

South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Councillor Martin Fitzpatrick

Organisation

SDDC Councillor for Melbourne

Address (including postcode)

[Redacted]

Telephone number

[Redacted]

E-mail address

martin.fitzpatrick@southderbyshire.gov.uk

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

Prior to becoming a District Councillor, I watched with interest how the Melbourne NDP group was formed and how it operated within our community. I was actually present as a resident at a 2014 community meeting that was attended by hundreds of local residents when it was becoming clear that the village of Melbourne was square in the sights of various housing developers who together would significantly increase the population of Melbourne and who without some controls would potentially change the village forever.

In my experience the NPD Group have conducted themselves very professionally and very inclusively with the residents of Melbourne and as far as I can tell they have never sort to prohibit housing development.

They have listened to local resident's opinions and have responded by creating a NDP that directly reflects the voices of the community.

Though at times the NDP creation process has been trying and exhausting the group have battled through the many steps and should be congratulated for their perseverance.

At regulation 14 stage the group sort my support as a District Councillor and again the group were 100% transparent in their desire to see the right kind of housing development in the Melbourne area without even the slightest hint of nimbyism.

I have also been made aware via officers at SDDC that throughout the NDP creation phase this group have been highly cooperative and have followed advice where given.

The groups one hope is that at inspection this plan can still pass in a form that reflects the hard sought and honestly given views of residents and does not become a watered down or pale version of those views that could potentially lead to the disengagement of local residents in the community in which they live.

(Continue on a separate sheet if necessary)

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

Privacy Notice

How is your information used?

Your representation will be forwarded in full to the Inspector.

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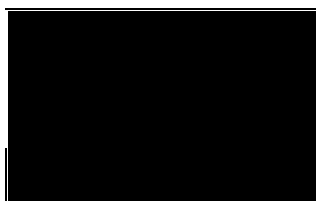
Name

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Address (including postcode)



Telephone number



E-mail address

martin.fitzpatrick@southderbyshire.gov.uk

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

DP1

Page:

Other:

Comment:

Having consulted with the NDP group I believe this policy was written with very much in line with the wishes of residents and that at the survey stage 88% of residents were in favour of it.

There has been some comments by SDDC that in the explanatory text the line “no new homes being built outside of settlement boundaries” may not dovetail with Policies H1 and BNE5 of the Local Plan. However, in speaking with the NDP Group on this matter that were very keen to point out to me that during a meeting in January 2016 with SDDC Officers they were led to believe that the existing settlement boundary extended at that time to cover the pipeline developments at Jawbone Lane and Station Road (as found in the SHLAA) and that these sites were fixed and now new sites could come forward until 2028 that being the duration of the local plan. The NDP writers therefore felt justified in including this explanatory note as they did not feel it conflicted locally on the sites available in Melbourne.

The local area has a long and proud history of market gardening around the settlement boundary and the objective in trying to keep some of these green spaces is in my opinion very valid in seeking to keep some of the village’s character. The sense of irreversible loss of this part of Melbourne’s cultural heritage needed to be reflected in the reference to the fields around the village.

DP1, is I believe a very fair policy and it does allow for housing development. It is very positive about developments on brownfield sites and infill sites in the village which would be welcomed by residents. Indeed, the area has a history of this with over 140 dwelling applications permitted since 2015.

Excessive development of all land beyond the settlement boundary could lead to unsustainable development in this area and have a huge impact on the local residents and their access to services.

I believe that whilst the wording of Policy H1 and BNE5 clearly does allow for building beyond the boundary of villages in South Derbyshire, the NDP Policy DP1 is only mildly more restrictive but strongly reflects the views of local residents which I have personally had experience of in my role as their District Councillor.

(Continue on a separate sheet if necessary)

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To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

At regulation 14 stage attention has been brought to the fact that the green wedge between the settlement boundaries of Melbourne and Kings Newton has not been clearly identified.

Perhaps it is more obvious to those with local knowledge that the green wedge between the two settlements extends from the south with fields on Station Road, moving northwards through fields sandwiched between Station Road and Jawbone Lane and onwards to the north on fields between Jawbone Lane and Main Street Kings Newton.

It is important to note that this green wedge has been made significantly smaller during the last ten years with developments on Station Road and Jawbone Lane. I believe that it should be a relatively easy task after inspection to have this green wedge added to the map for 100% clarity.

(Continue on a separate sheet if necessary)

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To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

DP3

Page:

Other:

Comment:

In my role as a District Councillor one of the most passionate & common discussions I have with residents of Melbourne is regarding the difficulty that their grown-up children have in finding suitable properties to rent or buy in Melbourne. The lack of affordable rents or houses to buy forces most young people to have to move out of the area when it comes to finding their first property.

I am proud to say that community spirit is alive and well in Melbourne and newcomers (such as myself) have been made very welcome in a village that still maintains very strong historical roots to the past. However, it is becoming obvious that the area is highly attractive to developers for large 4- or 5-bedroom executive homes which can command a significant premium due to the attractiveness of this sought-after location.

Housing Development in Melbourne certainly suits the financial goals of the developers and new properties will sell well because of the desirability of living in Melbourne & Kings Newton, but the building of 4 and 5 bed houses does not suit the needs of the younger and less well-paid residents of the area.

By stating a preference for smaller homes, the NDP is making the voices of local residents heard. They are making the voices of the young heard that they want to stay in the local area close to their roots and their families. This policy will also hopefully provide the size of properties to allow other residents to downsize in time which will help free up larger properties for growing families and create a more sustainable housing plan. If the area becomes overloaded with the larger homes, then the balance will not allow for this "recycling effect" and could stagnate a local market in the future.

Having been engaged with the NDP group and SDDC planning officers, through the regulation 14 process, I believe the NDP team have sought to balance the requirements of the Local Plan with the strongly expressed views of local residents. Locally residents believe that the purpose of a Neighbourhood Development Plan is to reflect their views, whilst remaining close to the spirit of the Local Plan.

(Continue on a separate sheet if necessary)

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The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Planning Policy
South Derbyshire District Council

[By Email: planning.policy@southderbyshire.gov.uk]

17 November 2021

Dear Planning Policy

Melbourne Neighbourhood Plan - Regulation 16 (Submission)

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

Christopher Telford BSc(Hons) DipTP MRTPI
Principal Development Manager

Jessica Cheadle

From: Karen Beavin
Sent: 11 November 2021 11:28
To: Planning Policy
Subject: FW: Consultation - Draft Melbourne Neighbourhood Development Plan

Hi Jess,

Just in case this Reg 16 consultation response hasn't come to you...

Karen Beavin
Planning Policy Team Leader
T: 01283 595749
M: 07501 698400
www.southderbyshire.gov.uk

We are currently receiving a high number of planning applications which is resulting in delays to our usual response times.
We are determining applications and responding to enquiries in the order they are received. We will respond as soon as possible.

Please note my working days are Tuesday, Wednesday, Thursday and Friday.



Any advice is given at officer level only and does not prejudice any formal decision the Council makes in the future.

From: committee@cpredersbyshire.org.uk <committee@cpredersbyshire.org.uk>
Sent: 10 November 2021 08:23
To: Karen Beavin <Karen.Beavin@southderbyshire.gov.uk>
Subject: RE: Consultation - Draft Melbourne Neighbourhood Development Plan

Thank you for providing this information Karen. Upon review, we have no comments to make at this stage.

Jo

From: Karen Beavin <Karen.Beavin@southderbyshire.gov.uk>
Sent: 08 October 2021 15:03
Subject: Consultation - Draft Melbourne Neighbourhood Development Plan

Dear Consultee,

Please find attached details of the formal consultation on Melbourne's draft Neighbourhood Development Plan.

The consultation closes at 5pm on Friday 19 November 2021.

Full details are available at www.southderbyshire.gov.uk/melbournereg16

Kind regards,

Karen Beavin

Planning Policy Team Leader

T: 01283 595749

M: 07501 698400

www.southderbyshire.gov.uk

Please note my working days are Tuesday, Wednesday, Thursday and Friday.



