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# **Report on Melbourne Neighbourhood Development Plan 2016-2028**

**An Examination undertaken for South Derbyshire District Council with the support of Melbourne Parish Council on the March 2021 Submission version of the Plan.**

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Date of Report: 19 April 2022

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## **Main Findings - Executive Summary**

From my examination of the Melbourne Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Melbourne Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Melbourne Neighbourhood Area, as identified on the map at page 8 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2016 to 2028; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### Melbourne Neighbourhood Development Plan 2016-2028

- 1.1 The Parish of Melbourne in South Derbyshire is situated some 8 miles to the south of Derby, 6 miles north-east of Ashby de la Zouch and 5 miles to the west of East Midlands Airport. The principal settlement in the parish is the small, historic market town of Melbourne, which contains many Georgian buildings which reflect the growth of the town in the early nineteenth century particularly as a centre for knitted products and footwear manufacture. There is a good range of shops and services within Melbourne, with a central focus around a historic Market Place. Melbourne is the third largest settlement in South Derbyshire district, and the parish had a population of 4,843 at the 2011 Census. This represented a 2% increase in population since 2001. The parish also contains the smaller settlement of Kings Newton which is immediately north of Melbourne. Each settlement has a designated Conservation Area.
- 1.2 The parish was recorded in the Domesday Book of 1086 as the royal manor of Mileburne meaning “mill stream”. A parish church was also recorded in the Domesday Book, but the existing church dates from 1120, with subsequent restorations in the seventeenth and nineteenth centuries. The parish has a rich architectural heritage, with 134 Listed Buildings, of

which 24 are Grade I listed and five are Grade II\* listed. Melbourne Hall to the south-east of Melbourne dates from the early eighteenth century, and has important gardens laid out with the assistance of royal gardeners in 1704.

- 1.3 The landscape of the parish is largely within the Melbourne Parklands Character Area which is an undulating landscape with extensive areas of arable farming with woodland on the steeper valley slopes. The northern part of the parish is within the Trent Valley Washlands Character Area which is a largely agricultural landscape set within broad, open river valleys with more urban features, transport routes and areas of mineral workings. The northernmost part of the parish is within the functional floodplain of the River Trent and is at risk of frequent flooding. Other areas of high flood risk exist along the Ramsley, Carr and Blackwell Brooks elsewhere in the parish.
- 1.4 The parish has a good range of community facilities. An Infant School and a Junior School are located at Melbourne, but the nearest Secondary School is at Chellaston closer to Derby. There is also the Melbourne Assembly Rooms, which also accommodates the library, together with the Melbourne Senior Citizens Community Centre within Melbourne. Other community facilities, including a GP surgery, dentists, pharmacy, small leisure centre and shops, are situated in Melbourne.
- 1.5 The principal road serving the parish is the A514 which provides links to the A50, A6 and M1 motorway. The main road serving Melbourne is the B587. There are no railway services serving the parish, the closest railway stations being at Derby, Willington and Long Eaton. The parish is within the Derby Travel to Work Area and between 20-40% of people travel northwards to the Derby area for employment.
- 1.6 There are no designated Sites of Special Scientific Interest or Local Nature Reserves within the parish. However, there are nine non-statutory County Wildlife Sites and the disused railway line (the Melbourne Line) through Kings Newton is also a designated wildlife site as well as being part of a Sustrans long-distance cycling route. The south-western 'quarter' of the parish is within the National Forest.

### The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by South Derbyshire District Council (the District Council), with the agreement of the Parish Council.
- 1.8 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate

qualifications and experience to carry out this independent examination.

- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

### The Scope of the Examination

- 1.10 As the independent examiner, I am required to produce this report and recommend either:

(a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

- 1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
- meet prescribed conditions and comply with prescribed matters.

1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

2.1 The Development Plan for this part of South Derbyshire District Council (SDDC), not including documents relating to excluded minerals and waste development, consists of the two parts of the South Derbyshire Local Plan (SDLP), together with the Local Green Spaces Plan. Part 1 covers the period 2011 to 2028 and is the strategic element of the Plan, setting the vision, objectives and strategy for the spatial development of South Derbyshire. It also sets out the scale of housing and employment development required within the District over the plan period, allocates strategic sites and contains policies used in the determination of planning applications. Part 2 includes other (non-strategic) housing allocations and

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

detailed development management policies. The Local Green Spaces Plan designates areas of land that are of particular value to the local community, for protection from most forms of development. Part 1 was formally adopted on 13 June 2016, Part 2 was adopted on 2 November 2017 and the Local Green Spaces Plan was adopted on 24 September 2020.

- 2.2 The Basic Conditions Statement (at pages 2-5) provides an assessment of how the policies proposed in the Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted Local Plan. Having been adopted in 2016/17, the Local Plan provides a relatively up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021. All references in this report are to the 2021 NPPF and its accompanying PPG.

### Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Melbourne Neighbourhood Development Plan 2016-2028 (Submission Version, March 2021) and its Appendices (which are listed below);
  - the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Determination (December 2018) and Addendum (April 2021);
  - the Basic Conditions Statement (August 2020);
  - the Consultation Statement (undated); and
  - all the representations that have been made in accordance with the Regulation 16 consultation.<sup>3</sup>

### Appendices to the Plan

- 2.5 I have also considered the 17 Appendices to the submission Plan, as follows:
- Appendix 1 - Action with Communities in Rural England (ACRE) Rural Evidence Project - Rural community profile for Melbourne (October 2013).
  - Appendix 2 - Housing Issues raised during consultations in 2015 and 2016.

