3 The Plan has a complicated background. It was initially examined in 2017/2018. Following a legal challenge, the Plan was withdrawn in March 2018. This report is focused entirely on the Plan submitted to MBC in 2022.

3.4 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 most of the Plan could be examined without the need for a public hearing. However, the contents of Policy A1 were considered at a hearing on 18 May. The hearing note is included as appendix 1 of this report

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 APC prepared a Consultation Statement. The Statement reflects the neighbourhood area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan (February to April 2022).
- 4.3 The Statement explains the circumstances in which the Plan has been prepared. It then advises the consultation exercises were focused around the pre-submission Plan to avoid consultation overload. Section 3 explains the nature of the engagement with the statutory bodies and the public consultation events in the area within this period. Engagement with the public was based around two related processes. The first was the delivery of a summary of the Plan to all addresses in the neighbourhood area. The second was the holding of drop-in events.
- 4.4 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan. This exercise was 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 APC 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 am satisfied that the Plan has sought to develop an inclusive approach to seeking the views of all concerned throughout the process. The process was a proportionate response to the circumstances which occurred in 2018 on an earlier version of the Plan. 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 11 November 2022. This exercise generated comments from a range of statutory and local organisations. They are listed below:
 - Severn Trent Water
 - Rotherhill (Asfordby) Ltd
 - Deeley Homes

- Andrew Granger and Co
- Gladman Developments Ltd
- Leicestershire County Council
- Natural England
- Historic England
- Leicestershire County Council
- Highways England
- Environment Agency
- The Coal Authority
- Melton Borough Council
- Jelson Homes

4.8 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 is the parish of Asfordby. In 2011 it had a population of 3286 persons living in 1490 households. It was designated as a neighbourhood area on 30 January 2013. The parish lies to the west of Melton Mowbray and to the north of the A607.
- 5.2 There are three separate settlements in the parish. Asfordby Village is the principal settlement and has a good range of services and facilities. Asfordby Valley is a small settlement to the east of the main village. Asfordby Hill is on the eastern edge of the parish to the south of Holwell Works.
- 5.3 The remainder of the parish is largely rural and in agricultural uses. The area to the immediate north of A6006 is the site of the former Asfordby Colliery. It is the home for a range of commercial uses which are addressed in some of the Plan's policies.

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 Asfordby is classified as a Service Centre, Asfordby Hill as a Rural Hub, and Asfordby Valley as a Rural Settlement. Paragraph 1.8.5 of the MLP comments that 'for the purpose of testing conformity of Neighbourhood Plans with the Local Plan, all policies included in the Local Plan up to and including Chapter 8 are regarded as strategic policies. Whilst the remaining policies will be relevant for determining planning applications, they are not viewed as strategic policies for the purpose of testing Local Plan conformity.'
- 5.5 The MLP advises that Service Centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the essential services and a good range of important and other facilities
- 5.6 The MLP continues by advising that 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. 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 Policy C1a of the Plan allocates a series of housing sites across the Borough. They include the following sites in the parish:

Land east of Station Lane, Asfordby (ASF1) – 100 homes

Land south of the Bypass (ASF2) – 55 homes

Land off Hoby Road (ASF3) – 70 homes

Land off Houghton Close, Asfordby Hill (ASFH1) – 40 homes

Land off Stanton Road, Asfordby Hill (ASHF2) – 47 homes

- 5.8 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:

- 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
- EN4 Areas of Separation
- EN5 Local Green Spaces
- EN6 Settlement Character

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 23 January 2023. I travelled to the parish along the A606 from the west and via Kirby Bellars. This highlighted the way in which it related to the wider countryside between Leicester and Melton. It also highlighted the way in which it sat within the overall landscape and its relationship with the River Wreake.

- 5.10 I spent time initially in Asfordby. I saw that the village had a tranquil atmosphere now that through traffic is focused on the A6006 to the north and the A607 to the south. I saw the significance of the River Wreake corridor. I looked at the two identified brownfield housing sites identified in the Plan and the Bradgate Road shops. Thereafter I took time to look at the Church. I was fortunate that it was open and I was able to see the component part of the Saxon Cross. I then walked down Mill Lane to the River.
- 5.11 I then took the opportunity to look at Asfordby Hill and Asfordby Valley. I paid particular attention to the proposed Area of Separation between the two settlements as proposed in the Plan.
- 5.12 During these parts of the visit I looked carefully at the proposed local green spaces. I saw the way in which they contributed to the character and appearance of the parish.
- 5.13 I then drove along Welby Lane and looked at the various parcels of land/business parks on the former colliery site. It was clear that the landscape had changed significantly and the legacy of the former coal mine became clear. I continued along Welby Lane and saw the isolated St Bartholomew Church.
- 5.14 I then followed Welby Lane back to Asfordby Valley. I saw the differences between the land to the west and to the east of the Lane. I then left the neighbourhood area on the bypass back to A46 at Six Hills.