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Chris Henning
Executive Director
Place
County Hall
Matlock
Derbyshire DE4 3AG

Planning Policy
Planning Services
South Derbyshire District Council
Civic Offices
Civic Way
SWADLINCOTE
Derbyshire
DE11 0AH

Telephone 01629 539810
Ask for David M Dale
Email davidm.dale@derbyshire.gov.uk
Our ref PM/DMD/Melbourne Neighbourhood Plan
Your ref
Date 19 November 2021

Dear Sir/Madam

Localism Act 2011 – Strategic Planning Comments

Melbourne Neighbourhood Plan 2016 - 2028: Submission Draft

Thank you for consulting Derbyshire County Council (DCC) on the Melbourne Neighbourhood Plan 2016 – 2028: Submission Draft (MNP). The comments below are DCC's Member and Officers' technical comments with regard to the housing, open space, sustainable travel, community aspirations, and climate change and sustainability aspects of the Plan.

Local Member Comments

Councillor David Muller, the Local County Council Member for Melbourne Electoral Division, has been consulted. To date, no comments have been received, but if I receive any I will forward them to you.

Officer Comments

General

As far as DCC was aware (and contrary to statutory requirements), the Neighbourhood Plan Steering Group did not consult DCC on the Pre-Submission version of the Plan within the requisite 6-week timescale (20 May – 2 July 2019). DCC therefore submitted late draft DCC comments on 5 November 2019 via South Derbyshire District Council and was advised by them that it was up to the Steering Group/Parish Council whether or not the comments would be taken into account. Many of those comments (see attachment) appear to have been largely disregarded, for example in relation to 'Sustainable Travel', and 'Climate Change and Sustainability' (see below).

7. Housing and Development Policy

The policy approach to new housing and development within Melbourne and Kings Newton set out in Policies DP1 and DP2 is supported and is well justified in the context of the Adopted South Derbyshire Local Plan Part 2: Policy SDT1 and BNE5; and an Inspector's appeal decision to dismiss an application for 60 dwellings within the proposed Area of Separation between

Melbourne and Kings Newton, which clearly highlights the importance of the Area of Separation between the two settlements in protecting their separate character and identity and preserving the setting of the Kings Newton Conservation Area.

As appropriately set out in the supporting text to the two policies, Melbourne and Kings Newton have been subject to significant development pressure for new housing development in recent years, particularly around the Station Road area which is appropriately reflected in paragraph 7.2.2 which notes that several planning applications have already been approved in Melbourne and in Kings Newton, resulting in the completion of 130 dwellings from 2011 to April 2015, with planning permission granted for a further 185 dwellings to be completed in the near future, an increase of more than 14% in the number of households compared with the 2011 census data.

In terms of Policy DP3, DCC would reiterate its comments made on the Pre-Submission Version of the Plan that:

The policy expands on the reasons for the demand for smaller houses, downsizing for local residents, and the need for starter homes. This justification should form part of the supporting text rather than the policy.

The policy may wish to make reference to a requirement for 'Lifetime Homes Standard' design criteria. In this way, new development for 1, 2 and 3 bedroomed properties would be suitable as new starter homes and for the elderly, creating a mixed, rather than an age-segregated community. The policy should be re-worded to state that proposals for 1, 2- and 3-bedroom homes will be supported within the built framework of the settlement subject to meeting a specified 'lifetime homes' criteria.

DCC would suggest that provision should be made for Electric Vehicle Charge Points both within new developments and more generally within the Plan area (see further comments below).

Basic Conditions Statement

7.4.2 Policy DP2 appropriate uses in the area of separation are agriculture, forestry, minerals extraction and outdoor sport and recreation uses

The supporting Basic Conditions Statement refers to the Neighbourhood Development Plan (NDP) not dealing with county matters (mineral extraction and waste development), but Policy DP2 then refers to minerals extraction being an appropriate use between Melbourne and Kings Newton.

8.4 Open Space Policies

Policy LGS1: Development on Local Green Spaces

A Protect, restore and enhance biodiversity and/or access to biodiversity

DCC would suggest that this policy should be strengthened in light of biodiversity net gain requirements following the passing of the Environment Act 2021.

8.4.4 Policy OS2 – Protection from development for footpaths, Public Rights of Way and Greenways

Derbyshire Key Cycle Network

Melbourne is on existing and proposed sections of the Derbyshire Key Cycle Network, a strategic County wide network of routes which link communities, augmented by a network of

local routes, which together represent viable routes to take trips to and from Melbourne off the highway network.

Specific recommendations:

- Key Cycle Network routes should be safeguarded throughout the development process.
- Where appropriate, developer contributions should be sought for their provision, enhancement and maintenance.

Walking and Cycling

Walking and cycling should be considered as the primary means of transport to all local developments, and designs and layouts should reflect this. Pedestrian and cycle routes to local destinations – including schools, shops and services – should be of an appropriate specification, overlooked, direct, street lit, and provided with a sealed surface to enable year-round usage.

Specific recommendations:

- The need to ensure new development supports walking and cycling as the preferred modes of travel
- Development layouts should prioritise walking and cycling
- Any new routes within developments should also link into existing and planned provision in a safe and appropriate manner.

8.4.5 Policy OS3 – Developments that protect and enhance biodiversity will be supported

This policy, which seeks to protect biodiversity, should be extended to include a requirement for 'biodiversity net gain' in accordance with the requirements of the Environment Act 2021. The policy should require that proposals demonstrate how net gain will be achieved, how the development would contribute to the conservation and enhancement of the landscape character and, where possible, provide links to existing habitats, softening the transition between the urban and rural environments. Existing trees and hedges within the built framework should be protected and new planting should be of native species. The policy should also clearly state that proposals resulting in the loss of biodiversity will not be supported. The current policy wording does not state that losses will be resisted.

8.4.6 Policy OS4 – The preservation of Grade 1, 2 and 3a agricultural land will be supported

DCC would reiterate its comments on the Pre-Submission version of the Plan, namely that the policy should be re-worded to state that 'Development proposals resulting in the loss of Grade 1, 2 or 3a agricultural land will not be supported'. Importantly, this is a different emphasis from stating that proposals for the preservation of agricultural land will be supported.

DCC would support the protection of the 'Best and Most Versatile' agricultural land as required by policies in both the National Planning Policy Framework (NPPF) and the South Derbyshire District Council (SDDC) Local Plan. Agricultural land classified as Grades 1, 2 and 3a is an extremely limited resource across the whole of Derbyshire so where it prevails DCC would consider that conservation policies are appropriate. Melbourne has had strong local traditions with market gardening which have helped contribute to landscape character and local distinctiveness in that part of the County, so the protection of these high-quality soils locally will be paramount to conserving that particular landscape characteristic.

Consequently, DCC would suggest that there should be a specific policy relating to landscape character in this area, which in turn would reinforce the overall importance of these soils in contributing to and maintaining that character. It would further suggest that such a policy should dovetail with broader landscape character information set out in 'The Landscape Character of Derbyshire' publication: www.derbyshire.gov.uk/landscape

If it is the intention of the Plan to encourage more ‘domestic food production’, then this consideration might be included in a sustainable design guide or criteria relating to garden size and aspect. The encouragement of domestic food growing could form one of the Community Aspirations.

Sustainable Travel

DCC wishes to reiterate its previous comments in relation to the inclusion of sustainable travel in the MNP which do not appear to have been taken into account (see attachment).

In its current form, there would appear to be little or no mention of sustainable travel in the Submission Draft. This would appear to be a significant oversight for all the reasons mentioned, as the uptake of sustainable travel can significantly contribute to a range of issues, including pollution and congestion, car parking (which generates a significant number of comments in the Plan), as well as air quality, health and individual well-being. These issues should not be overlooked. Specific points which should be considered include:

Travel Hierarchy

The adoption of ‘travel hierarchy’ concept, whereby development proposals should ensure the adequate provision of:

- safe and convenient walking and cycle routes including cycle storage;
- connectivity with public transport routes and existing travel infrastructure;
- Ultra-Low Emission Vehicle charging Infrastructure; and
- a safe and accessible connection with the existing settlement/services and highway.

Residential developments – design considerations

Consider provision of the following at each residence:

- Secure and accessible cycle storage. Consider adoption of the Cambridge Cycle storage guidelines: <https://www.cambridge.gov.uk/media/6771/cycle-parking-guide-for-new-residential-developments.pdf>
- Infrastructure to enable the provision of electric vehicle charging points, either (i) as an option for new home-owners, or (ii) for later installation by others.
- For larger developments, DCC recommends that developers should follow the design principles outlined in the best practice guide produced by Stagecoach: ‘Bus Services & New Residential Developments – General Highways and Urban Design advice to applicants and Highways Authorities’
<https://www.stagecoach.com/~media/Files/S/Stagecoach-Group/Attachments/pdf/bus-services-and-new-residential-developments.pdf>

Employment developments

Similar principles should be upheld for employment developments, specifically:

Proposals should provide:

- Safe and direct pedestrian and walking links to existing infrastructure.
- Sheffield stand - type covered and secure cycle storage, along with staff facilities, including showers, lockers and changing rooms, to encourage and facilitate cycling and walking.
- Electric vehicle charge points for the use of staff and visitors, along with suitable infrastructure on site to enable future expansion.
- Developer contributions towards enhancement of local bus infrastructure.
- Sufficient infrastructure for direct site access by bus services (Nb. larger developments only).