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<sup>3</sup> View at: <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

- Appendix 3 - Sheltered Housing Provision in the Plan Area.
- Appendix 4 - South Derbyshire District Council Planning Guidance to support Planning Policies.
- Appendix 5 – Data on housing developments 2011-2016.
- Appendix 6 - Business Survey results (September 2015).
- Appendix 7 - Car Parking Survey results (November 2015).
- Appendix 8 - Local Green Spaces Table, Background and Context and copy of letter to landowners.
- Appendix 9 - Sustainability and Resilience – Background Information.
- Appendix 10 - Appeal Decision (Ref: APP/F1040/W/15/3139116) - Land at Jawbone Lane, Melbourne
- Appendix 11 - Consultations with Health and Education Providers.
- Appendix 12 - Melbourne and Kings Newton Listed Buildings.
- Appendix 13 – Maps of Melbourne, Kings Newton & Woodhouses Conservation Areas.
- Appendix 14 - Heritage and Conservation - Background Information.
- Appendix 15 – South Derbyshire District Council - Open Space, Sport and Community Facilities Strategy (January 2016).
- Appendix 16 – South Derbyshire District Council - Options Appraisal on the Provision of Leisure Facilities in Melbourne (March 2010).
- Appendix 17 – Derbyshire Wildlife Trust – Biodiversity in Melbourne.

## Supporting Documents

2.6 I have also considered the supporting consultation evidence documents (Refs. CEF1-8)<sup>4</sup> which have informed the Plan’s preparation.

## Preliminary Questions

2.7 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the District Council and the Parish Council on 21 December 2021<sup>5</sup> seeking further clarification and information on seven matters contained in the submission Plan, as follows:

- firstly, with regard to Policy DP1, I noted that Melbourne is identified as a Key Service Village within the settlement hierarchy in the adopted South Derbyshire Local Plan Part 1 (Policy H1). It therefore performs a wider role in the provision of services, such as education, employment, retail and health, than Rural Villages such as Kings Newton. I further noted that, as drafted, Policy DP1 seems to limit all development to “Infill” only within both Melbourne and Kings Newton. In my

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<sup>4</sup> View at: <https://www.melbourneparishcouncil.gov.uk/ndp-consultation-evidence-files.html>

<sup>5</sup> View at: <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

assessment, this does not reflect the recognised role of Melbourne as a Key Service Village and, by the use of the word “development”, the policy covers all forms of development. I observed that the policy is intended to focus upon residential development but, as drafted, it does not support other types of development, for example proposals for retail, educational and community facilities, which may be acceptable on suitable sites within Melbourne. The policy is also potentially contrary to the national policy objective to promote sustainable development. The policy also cannot be reconciled with a number of the Community Aspirations listed in Section 10 of the Plan. I therefore considered that the policy needs to distinguish between the forms of development that will be supported in Melbourne and those that will be supported in Kings Newton. The policy also needs to provide a cross-reference to the defined settlement boundaries of the villages, which are shown on the map on page 20, although a separate map simply identifying the settlement boundaries would be preferable (which can then be linked to Policies DP1 and DP3). I therefore invited the Qualifying Body to provide me with a note setting out some appropriate replacement draft text for this policy, to reflect those points, which I may consider as a potential modification to the Plan.

- secondly, with regard to Policy DP2, I noted that I could not identify the proposed Area of Separation on the map at page 20 which is referenced within the policy and its supporting text. I therefore requested that the Qualifying Body provide me with a suitable map that defines the proposed Area of Separation which I can consider as a potential modification to the Plan;
- thirdly, with regard to Policy DP3, I noted that the terms “Executive Homes” and “Downsizing” are not appropriate for a planning policy. This policy is intended to encourage the development of smaller homes, and I invited the Qualifying Body to provide me with some appropriate replacement draft text for the policy which avoids the above terms, and which I may consider as a potential modification to the Plan;
- fourthly, with regard to Policy OS2, I considered that, as drafted, the policy is rather more of an objective than an effective planning policy. I therefore invited the Qualifying Body to provide me with some additional or replacement text for the policy which reflects the points that are made in the first two paragraphs of the supporting text to the policy;
- fifthly, with regard to Affordable Housing, I noted that the Government had published details of its new ‘First Homes’ policy initiative. The newly published ‘First Homes’ section of the Planning Practice Guidance (PPG) now requires that neighbourhood plans are expected to contain First Homes policies. The guidance states that First Homes are now the Government’s “preferred discounted market tenure and should account for at least 25 per cent of all affordable housing units delivered by developers through planning obligations”. Policies in neighbourhood plans, like local plans, are expected to reflect this requirement. Transitional arrangements applied to draft plans already being prepared. Neighbourhood plans submitted for examination before 28

June 2021, or those that have reached publication stage by the same date and are subsequently submitted for examination by 28 December 2021, are not required to contain First Homes policies. The Melbourne Neighbourhood Development Plan is covered by those transitional arrangements. However, the Plan, as drafted, lacked a specific policy addressing the need to support the provision of Affordable Housing within the Plan area (although it notes at paragraph 7.3.1 that “Affordable housing is supported” and that Policy H21 of the South Derbyshire Local Plan Part 1 is supported). I therefore invited both the District Council and the Qualifying Body to consider this matter, and if appropriate to provide draft text for a policy which addresses this point;

- sixthly, with regard to sustainable development, the draft Plan notes, at paragraph 1.8, that the making of a neighbourhood plan should contribute to the achievement of sustainable development. However, I considered that the Plan does not presently contain a sufficiently clear statement or policy which addresses this statutory requirement, as it applies to the Plan area. I therefore invited the Qualifying Body to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 4 (possibly as a new paragraph 4.4) or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan; and,
- finally, with regard to the revised version of the NPPF published by the Government on 20 July 2021 alongside a final version of the National Model Design Code, I requested that the District Council and the Qualifying Body advise me whether any modifications in relation to the non-strategic matters covered by the Melbourne Neighbourhood Plan are necessary as a result of the publications (other than amended referencing) and, if so, what they are.