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 particularly relevant to the Asfordby 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. It proposes the designation of local green spaces, identifies two brownfield sites for residential development and seeks to clarify the spatial definition of the Area of Separation in the parish as identified in the MLP. 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. Most 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. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for windfall development (Policy A10), for the development of two brownfield sites (Policies A11/A12), and for employment development (Policies A20-22). In the social role, it includes policies on local green spaces (Policy A4), on housing mix and affordability (Policies A13-15), on the Bradgate Lane Shops (Policy A16) and on the Frisby Water parks (Policy A23). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on Areas of Separation (Policy A1), the River Wreake (Policy A3), biodiversity (Policy A7) and design (Policy A9). APC 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 April 2022 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. Based on 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. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The 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 APC 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 the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-2)

- 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 its preparation. In this regard, it overlaps with the submitted Consultation Statement.
- 7.12 Section 2 identifies the neighbourhood area (Map 1) and describes the Plan period. It also provides a general description of the parish, and its separate communities.
- 7.13 Section 2 also comments about how the Plan relates to the concept of sustainable development and how this has informed the Plan's vision.
- 7.14 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 A1 Area of Separation

- 7.15 This is an important policy in the Plan. Policy EN4 of the MLP identifies a series of Areas of Separation (AoS) in the Borough including two in the neighbourhood area (Asfordby and Asfordby Valley and Asfordby Hill/Valley and Kirby Bellars). They are shown on the Policies Map of the MLP in an illustrative (zig zag) fashion. This approach reflects the outcome of the examination process for that Plan.

- 7.16 The submitted Plan seeks to bring added clarity on two matters. The first is the way in which the two AoS in the MLP are identified. APC propose to translate the illustrative zig-zag areas into clearly defined geographic areas. The second is to designate an additional AoS between Asfordby Valley and Asfordby Hill.
- 7.17 The policy has generated a series of representations. MBC, Jelson Homes and Deeley Homes object to the way in which the two AoS are proposed to be shown on the Policies Map. MBC also objects to the designation of the additional AoS.
- 7.18 I sought APC's comments on its approach to AoS in the clarification note. It commented as follows:

'Local Plan paragraph 7.4.3 states that 'Areas of Separation (AoS) do not have a defined boundary because their purpose is not to prevent all development within the AoS, but rather to prevent development which would result in coalescence and harm to individual settlement character'. However, there is a tension between having a vague boundary and NPPF paragraph 16d which expects plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

The Parish Council is concerned that the way that the Local Plan illustrates the AoS is confusing and gives rise to uncertainty. For example, in Asfordby village the AoS appears to extend over the western part of the built-up area of the village at Cowman Close while at Asfordby Hill the AoS also includes parts of the existing built-up area as well as Local Plan housing allocations ASFH1 and ASFH2.

These two allocations have been the subject of an appeal (APP/Y2430/W/22/3296156) which followed the refusal of the local planning authority to grant outline permission for up to 90 dwellings (20/00470/OUT). The AoS designation was a key issue for that appeal, yet it was unclear whether or not the appeal site was within the AoS.

The AoS boundaries have taken account of the ADAS 2006 Final Report Identifying Areas of Separation Criteria and Evidence Study (see Parish Council website).

Further, it is noted that both the Waltham on the Wolds & Thorpe Arnold and Burton & Dalby Neighbourhood Plans provide a more definitive boundary to the AoS.

The Parish Council considers that the precise spatial definition of the AoS provides a local dimension that compliments and clarifies Local Plan Policy EN4'

- 7.19 In all the circumstances I concluded that a hearing was necessary to consider APC's approach in the policy.
- 7.20 The discussions at the hearing were based on two related parts. The first was the way in which the two AoS in the MLP are illustrated (paragraphs 7.21 to 7.29 of this report). The second is the appropriateness of designating an additional AoS in the neighbourhood area (between Asfordby Valley and Asfordby Hill) and how it should be illustrated. (7.30 to 7.35 of this report). These matters are addressed in turn below.

The way in which the submitted Plan addresses the Area of Separation identified in the MLP

- 7.21 The MLP identifies AoS with zig-zag markings. APC contends that this approach does not bring the clarity required by the NPPF and has resulted in a vague and uncertain approach. On this basis, it has proposed that the two AoS are specifically defined (and as shown on Map 2). Otherwise, Policy EN4 of the MLP remains unchanged by the proposed policy.
- 7.22 There was considerable discussion at the hearing about the impact of this course of action. Deeley Homes and Jelson Homes considered that the definition of parcels of land created a negative approach towards the concept of AoS and would not be in general conformity with the strategic policies in the MLP (including Policy EN4). I have considered this matter very carefully. Based on the wording of Policy EN4 and the assurances provided by APC at the hearing, I am entirely satisfied that the ambition of Policy AS1 is solely to provide clarity to the spatial extent of the application of Policy EN4 of the MLP.
- 7.23 At the hearing MBC advised that two planning applications had been determined in the two Areas of Separation in the parish since the MLP was adopted as follows:
- 18/01316/FUL – Erection of one dwelling, Land north of the Bypass (Approved)
 - 20/00470/OUT - Erection of 90 dwellings, Crompton Road, Asfordby Hill. (Refused/Appeal allowed)
- 7.24 These applications overlap with the appeal which is referenced in APC's response to the clarification note. I have looked at the Planning Inspector's decision letter which allowed the appeal (APP/Y2430/W/22/3296156). Whilst the Inspector grappled with the AoS matter, the issue of concern related principally to the overlap between the AoS and one of the housing allocations in the MLP. Plainly this is both unfortunate and unhelpful. MBC advised at the hearing that this inconsistency related to the AoS being defined/illustrated before the allocations in the Plan had been finalised.
- 7.25 MBC also advised about a planning application which had been submitted which affected another Area of Separation elsewhere in the Borough (at Easthorpe 20/00295/FUL).
- 7.26 Based on the evidence available, I have concluded that Policy EN4 of the MLP is worded and illustrated on the policies map in such a way that it can be applied in a clear and consistent way by MBC officers. The report on the planning application which resulted in the appeal dealt with the issue in a balanced and measured fashion. In these circumstances, I am satisfied that there is no consistent or clear element of concern about the application of Policy EN4 through the development management system.
- 7.27 The hearing considered the extent to which APC's approach to illustrating the AoS was in general conformity with the strategic policies in the development plan. In more traditional circumstances, I would be minded to conclude that the approach taken was in general conformity with the strategic policies in the development plan. It would be a natural way in which a neighbourhood plan would provide an extra layer of local detail to a strategic policy. However, in this case the MLP Inspector made a very clear