Shared mobility

Consideration should be given in all developments to the provision or funding of shared mobility services, particularly 'Car Club' type vehicles, see: [Buxton Car Club](#) , or [Lancaster Car Club](#). This will reduce financial pressure on households, especially the need for a second car, and help to reduce congestion and car parking pressure.

Specific recommendations:

- Seek developer contributions towards the establishment of a car club within Melbourne. This funding to be provided to a fixed timescale to enable any such club to become viable over time. Nb. for appropriate residential developments only.

DCC would therefore request that the document should be reviewed to ensure that sustainable travel is given due consideration, prior to proceeding with any formal adoption process.

10.3 Public Transport

CA3 – Support for proposals to improve public transport provision (typographical error)

DCC would support the sentiments and wording of this paragraph with the addition of the underlined words in the final sentence for clarity:

Since the writing of this plan a service from Burton-on-Trent to Ashby-de-la-Zouch and on to East Midlands Airport, with onward connection to Nottingham has been introduced.

The new 'Bus Back Better: national bus strategy for England' could potentially see more services being introduced into the area around Melbourne.

DCC would reiterate the comments it made on the Pre-Submission version of the MNP, namely:

Bus Infrastructure

DCC would suggest that consideration should be given to the provision of enhanced bus stop infrastructure wherever appropriate. This should include raised kerbs, lighting, shelters, highway bus stop markings and real time information wherever feasible and not already in place. *However, it has to be noted that DCC has a standard set of bus shelter designs, so it is not possible to produce some specifically bespoke shelters for Melbourne (sentence added to previous comments).* Nevertheless, sensitivities regarding the nature of Melbourne and its environs are noted and would need to be taken into consideration. The enhancement of infrastructure will encourage bus patronage and therefore reduce pollution, congestion, and car parking pressure, which is a recurring theme in the Plan.

Specific recommendation:

- Seek developer contributions for enhanced bus infrastructure via the planning process, via Section 106 or similar.

10.5 Education

CA5 – Primary Education

CA6 – Secondary Education

There are two CA's (community aspirations) in the MNP around all children from the Parish being able to access Melbourne Infant and Junior schools and all secondary children going to the same school. The supply and demand for school places is something which DCC has a statutory duty to manage, but in terms of which children can access places at any given school this is governed by the Admissions Code. This does not provide for the allocation of places based on residency within a parish and in many cases can give priority to children meeting particular criteria even if they live a further distance from a school than other children.

DCC would suggest, therefore, that the statements in the Plan regarding education express aspirations which are somewhat misguided but are not an incorrect statement of fact which could be corrected.

10.8 Telecommunications

CA12 – Support for proposals to improve the mobile network, internet, and broadband

DCC would suggest that a policy to secure the following should be included in the MNP:

- Infrastructure to enable high speed broadband connection at each residence. As a minimum the development should provide the necessary ducting within the site to facilitate FTTP. (Fibre to the Premises). <https://www.openreach.com/fibre-broadband/fibre-for-developers>

Climate Change and Sustainability

It is disappointing that comments about climate change and sustainability issues submitted in relation to the Pre-Submission version of the Plan have not been taken into account. DCC would like to see policies relating to the following issues added to the Submission Draft:

- The use of renewable energy technologies on new and existing buildings and elsewhere
- The need to limit external lighting to reduce light pollution, especially in those parts of the parish outside the major settlements (i.e. a dark skies policy)
- The need for new development and existing buildings to be low or zero carbon through the use of climate change and sustainable design principles
- The need to promote Sustainable Drainage Systems (SuDS) in any developments

Transportation

DCC has no comments to make on the Highways Development Control aspects of the Plan.

DCC wishes to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination.

Please contact me if you wish to discuss the comments further.

Yours faithfully



David M Dale
Policy and Monitoring and LA lead: CLIP: Planning Sub-group

Enclosure

Clerk to Melbourne
Parish Council
PO Box 8366
DERBY
DE65 9DX

Telephone 01629 539810
Ask for David M Dale
Email davidm.dale@derbyshire.gov.uk
Our ref PM/DMD/Melbourne Neighbourhood Plan
Your ref
Date 05 November 2019

Dear Sir/Madam

Localism Act 2011 – Strategic Planning Comments

Melbourne Neighbourhood Plan 2016 - 2028: Pre-Submission Draft

Thank you for consulting Derbyshire County Council (DCC) on the Melbourne Neighbourhood Plan 2016 – 2028: Pre-Submission Draft (MNP). The comments below are DCC's Member and Officers' technical comments with regard to the housing, open spaces, heritage and conservation, community aspirations, and other aspects of the Plan.

Local Member Comments

Councillor Linda Chilton, the Local County Council Member for Melbourne Electoral Division, has been consulted. To date, no comments have been received, but if I receive any I will forward them to you.

Officer Comments

General

The timeframe for the plan is stated as 2016 to 2028. Given the length of time that it takes to draft and get a plan adopted, this time frame may need to be revised as the adoption is likely to leave less than 8 years in the stated plan period.

The quality of the mapping is poor, having a very low resolution, the inclusion of higher quality mapping would aid interpretation.

Policies

6. Housing Policy Area

General

There is some confusion in the intent of policies HP1 and HP2, both of which are supported by text stating the aim of preventing development outside the built framework and between Melbourne and Kings Newton. Given this intention, Policy HP2 is redundant as the land in

question is outside the defined built framework of the settlements and is therefore controlled by HP1.

Policy HP1 – Development will be ‘infill’ only within the settlement boundaries of the villages

The policy should be worded in such a way that removes the need for explanation in the supporting text. This text should provide the reasoning and justification for the policy, not an explanation of its intent. The policy may therefore be re-worded to offer protection for the landscape character providing the setting of the settlement and the open land on either side of Jawbone Lane. For example:

“To protect the setting Melbourne and Kings Newton, the landscape character of the parish, and to preserve the open space between Melbourne and Kings Newton, development will not be permitted outside the built framework of the settlements as defined in figure X: ‘Melbourne and Kings Newton Settlement Boundaries’ other than in exceptional circumstances where it can be demonstrated that the proposal is essential to the continued operation of an agricultural activity.

The land either side of Jawbone Lane, between Main Street and Station Road should be protected from development as a green wedge to preserve the character and setting of both Kings Newton and Melbourne.”

There is very little space left within the built framework for development. The following areas appearing as open, ‘white land’ on the built framework plan have already been developed: the Armsgate development on land west of Ashby Road at the junction with Robinson’s Hill; Land east of Ashby Rd, backing onto Lambert Grange and Paget Road off Kings Newton Lane.

Land to the south of Station Road, north west of Sweet Leys/Carr Brook Way remains undeveloped and potentially available for development. There may be further single infill plots available throughout the town, but no figure for the housing demand through the plan period has been proposed, nor does the plan refer to the contribution to demand met by the SDDC LP allocation of land off Station Road (46 houses).

Policy HP2 – Maintain the separation between Melbourne and Kings Newton

This policy is redundant.

Policy HP3 – Proposals for development of dwellings within the settlement boundaries will be supported if they have 3 bedrooms or fewer, which means that any ‘infill’ will be for New Starter Homes and for downsizing rather than for large ‘Executive Homes’

The policy expands on the reasons for the demand for smaller houses, downsizing for local residents, and the need for starter homes. This justification should form part of the supporting text rather than the policy.

The policy may wish to make reference to a requirement for ‘Lifetime Homes Standard’ design criteria. In this way, new development for 1, 2 and 3 bedroomed properties would be suitable as new starter homes and for the elderly, creating a mixed, rather than an age-segregated community. The policy should be re-worded to state that proposals for 1, 2 and 3 bedroom homes will be supported within the built framework of the settlement subject to meeting a specified ‘lifetime homes’ criteria. Given that the Plan should be read as a whole, there is no need to itemise other criteria already specified in other (existing or suggested) policies.