2.8 In response to my letter of 21 December 2021, the District Council provided me with a response to the fifth and seventh matters listed above on 21 January 2022. The Parish Council provided me with responses to the preliminary questions on 8 March 2022.<sup>6</sup> I have taken full account of the additional information contained in these responses as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.4, 2.5 and 2.6 above.

### Site Visit

2.9 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 January 2022 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

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<sup>6</sup> View at: <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

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## Written Representations with or without Public Hearing

- 2.10 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

## Modifications

- 2.11 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Melbourne Parish Council. An application to the District Council for the Parish Council area to be designated a neighbourhood planning area was made on 14 November 2014 and was approved by the District Council on 29 January 2015, following public consultation between 4 December 2014 and 16 January 2015.
- 3.2 The designated Neighbourhood Area comprises the whole of the Parish of Melbourne. The designated area is shown on the map at Appendix 1 in the Basic Conditions Statement and on the map at page 8 in the submission Plan. The Melbourne Neighbourhood Plan is the only neighbourhood plan in the designated area.
- 3.3 Melbourne Parish Council is the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Working Group, which was established in October 2014, under the chairmanship of the Parish Council and comprising a number of local residents and other volunteers.

### Plan Period

- 3.4 The draft Plan specifies (on the front cover) the period to which it is to take effect, 2016 to 2028, and which is aligned to the plan period for the adopted SDLP Parts 1 and 2. The Plan period therefore encompasses the remaining part of the plan period for the adopted SDLP (up to 2028). I make a recommendation (see paragraph 4.41 below and proposed

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modification **PM10** with regard to the future review of the Plan to take account of any review undertaken by the District Council of the strategic policies of the Development Plan.

## Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between 2014 and 2021. The decision to undertake the preparation of the Neighbourhood Plan was taken in November 2014, following an exploratory public meeting held in September 2014. Following the designation of the Neighbourhood Area in January 2015, the first formal public meeting was held, which was attended by some 150 people. Residents' views and comments on the issues to be covered by the Plan were recorded and formed the discussion topics for subsequent meetings and surveys. A series of meetings and surveys of local groups and organisations were held during 2015, and the second formal public meeting was held in February 2016, which was attended by over 100 people. Residents were updated on the preparation of a draft Plan, and comments were invited on the key issues that had been identified. Housing development was the major issue identified by residents.
- 3.6 The first draft of the Plan was prepared in April 2016, and over the subsequent six months it was revised and updated, following consultations with the District Council and others. In early-2017 a questionnaire survey was undertaken of all households in the parish seeking views on the draft policies and content of the emerging Plan. This attracted 573 responses, and the comments led to various amendments and modifications to the draft Plan. A pre-submission draft was then subject to further consultation with the District Council in late-2017, and again a series of modifications were suggested by the District Council. A revised draft was then submitted to the District Council in March 2018 for further comment, following which the preparation of the Regulation 14 draft Plan and supporting documents for public consultation was undertaken.
- 3.7 The Regulation 14 draft Plan was published for public consultation between 20 May and 2 July 2019. The consultation was accompanied by extensive local publicity across the parish using social media, public notices and the Parish Council and Neighbourhood Plan websites. Various statutory and non-statutory consultees were contacted separately, including the District Council, Derbyshire County Council and adjoining Parish Councils.
- 3.8 The consultation responses were then analysed and assessed, and the comments raised by the District Council, and to a lesser extent the County Council, necessitated some significant amendments to the draft Plan.
- 3.9 The Consultation Statement provides a full record of the consultation and engagement work that was undertaken during the preparation of the Plan, including the actions that were taken to amend or modify the draft Plan following consultation responses at key stages in the Plan's preparation.

- 3.10 Following submission of the Plan to the District Council under Regulation 15, the Regulation 16 consultation was subsequently held for a period of six weeks from 8 October to 19 November 2021. I have taken account of the 38 responses then received, as well as the published Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.
- 3.11 I note that two responses received at the Regulation 16 consultation stage are solely concerned with the Community Aspirations in Section 10 of the Plan, and I draw the Parish Council's attention to those representations at paragraph 4.40 below.

### Development and Use of Land

- 3.12 I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### Excluded Development

- 3.13 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.<sup>7</sup>

### Human Rights

- 3.14 Neither the District Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The District Council first issued a Strategic Environmental Assessment (SEA) (and the Habitats Regulations Assessment (HRA) Screening Determination) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') in December

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<sup>7</sup> The meaning of 'excluded development' is set out in s.61K of the 1990 Act.  
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2018, and this was subsequently updated with an Addendum in April 2021. This Screening Determination is submitted alongside the draft Plan and concludes (at paragraphs 3.8 and 5.1) that the emerging draft Plan is not likely to have a significant environmental effect, and accordingly an SEA is not required. The draft Screening Determination was the subject of consultation with the Environment Agency, Natural England and Historic England between 12 November and 3 December 2018. Notwithstanding the overall conclusion that an SEA is not required, I have given careful consideration to the responses from each of the statutory bodies and have taken account of their specific comments.