recommendation about the way in which the AoS were to be illustrated. This was readily accepted by MBC. If there was clear evidence that such a policy had been unworkable in the neighbourhood area there would have been a strong case to revise the approach. However, I have already concluded that this has not been the case.

- 7.28 I have also considered the way in which APC has sought to define the AoS. It advised at the hearing that it had sought to use the information included in the ADAS study (2006) commissioned by MBC. Whilst that study has considerable merit, it is dated. At the hearing APC advised that its dated nature mattered less than would otherwise have been the case as neither the nature of landscape concerned, nor its role in safeguarding the separation between settlements had changed.
- 7.29 I have considered these matters very carefully. In all the circumstances, I am not satisfied that the approach proposed in the Plan towards the way in which the Asfordby and Asfordby Valley and the Asfordby Hill/Valley and Kirby Bellars AoS are illustrated on the policies map in the submitted Plan meets the basic conditions.

The way in which the submitted Plan addresses the proposed additional Area of Separation between Asfordby Valley and Asfordby Hill

- 7.30 The Plan also proposes an additional Area of Separation between Asfordby Valley and Asfordby Hill. The parcel of land is approximately 200 metres by 70 metres. Its northern boundary is formed by the railway and its southern boundary is the A6006 (Melton Road). Its western part is a recreation area. The remainder is in agricultural use. The agricultural element of the parcel of land is accessed via a field gate off the A6006. I looked at the proposed AoS during the visit. I saw the way in which it related to the two settlements and the differing land uses within its proposed area. I also saw the way in which the site related to the wider topography of this part of the parish.
- 7.31 The hearing considered the ability of a neighbourhood plan to promote an additional AoS beyond those already included in Policy EN4 of the MLP. It was agreed that, in principle, the policy allowed such an approach. MBC advised that an such proposition should be underpinned by evidence.
- 7.32 APC contends that the proposed AoS is supported by the ADAS study (2006). It also contends that the separation between the two settlements is both clear and obvious. It advised about the two planning application for residential development which had been submitted and refused for residential development on the eastern part of the site (14/00150/OUT and 16/00005/OUT) As part of this information, APC also drew my attention to the dismissed appeal on the first of the applications where the planning inspector commented about the proposal's significant detrimental intrusion into the open countryside in a prominent location that contributes to the rural setting of Asfordby Hill. In refusing planning permission for the second of the two applications MBC's decision notice commented the development of the site 'would have an adverse impact upon the character and appearance of the countryside which contributes to the rural setting of the village and the area of separation between Asfordby Hill and Asfordby Valley'.

- 7.33 MBC took a different view. It argued that there was no evidence to support the designation of the proposed AoS. It drew my attention to the Influence Report (2015) which had concluded that there was no case for such an approach.
- 7.34 I have considered these different views very carefully. I have also assessed them against my own observations of the parcel of land concerned. On the balance of all the information, I am satisfied that the proposal in the Plan to designate an additional AoS in the neighbourhood area is both appropriate and meets the basic conditions. I have reached this conclusion for a series of related reasons. Firstly, the evidence discussed at the hearing is both dated and does not present as compelling case either for or against the proposed designation of an AoS. In these circumstances I have taken my own view about the appropriateness of the land concerned to be designated as an AoS. In doing so I have relied on the information in the MLP that the primary purpose of an AoS is to prevent development which would result in coalescence and harm to individual settlement character. The second is that I have concluded that the parcel of land is in a highly sensitive gap between Asfordby Hill and Asfordby Valley. The third is that the proposed AoS is restricted in scale and therefore more at risk of proposed developments which would result in the gap between the settlements becoming very limited and/or coalescence taking place.
- 7.35 I have also considered the way in which the proposed AoS should be illustrated on the policies map. Given the conclusion which I have reached in paragraph 7.29 of this report on the way in which the two AoS identified in the parish in the MLP should be shown, I recommend that the proposed additional AoS should also be shown in a zig zag fashion.

The effect on the policy

- 7.36 The policy in the submitted Plan has two important functions. The first comments about the way in which AoS are illustrated. The second propose an additional AoS. Based on the conclusions which I have reached on these two matters, I recommend that the policy is recast as follows:
- the deletion of the proposal to define the spatial extent of the two AoS in Policy EN4 of the MLP;
 - the identification of the proposed additional AoS between Asfordby Valley and Asfordby Hill in a zig-zag fashion; and
 - the revision of elements of the supporting text to provide a context to the revised policy and to highlight the ongoing application of Policy EN4 within the neighbourhood area.