DCC would suggest that provision should be made for Electric Vehicle Charge Points both within new developments and more generally within the Plan area.

7. Open Spaces Policy Area

Policy OS1 – Development of the 8 areas of local green space will not be supported

This policy is supported. The policy should reference the ‘...8 areas of local green space listed in table X...’

Policy OS2 – Protection from development for footpaths, public rights of way and greenways

The second paragraph of the supporting text should form part of the policy if that is the policy’s intention. The wording could therefore be expanded to include a requirement, where feasible, for new developments to provide additions to the Public Rights of Way (PRoW) network within the parish, extending connections with the existing network and wider countryside, including the provision for traffic free, off highway, multi-user routes to promote active travel within and beyond the parish.

The supporting text includes a statement that all new ‘PRoW’ routes must be added to the Definitive Map at the expense of the developer. If this aspiration is to be enforced, it should be included in the policy text. The supporting text is not policy, only an explanation of the reasoning behind and justification for the policy, and should not be used to describe what the policy intends.

In general, the document makes only very limited mention of cycling and sustainable travel. Consideration should be given to how these modes of travel can be integrated into the Plan.

The Key Cycle Network (KCN)

The proposed Calke Abbey to Melbourne section of the South Derbyshire Cycleway runs directly through Melbourne. This links Melbourne with the greater cycleway network, including the Cloud Trail to Derby, and routes to both Long Eaton and Swadlincote. This network represents viable routes to and from Melbourne that would take trips off the Highway network, reduce pollution and congestion, and help to minimise the car parking concerns that are raised in the Plan.

The MNP should therefore ensure that this network is safeguarded in any future developments, and planning contributions (i.e. Section106 or similar) are sought to develop it as appropriate.

Associated Cycling and Walking Infrastructure

Alongside the development of the KCN should be considerations for enhancing cycling and walking infrastructure to encourage and facilitate these modes of travel. This should include:

- a. enhancement of cycle storage in Melbourne where feasible and appropriate, to encourage cycle journeys, including those of cycle borne visitors;
- b. provision of accessible cycle storage at residential developments;
- c. provision / enhancement of pedestrian and cycle infrastructure (i.e. pedestrian walkways, crossing points, enhanced walkways, dropped kerbs, etc) throughout Melbourne wherever feasible; and
- d. provision of suitable pedestrian and cycle links to the KCN where these are not already in place.

These measures would also reduce pollution and congestion, minimise car parking pressure and enhance business viability.

Policy OS3 – Developments that protect and enhance biodiversity will be supported

This policy, which seeks to protect biodiversity, could be extended to include a requirement for 'net biodiversity gain'. The policy should require that proposals demonstrate how net gain will be achieved, how the development would contribute to the conservation and enhancement of the landscape character and, where possible, provide links to existing habitats, softening the transition between the urban and rural environments. Existing trees and hedges within the built framework should be protected and new planting should be of native species. The policy should also clearly state that proposals resulting in the loss of biodiversity will not be supported. The current policy wording does not state that losses will be resisted.

Policy OS4 – The preservation of Grade 1, 2 and 3a agricultural land will be supported

The policy, calling for the preservation of high-quality agricultural land, should be re-worded. The policy should state that 'development proposals resulting in the loss of Grade 1, 2 or 3a agricultural land will not be supported'. Importantly, this is a different emphasis from stating that proposals for the preservation of agricultural land will be supported.

The final two paragraphs on page 19 of the Plan set out the high priority afforded to the protection of agricultural land in the parish. The final paragraph reads like policy criteria although forming part of the supporting text. It should be noted that while this is not policy, such criteria could not form part of an adopted policy as it is not enforceable. If it is the intention of the Plan to encourage more 'domestic food production', then this consideration might be included in a sustainable design guide or criteria relating to garden size and aspect. The encouragement of domestic food growing could form one of the Community Aspirations.

8. Heritage and Conservation Policy Area

Policy HC1 – Preservation of the historical and cultural heritage assets and the existing conservation areas will be supported

Again, the supporting text briefly outlines what is required by the policy and should therefore form part of the policy, but still needs to be expanded. The policy as written does not state that development having adverse impact on heritage assets will be resisted or what would be expected of developments to mitigate adverse impacts. The policy should also reference listed buildings, scheduled ancient monuments and other, non-designated, heritage assets. There should be reference to a schedule of non-designated heritage assets, either as a table within the plan or an appendix (listed buildings are appended to the NP). As with sustainable design principles mentioned below, it would be possible to require a design brief to be included in applications to clearly state how the issues of impact on heritage assets and local character would be mitigated and how the development would contribute to the conservation and enhancement of local character.

9. Community Aspirations

Policy CA3 – Support for Proposals to Improve Public Transport Provision

Bus Infrastructure

DCC would suggest that consideration should be given to the provision of enhanced bus stop infrastructure wherever appropriate. This should include raised kerbs, lighting, shelters, highway bus stop markings and real time information wherever feasible and not already in place. Sensitivities regarding the nature of Melbourne and its environs are noted and would

need to be taken into consideration. The enhancement of infrastructure will encourage bus patronage and therefore reduce pollution, congestion, and car parking pressure.

Additional issues that might be considered for inclusion in the plan include:

- A policy requiring the provision of green infrastructure in development as one of the 'OS' policies. Further justification for the inclusion of green infrastructure in development proposals highlighting the air quality, health and mental health benefits of trees and hedges, particularly along roads and regularly walked routes. This should include, where possible, the use of local native species.
- Sustainable design principles encouraging the specification, design and layout of development proposals being justified in terms of energy and materials efficiency. This may also include the control of external lighting and light pollution issues, justified in terms of both public amenity and the impact of light pollution on wildlife and the preservation of rural character. A Policy could be included to require developers to submit a Sustainable Design Brief which clearly demonstrates how such issues have been taken into consideration in the design on their scheme including the provision of adequate and suitable garden space for domestic food production. This may form one of the 'HP' policies. A number of useful links are provided in Appendix 9.
- Decentralised renewable energy generation may be encouraged or required on new build proposals or significant renovations to existing buildings including solar power, air/ground source heating and, given the rural/agrarian nature of much of the parish, small scale bio-energy/anaerobic digestion on farms. For example:
- *Small and medium scale, decentralised, domestic renewable energy systems, including building mounted solar energy, biomass and ground and air source heating systems, will be encouraged as part of proposals for new buildings and where conversion or significant refurbishment of existing buildings are being considered.* Such a policy could form part of a 'Sustainability and Resilience' section, background information for this topic is provided by the NP as Appendix 9.
- Also, within a new 'Sustainability and Resilience' section: New dwellings or commercial development should be required to provide low emission vehicle charging infrastructure, at the very least, new dwellings should be required to provide the wiring and load capacity necessary for the future installation of charge points. Commercial and community buildings should provide charging infrastructure, available, as appropriate, to staff, customers and the public.

The comments above have already mentioned that development proposals should: ensure the adequate provision of:

- safe and convenient walking and cycle routes including cycle storage;
- connectivity with public transport routes and existing active travel infrastructure;
- Ultra-Low Emission Vehicle charging Infrastructure; and
- a safe and accessible connection with the existing settlement/services and highway.

This would support the inclusion of the transport hierarchy:

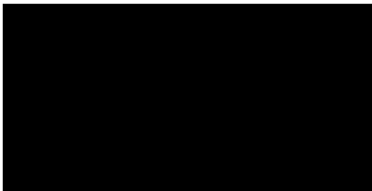
- Reduce - the need to travel
- Active travel - facilitate walking and cycling
- Mobility as a Service - enable a connected and low emission, multi-modal, public transport system
- Encourage the uptake and use of ULEVs
- Provide a safe and accessible highway network

DCC would suggest that the Neighbourhood Plan Steering Group may like to consider the information in the attached suggested policies document.

I trust that you will be able to take these comments into account and incorporate them into the Submission Version of the Plan.

Please contact me if you wish to discuss the comments further.

Yours faithfully



David M Dale
Policy and Monitoring and LA lead: CLIP: Planning Sub-group

South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Dr Andy Broadhurst

Organisation

Derbyshire Swift Conservation Project

Address (including postcode)

[Redacted address]

Telephone number

[Redacted telephone number]

E-mail address

[Redacted e-mail address]

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

OS3

Page:

22

Other:

Comment:

We fully support Policy OS3 but we would like to comment on the policies or lack of them relating the Protection and Enhancement of Biodiversity where it relates to new building, significant repairs or extensions of residential and commercial/agricultural buildings.