- 4.2 I have considered the SEA methodology set out in the Screening Determination (at Section 3) and process by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects, bearing in mind also that the policies in the adopted SDLP, were subject to sustainability appraisal at the relevant stages, most recently in 2017. Overall, I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance.
- 4.3 The Plan was also screened by the District Council in order to establish whether the Plan required Habitats Regulations Assessment (HRA) under the Habitats Regulations. South Derbyshire and its surrounding districts contain six sites of European importance, The River Mease Special Area of Conservation (SAC), the West Midlands Mosses SAC, the Cannock Chase SAC, the Bees Nests and Green Clay Pits SAC, the Gang Mine SAC and the Peak District Dales SAC. The River Mease SAC is located partly within South Derbyshire district and the potential impacts of the Plan upon this SAC were given careful consideration (as set out at Appendix 3 of the Screening Determination). The HRA Screening Assessment, which is contained at Section 4 of the Screening Determination, concluded (at paragraph 5.2) that the draft Plan did not require a stage 2 HRA (Appropriate Assessment) as no likely significant effects are likely to occur with regards to the integrity of the protected European sites within and around South Derbyshire district. I have noted that Natural England has concurred with that conclusion.
- 4.4 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA/HRA Screening Determination and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

## Main Assessment

- 4.5 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should*

*not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.

- 4.6 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.7 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's eight policies, which address the following themes: Housing and Development; Open Spaces; and Heritage and Conservation. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>8</sup> I recommend some modifications as a result.

## Overview

- 4.8 The Plan is addressing a period up to 2028 and seeks to provide a clear planning framework to guide residents, businesses, the District Council and developers as to how the community wish to shape the development and growth of the parish during that period. Sections 7-9 of the Plan contain specific policies in respect of each of the themes listed above.
- 4.9 Section 1 of the Plan provides an introduction to the Plan following the designation of the parish as a Neighbourhood Area in January 2015. It provides a brief synopsis of the Neighbourhood Plan process, and how the Plan will be used. Section 2 comprises a summary list of the eight Policies in the Plan, which I address in detail at paragraphs 4.16-4.38 of this report. Section 3 comprises a summary list of the twelve Community Aspirations, which are readily and separately identifiable<sup>9</sup>, and more fully described at Section 10 of the Plan. I do not examine the Community Aspirations as they will not form part of the statutory Development Plan (see paragraph 4.39 of this report).
- 4.10 Section 4 of the Plan sets out the Parish Council's Vision which has been finalised following the progressive consultations undertaken during the

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<sup>8</sup> PPG Reference ID: 41-041-20140306.

<sup>9</sup> PPG Reference ID: 41-004-20190509.

preparation of the Plan. The Vision states:

*"A vibrant, sustainable and caring community. We want to keep the heritage, attractive landscape, and rural nature of our villages. We want any housing development to be small and to fit the needs of local people, and to be at a pace that our drains, sewers, roads, parking, schools and the medical centre can cope with. We want to keep and protect from development the open space between Melbourne and Kings Newton and to protect agricultural land. We want facilities to encourage sports, physical fitness, entertainment and clubs and societies, and to promote village life."*

It notes that this Vision will be achieved by promoting the Plan together with the adopted SDLP to ensure that they are agreed and adopted, supporting development which meets the Plan's criteria and standards, opposing development which does not comply with the Plan's policies, preserving and protecting open spaces and supporting the local economy to maintain a thriving town centre. Although the Plan does not contain specific Objectives, I am of the view that the proposed actions to achieve the Plan's Vision do represent planning objectives, which have guided the preparation of the various policies in the Plan.

- 4.11 Section 5 comprises a map of Melbourne Parish which is the designated Neighbourhood Area.
- 4.12 Section 6 provides a brief description of the character and quality of the parish, highlighting the key characteristics that were identified by local residents during the preparation of the Plan. It notes that Melbourne is an historic, rural market town surrounded by a rural and attractive landscape. It notes that the location, landscaping and design of any new development is crucial to maintaining the balance between landscape and settlement.
- 4.13 The Basic Conditions Statement describes how the Plan and its policies, have regard to national policies contained in the NPPF. It also sets out how the Plans' policies are in general conformity with the strategic policies in the adopted SDLP, both Parts 1 and 2.
- 4.14 However, as noted at paragraph 2.7 above, with regard to sustainable development, I considered that the Plan (and also the Basic Conditions Statement) do not presently contain a sufficiently clear statement or policy which addresses the statutory requirement for the Plan to contribute to the achievement of sustainable development. I therefore invited the Qualifying Body to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 4 or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response on this matter, as contained in their letter dated 8 March 2022. Subject to some further amendment, I have accepted the Parish Council's proposed additional text, and I therefore recommend

modification **PM1** in order to address this matter. Subject to that modification, and to the further detailed modifications that I recommend to specific policies below, I consider that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are also a number of other detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of the District Council. Accordingly, I also recommend modifications elsewhere in this report in order to address those matters.

### Specific Issues of Compliance

4.15 I turn now to consider each of the proposed policies in the draft Plan, which are contained in Sections 7-9 of the Plan, and I take into account, where appropriate, the representations that have been made concerning the policies.