Replace the policy with:

‘The Plan identifies an Area of Separation between Asfordby Valley and Asfordby Hill to which Policy EN4 of the Melton Local Plan would apply.’

At the end of paragraph 3.5 add: ‘This neighbourhood plan recognises the importance and significance of these Areas of Separation.’

Replace paragraph 3.6 with: ‘The Local Plan does not protect the area between Asfordby Hill and Asfordby Valley, but it allows such areas to be protected through

neighbourhood plans. In these circumstances the Plan identifies an additional Area of Separation in this part of the parish. It is illustrated on Map 2. The illustration follows the approach taken in the Melton Local Plan for the other Areas of Separation in the Borough.'

Reconfigure Map 2 so that it shows only the proposed additional AoS (in an identical way to which the AoS are shown in the MLP).

Policy A2 Countryside

- 7.37 This policy applies a restrictive approach to development outside the defined settlement boundaries. It overlaps with the contents of Policy SS2 of the MLP. It also comments about the way in which any such proposals should be compatible with their rural locations.
- 7.38 The policy takes an appropriate and non-prescriptive approach to this matter. It meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Policy A3 River Wreake Strategic River Corridor

- 7.39 This policy focuses on the River Wreake corridor. It recognises its role as part of the sub regional green infrastructure network. The policy comments that the River Wreake will be protected and that development proposals should provide opportunities to improve access.
- 7.40 The policy is supported by Severn Trent Water.
- 7.41 The policy takes a positive approach to this matter. I recommend that the policy is modified so that the second component can be applied by MBC where it is practicable for the developer to improve public access. Plainly individual proposals will present their own opportunities for improving public access to the River. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace 'provide opportunities to improve public access' with 'improve public access to the river corridor wherever practicable'

Policy A4 Local Green Spaces

- 7.42 This policy proposes the designation of six local green spaces (LGSs). Appendix 1 provides details about the way in which the sites meet the criteria in the NPPF for LGS designation.
- 7.43 I looked at the proposed LGSs during the visit. It was clear that they had been carefully chosen. The Jubilee Park, adjacent to the Village Hall, was notable in terms of its range of facilities and attractiveness to the local community.
- 7.44 In each case I am satisfied that the proposed LGSs comply with the three criteria in paragraph 102 of the NPPF.
- 7.45 I am also satisfied that the proposed designations accord with the more general requirements of paragraph 101 of the NPPF. They are established parts of the local environment and there is no evidence to suggest that they are incapable of enduring

beyond the end of the Plan period. I am also satisfied that their designation is consistent with the wider delivery of sustainable development in the parish. No proposals have been submitted for their development.

- 7.46 In the round the policy meets the basic conditions. It will contribute to the delivery of the social and the economic dimensions of sustainable development.

Policy A5 Water Management

- 7.47 This is an extensive policy on water management. Its first part comments on the need for development proposals in Zones 2 and 3 or which exceed a hectare in size, to be accompanied by a flood risk assessment. The primary purpose of the second part of the policy is to ensure that development sites manage surface water in a responsible and sustainable way.
- 7.48 The policy takes a positive approach to this important matter. For clarity I recommend that the order of the policy is reversed. This will then set out general requirements followed by specific requirements for larger developments and those in flood zones 2 and 3.
- 7.49 I also recommend detailed modifications to Part D of the second part of the policy so that it has the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Reverse the order of the two elements of the policy

Replace part 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 enhanced where it is practicable to do so.’

Policy A6 Water Quality and Resources

- 7.50 This policy sets out to ensure that development proposals should not have an unacceptable impact on the quality of water.
- 7.51 The policy is supported by Severn Trent Water.
- 7.52 The policy takes a positive approach to this matter. I recommend two detailed modifications to its wording to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace ‘must’ with ‘should’ and ‘adverse’ with ‘unacceptable’

Policy A7 Biodiversity

- 7.53 This policy has two related parts. The first comments that new developments should not have an unacceptable impact on Local Wildlife Sites and Historic Wildlife Sites.

The second part comments that developments elsewhere should delivery biodiversity net gain.

- 7.54 The policy is supported by Severn Trent Water.
- 7.55 The policy takes a positive approach to this matter. It meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Policy A8 Non-designated heritage assets

- 7.56 This policy identifies twenty non-designated heritage assets and two non-designated archaeological heritage assets. The former assets are described in Appendix 2 and the latter in Appendices 3 and 4.
- 7.57 The policy applies the approach in paragraph 203 of the NPPF to the identified non-designated assets.
- 7.58 I am satisfied that the proposed non-designated heritage assets have been properly assessed and considered.
- 7.59 The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy A9 Design

- 7.60 This is a detailed policy to ensure that the design of new development responds positively to the distinctive and traditional character of the parish.
- 7.61 It sets out a series of design principles with which new development should comply. I am satisfied that the criteria are appropriate and distinctive to the neighbourhood area. In this context it seeks to complement the Design of Development SPD (February 2022) and national guides.
- 7.62 The policy takes a very positive approach to this matter. It is a good local response to Section 12 of the NPPF. I recommend that the opening element of the policy is modified so that the policy can be applied on a proportionate basis. This acknowledges that different planning applications will have their own implications on the environment. I also recommend a detailed modification to the wording used in part D of the policy. Otherwise, it meets the basic conditions. It will contribute to the environmental dimension of sustainable development.