Many species of birds, bats and invertebrates have occupied the nooks and crannies of village/town properties for as long as they have been there. Unfortunately, modern building practices prevents this happening, and our towns and villages are becoming increasingly devoid of urban wildlife so that even common species such as house sparrows and starlings are on the BTO's red list of birds of conservation concern and Swifts, soon to be red listed, have declined by over 60% in 20 years.

However, there are simple remedies, as explained in the following link:

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creating-wildlife-friendly-communities/>

This is a recent addition to the National House Builders Library of Guides sets out protocols of "Best Practice" for major developments, most of the steps advocated are equally relevant to smaller scale projects.

To make certain that these are included they need to be made a condition of Planning Consents, details included on the working drawings and only "signed off" when photographic evidence has been provided that they have been installed correctly.

This should apply to all "new builds" including commercial/agricultural buildings and renovations/extensions where planning permission is required.

In practice we have found that including a minimum of one integral **Bird Brick** per dwelling, **designed for swifts**, will used by most building dependent species during the lifetime of the building (see accompanying attachment "The Case for Universal Bricks").

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

Privacy Notice

How is your information used?

Your representation will be forwarded in full to the Inspector.

Representations will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

Who has access to your information?

South Derbyshire District Council Planning Services. Personal information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.



Swift Bricks – the ‘universal’ nest brick

The purpose of this document is to:

- outline emerging evidence that swift bricks are significantly more effective for sparrows than sparrow bricks and terraces, whilst also providing nesting opportunities for swifts and a range of other small birds;
- propose that swift bricks are specified as 'universal' nesting bricks for small bird species;
- highlight the significant advantages of integrated nesting bricks over external nest boxes;
- provide examples of good practice for the level of nest brick provision in new developments.

The article *'The Swift – A Bird You Need to Help!'* in issue 104 June 2019 of CIEEM bulletin *'In Practice'* (<https://cieem.net/resource/the-swift-a-bird-you-need-to-help/>) highlights the plight of the swift and provides practical solutions to help save this amazing bird, at the same time as benefiting other small endangered bird species.



Photos courtesy of Hugh Hastings and the Duchy of Cornwall

House sparrows happily nesting in swift bricks

The Government has recognised and supports the need to build more houses but with due regard for biodiversity¹, and swift bricks are specifically highlighted in national planning guidance as providing important benefits to wildlife².

The current consultation regarding the planning process in England refers frequently to advice from the Building Better Building Beautiful Commission's report *'Living With Beauty'*³ which recommends: *'Bricks for bees and birds in new build homes'*.

With funding stretched for Local Authorities (LAs), the reports provided by ecologists have an important role in the ecological mitigation and enhancement conditions set by LAs for developers. This knowledge can be enhanced by using the more specialist expertise of the many voluntary nature groups we are lucky enough to have in the UK.

Swifts, for example, only visit the UK for the summer months and are therefore often not present when an ecological survey is undertaken. Even if the survey is undertaken in the brief period they are here, they are elusive birds who enter and leave their nesting sites, in the nooks and crannies of buildings, in the blink of an eye and so nesting sites are very easy to overlook.

Swift conservation groups have been observing for some time now that house sparrows often nest in integral swift bricks. In fact, they appear to prefer them to the frequently specified sparrow terraces.

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² <https://www.gov.uk/guidance/natural-environment>

³ <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>

Studies are now showing that these observations are representative and that swift bricks are also occupied by other small bird species, and so provide a successful practical biodiversity enhancement in line with government planning policy.

The case for integral swift bricks as a 'universal' brick

- The house sparrow is a red-listed species which results in sparrow bricks and terraces being a popular choice of nesting provision. Installing integral 'universal' swift bricks instead not only increases the chance of them being used very quickly, but also increases the number of species being given a helping hand.
- Sparrows, like swifts, are colonial birds. Observation of their nesting habits has shown that not only do they prefer swift bricks, but that very few sparrow terraces are occupied by more than one pair, possibly because the entrance holes are too close together.
- Swifts are unable to use sparrow bricks and terraces.
- Evidence is now emerging from studies being undertaken at various sites across the country showing that swift bricks are being used by a variety of small birds and could be described as a 'universal' brick for small building-dependent species. See link to a recent press release from a Duchy of Cornwall site that is in its second year of collecting data: <https://nansledan.com/nansledan-residents-asked-to-help-with-bird-box-survey/>
- Swifts, house sparrows, house martins, blue tits, great tits, starlings and nuthatches have all been recorded nesting in swift bricks.
- This is particularly good news for the red-listed house sparrow and starling as well as the amber-listed swift, expected to be red-listed at the next review. All three species are undergoing major decline caused by the loss of nesting sites on existing buildings due to re-roofing and replacement of soffits and fascias. Swifts, for example, have experienced a catastrophic decline of nearly 60% in the last 20 years.
- It is also very good news for developers as it means that one brick type will provide a very cost-effective ecological enhancement for a variety of bird species.
- Bricks are very easy to include in routine building practices resulting in an inexpensive biodiversity enhancer with the nesting site confined within the brick with no access to the roof space.

Integral Bricks v External Boxes

- more aesthetically pleasing
- maintenance free
- long lasting
- less prone to predation
- less prone to temperature variations



Photo courtesy of Hugh Hastings and the Duchy of Cornwall



Photo courtesy of Clive Cooper

House martins (L) and swifts (R) nesting in swift bricks



Photos courtesy of Arc Consulting

Photos courtesy of Tanya Hoare

From left to right: a blue tit emerging from a swift brick; a great tit about to enter a swift brick; a Schwegler Type 25 swift brick, its entrance narrowed with mud by a nesting nuthatch; a starling on the entrance hole of a swift brick with a house-sparrow showing a keen interest.

Examples of the level of nesting provision in new developments

A ratio of at least 1:1 nest bricks per dwelling is generally accepted now as good practice – a level of provision outlined in the award-winning Exeter City Council Residential Design Guide SPD (2010). The RSPB South West Regional Office has been working with Exeter Planners over a period of 10 years on the implementation of the biodiversity requirements of this guide and there is acceptance that in many cases the most suitable box type for all cavity nesting birds is the swift brick.

A similar standard was adopted by the Town and Country Planning Association and the Wildlife Trusts in 2012 Planning for a Healthy Environment - Good Practice for Green Infrastructure and Biodiversity⁴ and The Royal Institute of British Architects (RIBA) in 2013⁵.

The Duchy of Cornwall adopted the same principles in 2015, and a good example of the provision of a general type of integral box for all cavity nesting birds is the Nansledan development by The Duchy of Cornwall in Newquay.⁶

The Cornwall Council Biodiversity Guide (2018)⁷ gives prescriptive measures for the provision of bat and bird boxes, again at the rate of 1 nest place per new dwelling. This document also includes a case study on Nansledan mentioned above.

The Oxford City Council Technical Advice Note on Biodiversity⁸ gives an 'expected provision' of bird nest sites for building dependent birds (i.e. swifts) at a rate of 1 per house and 1 per 2 flats, with separate provision for bats at a rate of 1 per 5 houses. Provision of such nest boxes in schools, student accommodation and hotels is addressed by a ratio of 1 per 250 m² floor space.

From 1st June 2020, Brighton & Hove City Council have conditioned a minimum of three swift nest bricks or two per dwelling in all new developments that are five metres high or above, and commercial developments will be required to have a minimum of three boxes, or one per 50sqm of floor space.^{9 10 11}

⁴ https://www.sustainabilitywestmidlands.org.uk/wp-content/uploads/Planning_for_a_healthy_environment_report.pdf

⁵ Gunnell, K., Murphy, B. and Williams, C., Designing for Biodiversity: A technical guide for new and existing buildings, RIBA Publishing & Bat Conservation Trust (2013).