### *Housing and Development*

4.16 Section 7 addresses the theme of Housing and Development in the Plan area and contains three policies (Policies DP1-DP3). The introduction to this section notes that, during consultations on the draft Plan, concerns were raised that unplanned and speculative growth could jeopardise the rural and heritage setting of the parish, have adverse impacts on the overall infrastructure and would not be sustainable in the long term.

4.17 The Plan takes account of the relevant Policies in the adopted SDLP relating to strategic larger-scale development (Policy H1) and to smaller scale, non-strategic housing allocations (Policies S4 and H23) and considers, taking account of new dwellings completed between 2011 and 2015 and subsequent planning permissions for a further 185 dwellings, that the parish has already met its contribution towards meeting the District's planned housing growth up to 2028. This represents a potential increase of 14% in the number of households in the parish since the 2011 Census.

4.18 Policy DP1 seeks to respond to the concerns raised regarding further unplanned growth in the Plan area, by stating that "*development will be 'infill' only within the settlement boundaries of the villages*". Upon my initial assessment of the Plan, I considered that, as drafted, this policy fails to provide clear guidance for the consideration and assessment of development proposals and is also potentially not consistent with the national policy objective to promote sustainable development. I therefore invited the Qualifying Body to provide a note setting out some appropriate replacement text for this policy, which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response on this matter, as contained in their letter dated 8 March 2022. In my assessment, although the Parish Council's proposed amendments to the wording of the policy do represent an improvement to that contained in the submission draft Plan, I consider that the policy and its supporting

justification would still fail to provide appropriate guidance for the consideration of development proposals. Therefore, I recommend modification **PM2** to encompass the necessary revisions to this policy and its supporting justification. In that respect, I also take account of a representation made by the Environment Agency concerning flood risk.

- 4.19 I have also given careful consideration to the various representations that have been made concerning this policy (and in some cases related matters concerning other Policies). These have included representations submitted on behalf of The Melbourne Estate, the Trustees of the Margaret Hawksworth Bond Elm Trust and the Ralph Hawksworth Bond Elm Trust and Davidsons Developments Ltd, each of which is promoting a specific site beyond the defined settlement boundary of Melbourne for further residential development during the Plan period. I visited those locations during the course of my site visit. In my assessment, the evidence base that underpins Policy DP1, and notably the data for dwelling completions and planning permissions in the Plan area since 2011, does justify a policy of restraint upon further residential development on land beyond the defined settlement boundaries, at least during the remainder of the Plan period (i.e. up to 2028) for both this Plan and the adopted SDLP. To identify one or more sites for such development in the Plan would clearly serve to nullify the purpose and intent of this policy and indeed the defined settlement boundary itself. I do not see the necessity for any such allocations, and it is my view that the correct approach will be for the forthcoming review of the SDLP, and indeed also of this Plan in due course, to consider whether there will be a requirement for further housing site allocations in the Plan area in light of the future district-wide housing requirements beyond 2028. At the present time, there is no certainty on those matters, and there is no necessity in order to meet the Basic Conditions to recommend the identification of any additional housing site allocations within the Plan, including those put forward within the above-mentioned representations.
- 4.20 Policy DP2 states *“Maintain the separation between Melbourne and Kings Newton: Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the area of separation lying between Melbourne and Kings Newton, as shown and identified on the map attached at para. 8.4.2. Appropriate uses in the area of separation are agriculture, forestry, minerals extraction and outdoor sport and recreation uses. Any built development permitted within the area of separation will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes.”* The supporting justification for the policy states that the area has been subject to pressure for residential development, and that it is considered important to provide clear policy guidance to protect the separate identities of Kings Newton and Melbourne and to prevent their coalescence.
- 4.21 Upon my initial assessment of the Plan, I considered that it was not possible to identify the proposed Area of Separation on the map

referenced at paragraph 8.4.2, or indeed elsewhere in the draft Plan. I therefore invited the Qualifying Body to provide a suitable map that defines the proposed Area of Separation which I may consider as a potential modification to the Plan. The Parish Council responded to me on 8 March 2022 by stating that all areas outside the settlement boundaries are covered by SDLP Policy SDT1 and that there will be no map to define the proposed Area of Separation, reflecting the desire found in the public consultation not to identify any area of separation, and that instead the SDLP policy will be the relevant policy in force.

- 4.22 I have taken account of the Parish Council's response but in my assessment the policy is rendered ineffective without any spatial definition of the proposed Area of Separation, leaving that definition open to wide-ranging interpretations. The principal issue underlying the justification for the policy is the desire to avoid any further coalescence between the two settlements of Melbourne and Kings Newton, each of which has a defined settlement boundary. Melbourne is by far the larger of the two settlements and I do recognise the risk that the character and identity of Kings Newton could be progressively eroded by further urban extensions to the north and north-east of Melbourne. Land to the north-east of Melbourne is clearly under pressure for further residential development, and there are representations before me promoting the residential development of sites on the north-eastern edge of Melbourne, beyond the defined settlement boundary.
- 4.23 I consider that the policy text as drafted should be deleted from the Plan in its current form and that the term 'Area of Separation' should be removed from the Plan. I do recognise, however, the strongly held view that the Plan should seek to prevent the coalescence of the settlements of Melbourne and Kings Newton, and I therefore recommend a series of amendments to the Plan, including replacement wording for the policy, that address the general issue of coalescence, without defining any specific areas of land that would be subject to the policy. Instead, the defined settlement boundaries for both Melbourne and Kings Newton, which are shown on the map at paragraph 8.4.2, will remain as the approved development limits for each settlement in this Plan and for the assessment of any future development proposals against Policies DP1 (see also **PM2**) and DP2. Accordingly, I recommend modification **PM3** to encompass the amendments to the policy and its supporting justification. In reaching my conclusion on this matter, I have taken account of the representations made concerning this policy, including those that sought to provide a spatial definition to the 'Area of Separation'.
- 4.24 Policy DP3 states that "*Proposals for development of dwellings within the settlement boundaries will be supported if they have three bedrooms or fewer, which means that any 'infill' will be for new starter homes and for downsizing rather than for large 'executive homes'*". Upon my initial assessment of this policy, I considered that the terms "executive homes" and "downsizing" are not appropriate for a planning policy. This policy is intended to encourage the development of smaller homes, and I therefore