In the opening part of the policy replace ‘Development must also’ with ‘As appropriate to their scale, nature and location development proposals should’

In D replace ‘significantly adversely’ with ‘unacceptably’

Policy A10 Windfall Development

- 7.63 The policy comments about windfall development. It is underpinned by extensive supporting text which sets out the scale and nature of the allocations in the various settlements in the parish and the extent to which they have been developed. It concludes that the housing requirement for Asfordby Village has been met and that the requirement for Asfordby Hill has been comfortably exceeded. On this basis, the Plan has concluded that there is no need for sites to be allocated.

- 7.64 In these circumstances the policy offers support to infill development within the identified settlement boundaries and comments about where residential development would be acceptable outside the settlement boundaries.
- 7.65 In the clarification note I sought APC's comments on the extent to which the policy should acknowledge that Policy SS3 of the MLP would allow the development of residential development on the edge of a settlement. In its response APC commented that with the strategic housing requirement already met and the flexible approach to FH and exception sites in Policy A14 the neighbourhood plan is in general conformity with the strategic policies in the development plan.
- 7.66 I have considered this matter very carefully. On the one hand, as APC comments the strategic requirements for the neighbourhood area have been met. In addition, the neighbourhood plan can introduce policies as it sees fit and if it had not introduced a policy on this matter Policy SS3 of the MLP would continue to apply in the parish. On the other hand, the neighbourhood plan policy is silent on the potential for development on the edge of a settlement as an obvious type of residential development (alongside the others listed in the policy). This may lead to a degree of confusion. On the balance of the evidence, I recommend that the policy is modified so that it draws attention to the details in Policy SS3 of the MLP. There are sufficient safeguards in that policy to resist development which would have an unacceptable impact on the character of the neighbourhood area (including the Areas of Separation). I recommend consequential modifications to the supporting text.
- 7.67 Otherwise the policy meets the basic conditions. It will assist in contributing to the government's objective of significantly boosting the supply of homes (paragraph 60). In addition, it will contribute to the delivery of the economic and social dimensions of sustainable development.

In the second part of the policy After B add:

'C. Housing on the edge of the edge of a settlement which meets the requirements of Policy SS3 of the Melton Local Plan;'

Update the letters in the remainder of the policy.

At the end of paragraph 6.16 add: 'Policy A10 also takes account of the approach taken in Policy SS3 of the Melton Local Plan.'

Policy A11 Whitlock Garages, Asfordby

- 7.68 This policy identifies land at Whitlock Garages Asfordby as being appropriate for residential purposes. The proposed site is a significant and underused brownfield site in a residential area. The policy sets out a series of criteria for its development.
- 7.69 The policy takes a positive approach to the development of this site. The criteria establish a strong context for its potential redevelopment.
- 7.70 The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy A12 Storage and Haulage Depot, Main St, Asfordby

- 7.71 This policy identifies land at Main Street Asfordby as being appropriate for residential purposes. The policy sets out a series of criteria for its development. The depot is a prominent building in the street scene.
- 7.72 The policy takes a positive approach to the development of this site. The criteria establish a strong context for its redevelopment.
- 7.73 MBC raises the issue of the owners' intentions for the future of the site. However, it is not unusual or inappropriate for a neighbourhood plan to identify the potential of a development site of this nature. In addition, the development of the site is not required to ensure that the parish meets its strategic housing requirements. In all the circumstances I am satisfied that the allocation is appropriate.
- 7.74 The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy A13 Housing Mix

- 7.75 This policy comments that new housing proposals should consist of a mix of house types informed by the most up-to-date Strategic Housing Market Assessment. The approach is supported by extensive supporting text which addresses the housing needs of older people and identifies an optimum housing mix for the parish.
- 7.76 MBC suggests that the policy is revised so that it has a closer relationship with Policy C2 of the MLP. That policy comments in detail about house sizes and tenures. Having considered this matter carefully I am satisfied that the policy meets the basic conditions. It takes a general and non-prescriptive approach which is in general conformity with the strategic policies in the development plan. In any event the development plan is read as a whole and MBC will be able to apply Policy C2 of the MLP and Policy A13 of the neighbourhood plan in combination in determining proposals for residential development in the parish. In the round the policy will contribute to the delivery of the social dimension of sustainable development.

Policy A14 First Homes

- 7.77 This policy sets out a requirement for affordable homes on sites of ten or more houses. It then sets out a requirement for the proportion of the affordable homes which should be First Homes. It also sets out detailed requirements for the delivery and pricing of First Homes.
- 7.78 The approach taken on First Homes is challenged both by Deeley Homes and Gladman Developments Limited. Specific concern is expressed about the details in the policy that the first sale price of First Homes should not exceed £83,000 (after the application of the discount).
- 7.79 I have considered this matter very carefully. I have concluded that the data used by APC is slightly out-of-date. I recommend that this element of the policy is modified so that it allows benchmarking of the cost of housing in the neighbourhood area at the time when any such proposals are being developed and then considered through the development management process.