⁶ <https://www.rspb.org.uk/our-work/rspb-news/news/stories/the-duchy-of-cornwall-giving-swifts-a-home/>

⁷ Cornwall Council Biodiversity Guide (2018) available here: <https://www.cornwall.gov.uk/media/38341273/biodiversity-guide.pdf>

⁸ Oxford City Council Technical Advice Note: Biodiversity – Planning Application Guidance available at: https://www.oxford.gov.uk/info/20067/planning_policy/745/planning_policy-technical_advice_notes_tan

⁹ https://new.brighton-hove.gov.uk/news/2020/council-takes-swift-action-protect-birds?utm_source=hootsuite&utm_medium=twitter

¹⁰ <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Swift%20Guidance.pdf>

¹¹ <https://new.brighton-hove.gov.uk/news/2020/helping-swifts-find-safe-haven-brighton-hove>

Appendix

Swift bricks in the national planning context

- **National Planning Policy Framework (NPPF, 2019)**¹² states: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on and providing **net gains in biodiversity**...”* (Section 170d).
- **National Planning Policy Guidance (NPPG, 2019)**¹³ states: *“...relatively small features can often achieve important benefits for wildlife, such as incorporating ‘**swift bricks**’ and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat”* (Natural Environment, Paragraph 023, Reference ID: 8-023-20190721).
- **Living With Beauty (Government’s Building Better Building Beautiful Commission, 30/01/20)**¹⁴ recommends: *“**Bricks for bees and birds in new build homes**”* (Policy Proposition 33, page 110). **Ministry of Housing, Communities & Local Government press release (21/07/19)**¹⁵ stated: *“For the first time the government has set out its expectations on how developers can protect specific species, including using ‘hedgehog highways’ and hollow **swift bricks** – which are installed into the walls of new build homes, allowing the birds to nest safely. This follows public interest for protecting these much-loved animals, with one petition receiving support from over half a million people.”*
- **Natural Environment and Rural Communities (NERC) Act 2006**¹⁶ states: *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, **to the purpose of conserving biodiversity**”* (Section 40).

Useful websites

- **Swift Conservation** - <https://www.swift-conservation.org/>
- **Action for Swifts** - <http://actionforswifts.blogspot.com/>
- **RSPB** - <https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/bird-a-z/swift/>
- **RSPB Swift Mapper** - <https://www.swiftmapper.org.uk/>
- **Types of integral nestboxes available** - <https://actionforswifts.blogspot.com/p/swift-bricks.html>

This document has been issued on behalf of Swifts Local Network, an informal network of over 90 conservation groups in the UK: <https://actionforswifts.blogspot.com/p/sln.html>.

Authors: Camilla Barlow, Mike Priaulx, and SLN Swifts & Planning Group

September 2020

¹² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹³ <https://www.gov.uk/guidance/natural-environment>

¹⁴ <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>

¹⁵ <https://www.gov.uk/government/news/brokenshire-orders-house-builders-to-protect-wildlife>

¹⁶ https://www.legislation.gov.uk/ukpga/2006/16/pdfs/ukpga_20060016_en.pdf

South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

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All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Ewan Thompson

Organisation

N/A

Address (including postcode)

Telephone number

E-mail address



[Redacted area]

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

A well-written document that clearly lays out coherent policies with supporting evidence to justify their adoption.

(Continue on a separate sheet if necessary)

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

Privacy Notice

How is your information used?

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Who has access to your information?

South Derbyshire District Council Planning Services. Personal information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.

Miss Karen Beavin
South Derbyshire District Council
Planning Policy, Planning Services
Civic Offices Civic Way
Swadlincote
Derbyshire
DE11 0AH

Our ref: LT/2006/000236/OR-
09/IS1-L01
Your ref:
Date: 11 October 2021

Dear Miss Beavin

Melbourne Neighbourhood Plan

Thank you for consulting the Environment Agency on the Melbourne Neighbourhood Plan.

Environment Agency Comments

The Environment Agency previously responded to the draft consultations on this Local Plan in 2017 and 2019. We note that the Biodiversity Policy OS3 now references the South Derbyshire Local Plan Part 1 and well as Part 2.

We also highlighted some information about flood risk in our previous response. I have repeated this information below:

Flood Risk Comments

We note that there are no proposed site allocations within this draft neighbourhood plan and that new housing within the plan area will be determined by the site allocation detailed in the South Derbyshire Draft Local Plan.

The only new housing development proposed is to allow infill within Melbourne and Kings Newton. If any of this new development would be within flood zones 2 and 3, then the Neighbourhood Plan should make reference to the Flood Risk Policy SD2 of the South Derbyshire Local Plan 1 to help determine whether the development is acceptable or not from a flood risk perspective. We would also suggest that the link to this policy is also added into the Drainage and sewerage Community Aspiration section CA4 of the Neighbourhood Plan as the final sentence of the section mentions that 'due weight is given to considerations of flooding in making planning decisions'.

Yours sincerely

Mr Joseph Drewry
Planning Specialist

Direct dial 02030 253277
Direct e-mail joe.drewry@environment-agency.gov.uk

Jessica Cheadle

From: Hannah Price [REDACTED]
Sent: 09 November 2021 09:45
To: Planning Policy
Cc: Angela Smedley
Subject: Melbourne Neighbourhood Plan Reg 16 Consultation
Attachments: Melbourne NP Reg 16 Consultation Representations.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

On behalf of my Clients, the Trustees of the Margaret Hawksworth Bond Elm Trust and The Trustees of the Ralph Hawksworth Bond Elm Trust, I enclose the attached representations to the Melbourne Neighbourhood Plan Reg 16 consultation.

I trust they are self-explanatory, however if you have any questions or need further information, please do not hesitate to contact me.

If you could kindly confirm receipt of this email, I would be grateful.

Kind regards

Hannah

Hannah Price MRTPI
Senior Planner

For and on behalf of Fisher German LLP



The Estates Office - Norman Court - Ivanhoe Business Park- Ashby de la Zouch - LE65 2UZ

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Melbourne Neighbourhood Plan

Regulation 16 Consultation
October 2021

Prepared by Fisher German LLP
on behalf of The Trustees of the Margaret
Hawksworth Bond Elm Trust and The Trustees of
the Ralph Hawksworth Bond Elm Trust



Project Title:

Land north of Stafford Close and Jawbone Lane, Melbourne

Agent:

Hannah Price MRTPI

Contact Details:

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01 Introduction

- 1.1 These representations have been prepared on behalf of the Trustees of the Margaret Hawksworth Bond Elm Trust and The Trustees of the Ralph Hawksworth Bond Elm Trust in respect of their land interests to the north of Stafford Close, off Jawbone Lane (see area outlined in red in Figure 1 below).



Figure 1: Site Location Plan

- 1.2 The land has previously been promoted to the South Derbyshire District Council 2019 Call for Sites as a suitable and sustainable site for residential development. The site was submitted to the 2019 Call for Sites as a site for a modest (circa 8 dwelling) development of single storey dwellings.
- 1.3 Stafford Close, to the south of the site is a recent housing development, completed by Miller Homes and access to the site has been retained through the neighbouring development.

- 1.4 As the Neighbourhood Plan Group will be aware, Paragraph: 065, Reference ID: 41-065-20140306 of the National Planning Practice Guidance (PPG) sets out the basic conditions that a draft Neighbourhood Plan or Order must meet if it is to proceed to referendum.
- 1.5 The basic conditions for Neighbourhood Plans are identified by the PPG as being set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and are applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions relating to Neighbourhood Plans are:
- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan.
 - b. The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
 - c. The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - d. The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.
 - e. Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Plan.
- 1.6 These representations follow the order of the policies within the Draft Neighbourhood Plan, where we have not commented, we have no specific comments at this stage. If you have any questions regarding these representations, please contact the author.

02 Comments on Specific Policies

Vision for Melbourne and Kings Newton

- 2.1 Paragraph 4.2 of the Draft Neighbourhood Plan sets out the following vision for Melbourne and Kings Newton:

"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".

- 2.2 Whilst we do not have any objections to the Parish Council's aim of creating a "vibrant, sustainable and caring community", and we note that any proposed development on our Client's land to the north of Stafford Close would comprise a small (less than 10 dwelling) housing scheme. We are concerned that the intention to "keep and protect from development the open space between Melbourne and Kings Newton" has not been expressed clearly by the Plan. As will be detailed within our response to Policy DP2 below, the Neighbourhood Plan has not accurately defined on the accompanying mapping exactly where the "area of separation" is located.

Housing and Development Policy DP1

- 2.3 This policy states that development will be “*infill only within the settlement boundaries of the villages*”. Whilst we do not object to the principle of drawing settlement boundaries around the villages, we are unclear as to the rationale behind the delineation of the boundary on certain parts of the map. As shown on the map extract below, recent developments on the edge of Melbourne, including the consented sites off Station Road (to the east), Main Street (to the northwest), and Smith Avenue (to the north) have been included within the settlement boundary.