invited the Qualifying Body to provide me with some appropriate replacement draft text for the policy which avoids the above terms, and which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response on this matter, as set out in their letter dated 8 March 2022. Subject to some further amendment for clarity, I therefore recommend the revised text for this policy, as set out at modification **PM4**. This modification also includes the addition of a new paragraph to the supporting text regarding the First Homes policy initiative introduced by the Government during 2021, and which was the subject of a further preliminary question in my letter of 21 December 2021 to the Qualifying Body.

- 4.25 With recommended modifications PM2-PM4, I consider that the draft Plan's section on Development and Housing and its accompanying policies (Policies DP1-DP3) is in general conformity with the strategic policies of the adopted SDLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### *Open Spaces*

- 4.26 Section 8 addresses the theme of Open Spaces in the Plan area and contains four policies (Policies OS1-OS4). The introduction to this section notes that open spaces include green spaces and greenways, public rights of way, recreation areas and allotments. The Plan seeks to protect and enhance all such areas, to designate additional Local Green Spaces and to promote the biodiversity interests of the area.
- 4.27 Policy OS1 states that "*development of the identified areas of Local Green Space will be resisted*". A total of eight Local Green Spaces within the Plan area are designated within the adopted SDDC Local Green Spaces Plan and, therefore, I do not consider those sites in any further detail within this report. They are shown on the map at page 20 in the Plan and referenced at paragraph 8.4.3.
- 4.28 The Plan proposes the designation of four additional Local Green Spaces within the Plan area. These are the Cemetery at Packhorse Road, Melbourne, the Baptist Church Cemetery at Chapel Street, Melbourne, the Old Cemetery at Castle Street, Melbourne and an area known as the Intake Area to the south of Melbourne. I visited each of these sites during the course of my site visit to familiarise myself with their specific characteristics. I also have taken account of the material contained at Appendix 8 to the Plan, including confirmation that the relevant landowners were notified in 2017 of the proposed designation of each of the sites as a Local Green Space. Paragraph 102 of the NPPF states that Local Green Space designations should only be used where the green space is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance; and, is local in character and not an extensive tract of land. In addition, paragraph 101 states that Local Green Space should be

capable of enduring beyond the end period of the plan. The PPG advises that whether to designate land is a matter for local discretion, but that the area will need to meet the criteria set out in the NPPF.<sup>10</sup>

- 4.29 I observed from my site visit that the three cemeteries at Packhorse Road, Chapel Street and Castle Street are, in each case, tranquil spaces, providing small but significant areas for wildlife to flourish, and in my assessment fulfilling the criteria for designation as a Local Green Space, notably because of their historical importance and their proximity to the Melbourne community. The Intake Area is a local 'beauty spot', accessible from Melbourne and its surroundings, and is a popular visitor attraction. A feature of its location are the views of the surrounding area. Again, I consider that its designation as a Local Green Space meets the national criteria for such designation, particularly as it is a site that is clearly demonstrably special to the local community.
- 4.30 However, with regard to the policy text, and specifically in relation to managing development within a Local Green Space, this should be consistent with those for Green Belts (NPPF paragraph 103), and development should not be approved except in very special circumstances. Therefore, I recommend that the policy text as drafted be modified to reflect that requirement. It is my conclusion that, having regard to NPPF paragraphs 101-102 and the guidance in the PPG, the four sites identified within the Plan should be designated as Local Green Spaces and that the policy (as proposed to be modified) meets the Basic Conditions. Recommended modification **PM5** addresses the necessary amendments to Policy OS1.
- 4.31 Policy OS2 seeks to protect footpaths, Public Rights of Way and greenways within the Plan area from development. Its supporting text states that, in any new developments, provision should be made to extend the routes for walkers and cyclists including, where possible, routes linking into the countryside network as well as into the town of Melbourne.
- 4.32 After my initial assessment of this policy, I requested, as part of the matters upon which I sought further information and clarification, that the Parish Council provide me with some additional or replacement text for the policy that better reflects the points made in its supporting text. I have taken account of the Parish Council's response on that matter and, with some further revisions, I therefore recommend amendments to the text of Policy OS2 in order to provide improved clarity for users of the Plan, and these are addressed by recommended modification **PM6**.
- 4.33 Policy OS3 states that developments that protect and enhance biodiversity will be supported. This is consistent with national and local policies, subject to necessary amendment to provide further clarity as set out at recommended modification **PM7**. Again, I take account of representations that have been made concerning this policy.

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<sup>10</sup> PPG Reference ID: 37-013-20140306.