- 7.80 I also recommend that criterion B of the third part of the policy is deleted. The development plan is designed to be read as a whole and MBC will be able to assess any proposals for exception sites in Areas of Separation and in designated LGSs on their merits. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the second paragraph of the policy with: ‘First Homes should be discounted by a minimum of 30% against the market value and at a first sale price which is benchmarked to the price of locally available two- and three-bedroom homes in the parish.’

In the third part of the policy delete criterion B (and revise the lettering thereafter).

Policy A15 Affordable Housing

- 7.81 This policy comments that the primary requirement for affordable homes will be met by existing commitments and the proposals identified elsewhere in the Plan. It then offers support to rural exception schemes subject to a series of criteria.
- 7.82 The policy takes a positive approach to this matter. In order to bring the clarity required by the NPPF I recommend a detailed modification to the wording used in the policy.
- 7.83 In addition I recommend that the way in which the policy overlaps with the Plan’s approach to Areas of Separation is modified so that it is consistent with the recommended modifications to Policy A1 of the Plan (as addressed earlier in this report). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first part of the policy replace ‘may’ with ‘will’

In B delete ‘Area of Separation’

After B add an additional criterion to read:

‘C. the development does not have an unacceptable impact on the Areas of Separation addressed in Policy A1 of this Plan;’

Update the letters in the remainder of the policy.

Policy A16 Bradgate Lane Shops

- 7.84 This policy acknowledges the importance of the Bradgate Lane shops to the local community. It offers support to proposals which would ensure that the Bradgate Lane shops continues to provide a wide range of services to the local community. I looked at the shops during the visit. I saw the range of uses available and their obvious importance to the local community.
- 7.85 In its representations MBC suggests that the policy is contrary to national policy and Policy EC2 of the MLP. In its response to the clarification note on this issue APC commented:

‘The Melton Local Plan pre-dates the introduction of Class E (Commercial, business and service uses) and is therefore out-of-date. Use Class E includes a broad and

diverse range of uses which principally serve the needs of visiting members of the public and or are suitable for a Local Centre. Class E allows for a mix of uses which recognises that a building may be in several different uses concurrently or be used for different uses at different times of the day. The Policy does not prevent the introduction of other uses provided there is not an over-concentration of any other uses'

- 7.86 Taking account of all the circumstances I am satisfied that the policy takes an appropriate stance on this matter. It acknowledges the flexibility which is now available for retail/business/commercial uses in Class E of the Use Classes Order. Its effect will be to highlight the significance of the Bradgate Lane shops and to prevent an over concentration of uses other than Class E uses.
- 7.87 I recommend detailed modifications to the wording used in the policy to bring the clarification required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic and social dimensions of sustainable development.

Replace the two uses of 'permitted' with 'supported'

In the first part of the policy replace 'Planning applications' with 'Development proposals'

Policy A17 Childrens Play Areas

- 7.88 This policy comments that Local Areas for Play (LAPS) should be provided for residential developments of 10 or more houses. It also comments on the specific requirements for the design of LAPS.
- 7.89 The policy takes a positive approach to this matter. It meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Policy A18 Travel Packs

- 7.90 This policy sets out detailed requirements for developers to produce travel packs for new residential developments of 10 or more houses. It is an innovate way to encourage sustainable travel.
- 7.91 MBC welcomes the policy and advises that it aligns with Policies IN3 (Infrastructure Contributions and Community Infrastructure Levy) and EN8 (Climate Change) of the MLP.

- 7.92 I am satisfied that the policy meets the basic conditions.

Policy A19 Infrastructure

- 7.93 This policy sets out the need for new development to deliver essential infrastructure on-site and to contribute towards the improvement/expansion of off-site infrastructure. The policy identifies that infrastructure includes local schools, the GP surgery, the parish hall, and sports/recreational facilities. The policy also indicates that a flexible approach will be taken to ensure that development proposals are viable.
- 7.94 In general terms the policy takes an appropriate approach to this matter. However, I recommend modifications to ensure that it can be applied in a proportionate way.

Plainly individual application will have their own impacts on the capacity of infrastructure in the parish. I also recommend a detailed modification to the wording of the final part of the policy which addresses viability and provides a degree of flexibility. The recommended modifications will bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘New development will be supported by the provision of’ with ‘As appropriate to their scale, nature and location development proposals should make provision for’

In the final section of the policy replace ‘are likely to’ with ‘would’