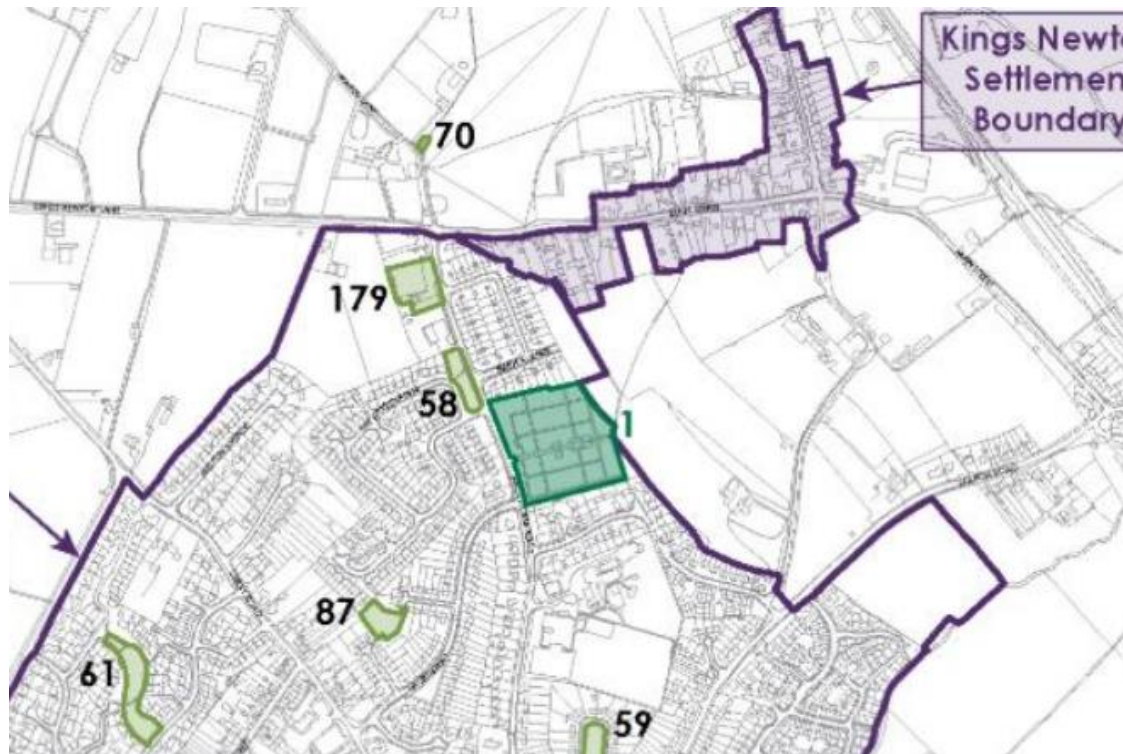


Figure 2: Neighbourhood Plan Map from Paragraph 8.4.2

- 2.4 However, the Stafford Close scheme, north of Jawbone Lane, has very clearly been **omitted** from the settlement boundary. There is no evidence to justify why this is the case, this means that the omission appears illogical given that Stafford Close now clearly forms part of the built form of Melbourne. Moreover, it would be entirely consistent with the other aforementioned consented sites, if Stafford Close were now included within the boundary.
- 2.5 We therefore request that the settlement boundary is amended to ensure the Stafford Close development is included within it.

- 2.6 In addition to the above, we are also concerned that the Parish Council have not fully considered the merits of allocating additional land for housing growth on the edge of Melbourne. Whilst the Plan anticipates that sites within the settlement boundaries will be able to provide a number of additional housing developments (and Policy DP3 will require them to have 3 bedrooms or fewer), we believe that by allocating further edge of settlement sites, the Neighbourhood Plan has an opportunity to further boost the supply of smaller (3 bedrooms or less) homes within the plan area. No evidence has been published alongside the Neighbourhood Plan to demonstrate that the positive implications of further housing allocations has been fully considered.
- 2.7 Moreover, it is noted that South Derbyshire District Council are due to commence a review of their Part 1 Local Plan. We consider the upcoming review has potential to increase the number of new homes allocated to Melbourne. As detailed in a recent report to the South Derbyshire District Council's 11th November 2021 Environmental and Development Services Committee, as part of this process, the Council will need to work with other Authorities within the Derby Housing Market Area (HMA) to satisfy the Duty to Cooperate. This joint working is expected to involve decisions on how housing growth for the HMA will be distributed (likely to include the 35% uplift in housing numbers the Government has now assigned to Derby City). Given the close relationship South Derbyshire has with Derby City, it is likely that the District will need to accommodate an increased number of dwellings. As Melbourne is already recognised as a sustainable location for housing development, it is likely that increased numbers will be assigned to the settlement.
- 2.8 As will be detailed in Section 3 below, the land north of Stafford Close has potential to deliver a modest scheme of circa 8 single storey dwellings. Allocating sites such as the land north of Stafford Close now would ensure that the Neighbourhood Plan is able to respond to any future increased housing numbers assigned to Melbourne.

Housing and Development Policy DP2

- 2.9 Policy DP2 states that development will "maintain" the separation between Melbourne and Kings Newton and that:

"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".

- 2.10 From reviewing the documents associated with the Draft Neighbourhood Plan it is clear that no evidence has been prepared by the Parish Council to justify why the area of separation should be designated. The Plan states that "*The Area of Separation prevents the coalescence of settlements, provides green infrastructure and protects the identity of settlements*". However, no evidence has been provided to outline exactly how the proposed area of separation is performing these functions and why it should be protected by this additional policy within the Neighbourhood Plan.
- 2.11 This lack of evidence is not consistent with the National Planning Policy Framework 2021 which requires at paragraph 31 that "*The preparation and review of all policies should be underpinned by **relevant and up-to-date evidence***". Without this evidence, we believe the Plan could be deemed as not having been prepared in conformity with the NPPF.
- 2.12 The map at paragraph 8.4.2 of the Neighbourhood Plan, which Policy DP2 refers to (and is reproduced at Figure 2 above), does not identify the exact "*area of separation*" between Melbourne and Kings Newton. Instead, as shown by the map key, the map only identifies Proposed Local Green Spaces, Existing Local Green Spaces and the Settlement Boundaries.
- 2.13 At this time, the extent of the area of separation is not clear, however we assume that this is intended to comprise all of the land between the edge of Melbourne and Kings Newton. Whilst the draft policy above states the area is defined by its "*present open and undeveloped character*", we do not believe this is the case for the whole of the area between the edge of Melbourne and Kings Newton.
- 2.14 As shown on the aerial image below, the land north of Stafford Close is located within an area that is characterised and framed by existing residential development:



Figure 3: Aerial Imagery of Site Context (Source: Google Earth)

- 2.15 As is clearly visible on the above map, the consented developments to the south and north of the land north of Stafford Close mean that the built form of Melbourne adjoining the site results in a more enclosed and developed character. Therefore, we consider it would not be reasonable for the Neighbourhood Plan to identify the whole site as lying within the area of separation.
- 2.16 Instead, using the line of the consented schemes to the north and south (indicated by the green line above), we believe the area annotated above **should not** be included within the area of separation.

Neighbourhood Plan Basic Conditions Statement

- 2.17 In addition to our comments on the Neighbourhood Plan's draft policies, we also wish to highlight our concerns with the Basic Conditions Statement published alongside the Draft Neighbourhood Plan.
- 2.18 As noted at the start of these representations, the Neighbourhood Plan must be in conformity with national policy. National policy comprises the 2021 version of the National Planning Policy Framework (NPPF). In the Basic Conditions Statement it is noted that the assessment of the Neighbourhood Plan's policies against the NPPF appears to refer to the 2012 version of the NPPF rather than the 2021 version. For example, the presumption in favour of sustainable development is stated to be within paragraph 14 of the NPPF (which it was in 2012) rather than paragraph 11.
- 2.19 Moreover, we do not consider the Statement's assessment of the Neighbourhood Plan's policies against the NPPF is robust. At present the Statement only links policies within the Neighbourhood Plan to a NPPF paragraph. It does not explain how and why the Neighbourhood Plan policies actually conform with the NPPF's aims. Therefore, it is not fully clear whether the Neighbourhood Plan is in accordance with the NPPF.
- 2.20 It is also noted that it is a basic condition that the Neighbourhood Plan should contribute to the achievement of sustainable development. Again, within the Basic Conditions statement, there is no commentary setting out how the Plan will achieve sustainable development. It is therefore considered that this should be added to the Statement.