- 4.34 Policy OS4 states that the preservation of Grade 1, 2 and 3a agricultural land will be supported. The protection of such 'Best and Most Versatile' agricultural land is consistent with national policy, and development of such land should be avoided where possible. Again, subject to some minor amendments to provide further clarity which are set out at recommended modification **PM8**, I consider that the policy is appropriate and justified.
- 4.35 With recommended modifications PM5-PM8, I consider that the Plan's section on Open Spaces and its accompanying policies (OS1-OS4) is in general conformity with the strategic policies of the adopted SDLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### *Heritage and Conservation*

- 4.36 Section 9 of the Plan addresses the theme of Heritage and Conservation in the Plan area, noting that historic assets play an important role in defining the distinctiveness and character of the parish. The Plan area contains 134 Listed Buildings, of which 24 are of Grade I status, and three designated Conservation Areas. The gardens at Melbourne Hall are a Registered Park and Garden, whilst the Melbourne Castle site is a scheduled monument. From my site visit, I observed that the many heritage assets contribute very significantly to the pattern and shape of development in both Melbourne and Kings Newton and that it will be important to preserve that characteristic.
- 4.37 This section of the Plan contains one policy (Policy HC1) which states that preservation of the historical and cultural heritage assets and the existing Conservation Areas will be supported. In my assessment, the guidance within this policy should be strengthened to be consistent with both national and local policies and to provide clearer guidance for future users of the Plan, and particularly for those considering future development proposals. Accordingly, I recommend that the existing policy text be replaced with revised wording, and this is addressed by modification **PM9**.
- 4.38 With recommended modification PM9, I consider that the draft Plan's section on Heritage and Conservation and its accompanying policy (Policy HC1) is in general conformity with the strategic policies of the adopted SDLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### *Community Aspirations*

- 4.39 Section 10 of the Plan sets out a range of issues and projects that were identified during the various consultative stages in the preparation of the Plan, and which are now included in the Plan as Community Aspirations. These do not constitute land-use planning policies and have not formed part of my examination of the Plan. The Plan states that such aspirations

will be considered by the Parish Council and included, if appropriate, in the Parish Plan.

- 4.40 A representation made by The Theatres Trust at the Regulation 16 consultation stage is solely concerned with Community Aspiration CA11, and I draw the Parish Council's attention to that representation for their consideration. I also draw the Parish Council's attention to a representation from a resident of Etwall concerning Community Aspirations CA7 and CA8.

## Other Matters

- 4.41 There is the likelihood that there will be a need to formally review the Plan during the Plan period, particularly following a review of the adopted SDLP. Section 11 of the Plan states that monitoring arrangements for the Plan will need to be agreed with the District Council. However, I consider that this section needs to be extended to also state that the Plan will be subject to review at regular intervals up to 2028 to ensure that its policies remain complementary to the national and local policies, are responsive to climate and other environmental changes and are meeting the overall strategic vision for the future of Melbourne. I therefore recommend modification **PM10** to address the matter of future reviews of the Plan.
- 4.42 The Plan contains a number of references to the NPPF, for example on pages 13 and 17. For clarity in the future, it is advised that such references should be to the "NPPF (2021)". This can be undertaken as a minor, non-material change.<sup>11</sup> As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc.

## Concluding Remarks

- 4.43 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Melbourne Neighbourhood Plan 2016-2028 meets the Basic Conditions for neighbourhood plans.

## 5. Conclusions

### Summary

- 5.1 The Melbourne Neighbourhood Plan 2016-2028 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the

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<sup>11</sup> PPG Reference ID: 41-106-20190509.

responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Parish and District Councils' responses to my questions.

- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Melbourne Neighbourhood Plan 2016-2028, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 1.4 It is clear that the Melbourne Neighbourhood Plan is the product of much hard work undertaken since 2014 by the Parish Council, its Neighbourhood Development Plan Working Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Melbourne community for the future planning of their parish up to 2028. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by South Derbyshire District Council.

*Derek Stebbing*

Examiner

## Appendix: Modifications

Note: Minor consequential amendments may be made as necessary to the Plan as a result of PMs 1-10 below, such as to the Section 2 Summary List of the Policies of the Neighbourhood Plan.

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 7	<p><u>Section 4 – Vision for Melbourne and Kings Newton</u></p> <p>Add new paragraph 4.4 to read as follows:</p> <p><b>“The Plan is seeking to promote and achieve sustainable development within the Plan area. By sustainable, we mean that development should meet the needs of the present population without compromising the ability of future generations to meet their own needs (NPPF 2021). When new development is proposed for Melbourne and Kings Newton, it should meet an economic objective to support growth and innovation, a social objective to support our community aspirations and an environmental objective to protect and enhance our natural rural environment, minimising waste and pollution and adapting to climate change, including moving to a low carbon economy.”</b></p>
PM2	Page 12	<p><u>Policy DP1</u></p> <p>Delete existing policy text in full and replace with:</p> <p><b>“Proposals for new development within the defined settlement boundaries of Melbourne and Kings Newton will be supported, where such development is appropriate to the scale and character of the site and its surroundings, and where there will be no adverse environmental impacts arising from the development. The defined settlement boundaries are shown on the accompanying map at page --. (page number to be inserted in due course)</b></p>