Policy A20 Asfordby Business Park

- 7.95 This policy offers support for B2 and B8 business uses on the Business Park subject to a series of criteria. The first criterion offers the potential for business uses other than B2 and B8 to come forward on the site subject to certain restrictions.
- 7.96 The policy also offers support to proposals for the use of the Old Dalby test track for trains and railway equipment. I am satisfied that this part of the policy meets the basic conditions.
- 7.97 MBC comments that the policy does not align with Policy (EC1 Employment Growth in Melton Mowbray) and Policy EC3 (existing employment sites) of the MLP. It does however acknowledge that if an application for the site came in for mixed use, it would be decided on own merits. In its response to the clarification note APC commented:
- ‘Melton Local Plan Policy EC1 allocates 10 hectares of employment land on brownfield land available at Asfordby Business Park for Class B employment uses, which at that time included uses B1, B2 and B8. Local Plan Policy EC3 refers to employment uses as Classes B1, B2 and B8 of the Use Classes Order. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 and introduced significant changes to the system of ‘use classes’. Use class B1 was removed, rendering Policies EC1 and EC3 out of date. To reflect the 2020 amendments, criterion A of policies A20 and A21 allow for former B1 uses at Asfordby Business Park and Holwell Works and other uses compatible with these business areas.’*
- 7.98 Taking account of all the available information, I am satisfied that in general terms the policy meets the basic conditions. As APC comments, it seeks to refresh the broader policy approach in the MLP to take account of the 2020 updates to the Use Classes Order. In addition, the policy takes account of important physical restrictions on the development of the site (the two mine entries) and the heritage assets in the immediate locality. Nevertheless, I recommend a modification to the wording of the element of the policy which refers to non-B class development. As submitted, it reads as being out of context with the substantive part of the policy. The recommended modifications provide the clarity required by the NPPF.

- 7.99 I also recommend detailed modifications to the wording used elsewhere in the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development

In A replace ‘Non-B class uses development’ with ‘Any non-B class uses incorporated with development proposals’

In A iii) replace ‘possible’ with ‘practicable’

In the final part of the policy replace ‘significant adverse’ with ‘unacceptable’

Policy A21 Holwell Works

- 7.100 This policy offers support for B2 and B8 business uses on the site subject to a series of criteria.
- 7.101 MBC raised the same issue on this policy as it did with Policy A20. The response which APC made to Policy A21 also applies to this policy.
- 7.102 Taking account of all the available information, I am satisfied that in general terms the policy meets the basic conditions. As APC comments in effect, it seeks to refresh the broader policy approach in the MLP to take account of the 2020 updates to the Use Classes Order. In addition, the policy takes account of important physical restrictions on the development of the site (ground conditions and remediation works) and existing and potential railheads. Nevertheless, I recommend a modification to the wording of the element of the policy which refers to non-B class development. As submitted it reads slightly out of context with the substantive part of the policy. The recommended modifications provide the clarity required by the NPPF.
- 7.103 I also recommend detailed modifications to the wording used elsewhere in the policy to being the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

In A replace ‘Non-B class uses development’ with ‘Any non-B class uses incorporated with development proposals’

In A iii) replace ‘possible’ with ‘practicable’

In part D of policy replace ‘significant adverse’ with ‘unacceptable’

In part G of the policy replace ‘measures’ with ‘Measures’

Policy A22 Holwell Business Park

- 7.104 This policy refers to land in the southern part of Holywell Business Park. It offers support for mixed use development subject to a series of criteria.
- 7.105 The Plan sets out the complex background to the site which has been allocated for employment purposes in the development plan for over twenty years. There have been several proposals for the redevelopment of land to the south of the Holwell Works site, off Welby Road. In 2009, a planning application (09/00356/OUT) was submitted by Rotherhill (Asfordby) Syndicate for the development of 36,152m² of industrial and warehouse units called Holwell Business Park. Planning permission was granted in 2010 and an extension of time was agreed in April 2013 but has now expired.

7.106 The Plan also comments about the work which has been undertaken to resolve this matter. Paragraph 8.14 of the Plan comments that:

‘A Viability and Marketing Report (2021) confirms that the site is incapable of supporting large-scale employment uses with the result that a more mixed-use form of development should be considered. We want to see the redevelopment of the site for employment uses to go ahead so that it can provide job opportunities for local people and be put into active use. We recognise that new housing development may be required to enable this to happen. Therefore, we have been working with landowners/developers on plans for a mixed-use development at Asfordby Hill for some 3.23 hectares of business, general industrial and storage or distribution uses, along with up to 100 dwellings, provision for a new general store, a new or replacement community meeting place and play space. The proposals were supported by the community during the preparation of the now quashed Neighbourhood Plan.’

7.107 MBC comment that the policy does not align with policy EC3 (Existing Employment Sites), as it comments no more than 100 dwellings which would conflict with MLP policy EC3 for employment only. In addition, MBC advises that the policy does not align with policy (EC1 Employment growth in Melton Mowbray) and Policy EC3 (existing employment sites). It does however acknowledge that if an application for the site came in for mixed use, it would be decided on own merits

7.108 I have considered the policy very carefully and its specific impact on Policy EC3 of the MLP. In this broader context I am satisfied that the policy takes an appropriate approach. It is underpinned by a Viability and Marketing Report which accords with the approach specified in Policy EC3. More broadly the policy is designed to bring forward development on a site in a way which would represent a positive response to the need for sustainable development in this part of the parish.

7.109 I recommend two modifications to ensure that the policy has the clarity required by the NPPF. The first is a detailed modification to the wording used in the initial part of the policy. The second is to the wording used to describe the mixed-use development supported by the policy. The recommended modifications will ensure that the policy is consistent with the approach taken in the supporting text which identifies the package as being necessary to allow the employment uses to come forward. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace ‘is supported’ with ‘will be supported’

Replace ‘mixed use development’ with ‘mixed use development (employment uses, commercial, business and service uses (Class E), local community uses (Class F2) and residential uses)’

Policy A23 Frisby Water Parks

7.110 This policy offers support for the development of a countryside leisure facility at the Frisby Water Parks subject to a series of criteria.

7.111 MBC comments that the proposed restriction on the number of chalets (in Criterion C) is very restrictive and would conflict with national and local planning policies. In its

response to the clarification note, APC advised that the criterion had been included in the policy to take account of an appeal decision which had imposed this limit on the number of lodges

- 7.112 In the round, I am satisfied that the general approach taken in the policy is both positive and appropriate. It will represent a positive and sustainable use of the site.
- 7.113 As submitted the policy is slightly repetitive. Criterion A specifies that the development should be small-scale and of a design which is compatible with its landscape setting. On the other hand, criterion C is very prescriptive about the number of lodges. I have considered this matter very carefully. On the balance of the evidence, I recommend that criterion C is deleted and that the commentary about the number of lodges and the earlier inspector's decision is addressed in expanded supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of both the economic and environmental dimensions of sustainable development.

Delete criterion C (and update the letters in the remainder of the policy)

At the end of paragraph 8.19 add: 'The planning appeal permitted up to 59 lodges on the Park. Policy A23 comments that any development on the site should be small-scale and of a design which is compatible with its landscape setting. In this context the Plan expects any development to respect the earlier decision both in general and in terms of the number of lodges.'

Other Matters (General)

- 7.114 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 APC 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.

Other Matters (Specific)

- 7.115 In addition to its comments on the policies, MBC has provided a series of general comments on the Plan. They have been very helpful as part of the examination of the Plan. Based on those comments, and my own observations, I recommend the following modifications to the Plan so that it will meet the basic conditions:

On Map 6 delete 'Scheduled Monuments' from the key.

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 to safeguard the character and setting of the neighbourhood area.
- 8.2 Following the independent examination of the Plan, I have concluded that the Asfordby Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 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 Asfordby Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood 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 Melton Council on 30 January 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. I am particularly grateful to everyone who contributed to the hearing held on 18 May 2023.

Andrew Ashcroft
Independent Examiner
14 June 2023

Appendix 1

Asfordby Neighbourhood Development Plan

Hearing Note

Context

This note clarifies the next stages of the examination process and expands on the earlier note about the need for a hearing. The examination of the submitted Plan is proceeding well. I have visited the neighbourhood area, read the submitted documents and the representations made to the Plan. I have also prepared a clarification note and read the responses to that note.

Hearing

I am satisfied that most of the Plan can be examined by way of written representations. However, in accordance with paragraph 9(3) of Schedule 4B to the Town and Country Planning Act 1990 I have concluded that it is necessary to hold a hearing on the contents of Policy A1 of the submitted Plan.

Hearing Details

The hearing details are as follows:

Date: Thursday 18 May 2023

Time: 13:30

Venue: Asfordby Parish Hall, 24 Main Street, Asfordby LE14 3SA

The participants

The following organisations have been invited to attend the hearing:

- Asfordby Parish Council;
- Melton Borough Council
- Jelson Homes; and
- Deeley Homes.

The various parties should be represented by no more than two persons at either of the two sessions. The public are welcome to attend the hearing. However, there will be no opportunity for other bodies or the public to participate directly in the debate.

The issues and the hearing sessions

The hearing will have two sessions. The participants invited to attend both sessions.

Session 1

- How have the proposed boundaries of the Asfordby and Asfordby Valley and the Asfordby Hill/Valley and Kirby Bellars Areas of Separation been defined in the submitted neighbourhood plan?
- Is the way in which these two Areas of Separation are shown on Map 2 in the Plan in general conformity with Policy EN4 of the Melton Local Plan?

- To what extent does Policy EN4 of the Melton Local Plan already provide sufficient detail to secure the ongoing separation between settlements in the neighbourhood area for development management purposes?

Session 2

- What are the issues which have caused Asfordby Parish Council to propose an additional Area of Separation between Asfordby Hill and Asfordby Valley?
- Would the way in which the proposed Area of Separation between Asfordby Hill and Asfordby Valley as shown on Map 2 of the Plan be in general conformity with Policy EN4 of the Melton Local Plan?

The hearing itself

I would like to meet with the participants at 12:45 on the day of the hearing at the venue. This meeting will discuss the detailed format of the hearing. It will not discuss the substantive matters to be debated at the hearing.

The hearing will address the matters identified for each session. I will ask the various questions and lead any follow-up discussions. A neighbourhood plan hearing is intended to achieve a balance between getting to the heart of the issues identified and having a light-touch approach so that lay people can both understand and take an active part in its proceedings. The hearing will proceed on this basis. There will be no opportunity for any party to question the other parties. As the representations made by the parties invited to the hearing are clear and comprehensive, I am satisfied that additional hearing statements are not required.

The next steps after the hearing

I will finalise my report on the submitted Plan as quickly as possible after the hearing. The elements of the report on the remainder of the Plan will have been completed before the hearing takes place.

The examiner's report

The hearing introduces an additional stage into the examination process rather than affecting the way in which the report will be produced and finalised. I will send a fact check report to the Borough Council and the Parish Council (as set out in the note on examination arrangements). The final report will be published once the fact-checking process has concluded. The main findings of the hearing will be incorporated within the report on a policy-by-policy basis.

Andrew Ashcroft
Independent Examiner
Asfordby Neighbourhood Development Plan

25 April 2023