		<p><b>Development proposals should, in all cases, seek to achieve a high quality of building design and landscaping and make a positive contribution to the street scene.</b></p> <p><b>Proposals for new development beyond the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with the relevant Policies of this Plan and the adopted South Derbyshire Local Plan.</b></p> <p><b>All proposals should ensure that they do not lead to any increased risk of flooding within the Plan area, in accordance with the Policies of the adopted South Derbyshire Local Plan and the advice of the Environment Agency.”</b></p> <p>Add two new paragraphs to Explanatory Text on Page 12, to precede existing text, and to read as follows:</p> <p><b>“This policy seeks to support appropriate well-designed, small-scale developments within the existing defined settlement boundaries of Melbourne and Kings Newton, in order to maintain the character of those settlements and to promote a sustainable pattern of development.</b></p> <p><b>Proposals for new development within the rural areas beyond the settlement boundaries of Melbourne and Kings Newton will not be supported unless such proposals comply with the relevant policies concerning development in the countryside, contained in the adopted South Derbyshire Local Plan and this Plan.”</b></p>
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		Insert map (as contained in the Parish Council's response dated 8 March 2022) <sup>12</sup> showing limits to development of Melbourne and Kings Newton to follow the text of Policy DP1 and to precede the Explanatory Text.
PM3	Pages 13 and 14	<p><u>Policy DP2</u></p> <p>Delete existing policy text in full and replace with:</p> <p><b>“In addition to the general presumption against new development within the rural areas beyond the settlement boundaries of Melbourne and Kings Newton, as set out in Policy DP1, all development proposals within the rural areas will also be assessed in terms of their impact upon the existing character and setting of Melbourne and Kings Newton, including the designated heritage assets. Proposals which would lead to adverse impacts upon those settlement features will not be supported, including those proposals which would lead to the coalescence of the two settlements by virtue of their scale and mass, siting, visual impact and/or impacts upon the landscape features of the area.”</b></p> <p><u>Explanatory Text</u></p> <p>First paragraph – delete 3<sup>rd</sup> and 4<sup>th</sup> sentences.</p> <p>Second paragraph – delete in full.</p> <p>Third paragraph – add the words <b>“between the settlements of Melbourne and Kings Newton”</b> after <i>“The area”</i> in the first line of text.</p> <p>Fourth paragraph – no amendments.</p> <p>Fifth paragraph – delete the words “on a significant part of the Area of Separation” in</p>

<sup>12</sup> View at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

		the second and third lines of text and replace with <b>“within the area”</b> .
PM4	Page 15	<p><u>Policy DP3</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“Proposals for the development of new dwellings within the defined settlement boundaries of Melbourne and Kings Newton will be supported if they have four bedrooms or fewer, in order to encourage the development of smaller dwellings including starter homes and smaller affordable homes.”</b></p> <p>Insert where appropriate additional supporting text for Policy DP3, to read as follows:</p> <p><b>“During the preparation of this Plan, the Government introduced a new ‘First Homes’ policy. The policy guidance states that First Homes are now the Government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations and be discounted by 30% against the market value. This policy will apply to appropriate developments in the Plan area that are granted planning permission.”</b></p>
PM5	Page 22	<p><u>Policy OS1</u></p> <p>Delete policy text in full, and replace with:</p> <p><b>“The 12 sites listed on page 21 of the Plan and shown on the map on page 20 are all designated as Local Green Spaces in this Plan, of which eight sites are designated within the adopted South Derbyshire Local Green Spaces Plan.</b></p> <p><b>In accordance with Policy BNE8 in the adopted Local Plan Part 2, the Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and</b></p>

		<p>do not harm the purpose for its designation:</p> <p><b>i) The construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;</b></p> <p><b>ii) The carrying out of an engineering or other operation."</b></p>
PM6	Page 22	<p><u>Policy OS2</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>"The existing network of footpaths, Public Rights of Way and greenways within the Plan area will be protected from development.</b></p> <p><b>Proposals for new developments should include provision for satisfactory routes for pedestrians and cyclists, by providing, where possible, links to routes into the countryside network, including to the National Forest Way, as well as into the settlements. All such links should be capable of being used safely by people of all ages as well as those with limited mobility."</b></p>
PM7	Page 22	<p><u>Policy OS3</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>"Proposals for new development in the Plan area which seek to protect and enhance biodiversity will be supported.</b></p> <p><b>The incorporation of features such as 'bird bricks', 'bat boxes' and 'hedgehog highways' in the design and layout of new buildings and development schemes will be encouraged and supported in order to enhance biodiversity."</b></p>
PM8	Page 22	<p><u>Policy OS4</u></p> <p>Delete existing policy text in full, and replace with:</p>

		<b>“Proposals for new development in the Plan area which would result in the permanent loss of Grades 1, 2 and 3a agricultural land will not be supported.”</b>
PM9	Page 25	<p><u>Policy HC1</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“The preservation and enhancement of the designated heritage assets in the Plan area will be promoted and supported in order to maintain their importance to the historic character and distinctiveness of the area. All proposals for development should take account of the designated heritage assets and non-designated heritage assets, which are referenced in the supporting text to this policy and at Appendices 13 and 14 to the Plan, and should ensure that there are no adverse impacts upon such assets.”</b></p>
PM10	Page 34	<p><u>Section 11 – Monitoring Arrangements</u> (note there is a minor spelling mistake in the present title)</p> <p>Amend title of this section to read <b>“Monitoring and Review”</b>.</p> <p>Add new second paragraph to this section to read:</p> <p><b>“The plan will be reviewed at regular intervals during the period up to 2028 to ensure that it continues to have due regard to national policy and is in general conformity the strategic policies of the District Council’s Local Plan or any other strategic plan covering the parish.”</b></p>