03 Land north of Stafford Close

Site and Surrounding Context

- 3.1 The site is located to the north east of Melbourne, immediately adjoining the recent Miller Homes development off Jawbone Lane (now Stafford Close). The entire site is approximately 0.9 hectares in size.
- 3.2 As previously shown at Figure 3 of these representations, existing dwellings adjoin the southern boundary of the site and a consented residential development off Smith Avenue has extended the built form of Melbourne to the north. Melbourne Cemetery lies to the west and agricultural land lies to the east.
- 3.3 The site currently comprises grassland not in agricultural use.

Proposed Development

- 3.4 We wish to highlight to the Parish Council and Neighbourhood Plan Group that the site is available for residential development and request that consideration is given to allocating it within the Neighbourhood Plan.
- 3.5 As noted previously, the site was submitted to the South Derbyshire District Council 2019 Call for Sites as a site for circa 8 single storey dwellings. The provision of bungalow dwellings on the site is considered to be a suitable way to respect the site's proximity to heritage assets. Moreover, the site has potential to deliver homes with 3 bedrooms or less which would be suitable for older downsizers potentially helping to free up existing housing stock within Melbourne and Kings Newton.
- 3.6 New tree and hedgerow planting is also proposed to be incorporated by the scheme to ensure that the development is effectively screened and a defensible boundary to the development is provided.
- 3.7 Working with the Neighbourhood Plan Group, we are committed to giving detailed consideration to the design and layout of the site to ensure that a scheme can assimilate with and respect the site's surroundings.

04 Conclusion

- 4.1 The land north of Stafford Close, Melbourne, is a sustainably located residential development site capable of delivering a high-quality development of approx. 8 single storey dwellings which will provide smaller homes in line with the identified need outlined within the Neighbourhood Plan.
- 4.2 Moreover, it is noted that South Derbyshire District Council are due to commence a review of their Part 1 Local Plan. The Council will need to work with other Authorities within the Derby Housing Market Area to satisfy the Duty to Cooperate. Given the close relationship South Derbyshire has with Derby City, it is likely that the District will need to accommodate an increased number of dwellings. As Melbourne is already recognised as a sustainable location for housing development, it is likely that increased numbers will be assigned to the settlement.
- 4.3 We therefore politely request that the Neighbourhood Plan Group give serious consideration to allocating the land north of Stafford Close for residential development within the Neighbourhood Plan.

Jessica Cheadle

From: Karen Beavin
Sent: 27 October 2021 17:54
To: Planning Policy
Subject: FW: Consultation - Draft Melbourne Neighbourhood Development Plan

Hi Jess,

Just in case this one hasn't come through to you...

Thank you,

Karen Beavin

Planning Policy Team Leader

T: 01283 595749

M: 07501 698400

www.southderbyshire.gov.uk

We are currently receiving a high number of planning applications which is resulting in delays to our usual response times.

We are determining applications and responding to enquiries in the order they are received. We will respond as soon as possible.

Please note my working days are Tuesday, Wednesday, Thursday and Friday.



Any advice is given at officer level only and does not prejudice any formal decision the Council makes in the future.

From: East and East Midlands Forest Area Enquiries [REDACTED]
Sent: 22 October 2021 08:38
To: Karen Beavin <Karen.Beavin@southderbyshire.gov.uk>
Subject: Consultation - Draft Melbourne Neighbourhood Development Plan

Thank you for inviting the Forestry Commission to respond to the consultation on the Melbourne Neighbourhood Plan. Unfortunately, we do not have the resources to respond to individual plans but we have some key points to make relevant to all neighbourhood plans.

Forestry Commission and Neighbourhood Planning

Existing trees in your community

The Forestry Commission would like to encourage communities to review the trees and woodlands in their neighbourhood and consider whether they are sufficiently diverse in age and species to prove resilient in the face of tree pests and diseases or climate change. For example, if you have a high proportion of Ash, you are likely to see the majority suffering from Ash Dieback. Some communities are proactively planting different species straight away, to mitigate the effect of losing the Ash; you can find out more [here](#). Alternatively, if you have a high proportion of Beech, you may find they suffer particularly from drought or flood stress as the climate becomes more extreme. There are [resources](#) available to help you get ideas for other species you can plant to diversify your tree stock and make it more resilient.

Ancient Woodland

If you have ancient woodland within or adjacent to your boundary it is important that it is considered within your plan. Ancient woodlands are irreplaceable, they have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “there are wholly exceptional reasons and a suitable compensation strategy exists” ([National Planning Policy Framework](#) paragraph 180).

The Forestry Commission has prepared joint [standing advice](#) with Natural England on ancient woodland and veteran trees. This advice is a material consideration for planning decisions across England and can also be a useful starting point for policy considerations.

The Standing Advice explains the definition of ancient woodland, its importance, ways to identify it and the policies that relevant to it. It provides advice on how to protect ancient woodland when dealing with planning applications that may affect ancient woodland. It also considers ancient wood-pasture and veteran trees. It will provides links to Natural England’s [Ancient Woodland Inventory](#) and [assessment guides](#) as well as other tools to assist you in assessing potential impacts.

Deforestation

The overarching policy for the sustainable management of forests, woodland and trees in England is a presumption against deforestation.

Woodland Creation

The UK is committed in law to net zero emissions by 2050. Tree planting is recognised as contributing to efforts to tackle the biodiversity and climate emergencies we are currently facing. Neighbourhood plans are a useful mechanism for promoting tree planting close to people so that the cultural and health benefits of trees can be enjoyed alongside their broader environmental benefits. Any planting considered by the plan should require healthy resilient tree stock to minimise the risk of pests and diseases and maximise its climate change resilience, a robust management plan should also be put in place.

Forestry Commission | Santon Downham | Brandon | Suffolk | IP27 0TJ



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From: Enquiries, National <nationalenquiries@forestrycommission.gov.uk>
Sent: 08 October 2021 15:41
To: East and East Midlands Forest Area Enquiries <eandem@forestrycommission.gov.uk>
Subject: FW: Consultation - Draft Melbourne Neighbourhood Development Plan

Good afternoon

Please see the attached draft Melbourne Neighbourhood Development Plan, for information.

Many thanks,

Karen Hargreaves
Forestry Commission National Enquiries Helpline
nationalenquiries@forestrycommission.gov.uk

Please note: The original email below has not been acknowledged

From: Karen Beavin <Karen.Beavin@southderbyshire.gov.uk>
Sent: 08 October 2021 15:03
Subject: Consultation - Draft Melbourne Neighbourhood Development Plan

This Message originated outside your organisation.

Dear Consultee,

Please find attached details of the formal consultation on Melbourne's draft Neighbourhood Development Plan.

The consultation closes at 5pm on Friday 19 November 2021.

Full details are available at www.southderbyshire.gov.uk/melbournereg16

Kind regards,

Karen Beavin
Planning Policy Team Leader
T: 01283 595749
M: 07501 698400
www.southderbyshire.gov.uk

Please note my working days are Tuesday, Wednesday, Thursday and Friday.



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Our Ref: P1915/JH
Date: 18th November 2021

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Planning Policy
Planning Services
South Derbyshire District Council
Civic Offices, Civic Way
Swadlincote
Derbyshire
DE11 0AH

T 0121 455 9455
F 0121 455 6595

Sent Via Email: planning.policy@southderbyshire.gov.uk

Dear Sir/Madam,

Melbourne Parish Council Neighbourhood Development Plan Representation Representations on behalf of The Melbourne Estate

These representations are submitted in response to the consultation draft Melbourne Parish Council Neighbourhood Development Plan by Harris Lamb Planning Consultancy (“HLPC”). They are prepared on behalf of The Melbourne Estate (“the Estate”) under the instruction of Matter Jamie. The Estate are promoting land at Blackwell Lane, Melbourne for residential development and are seeking the allocation of the site in the Neighbourhood Development Plan. The location and extent of the site is shown on the Plan attached at Appendix 1 of these representations.

Our comments on the soundness of the consultation draft Melbourne’s Neighbourhood Development Plan are set out below.

Policy DP1 - Development will be ‘infill’ only within the Settlement Boundaries of the villages

We object to this policy. The adopted South Derbyshire Local Plan requires the development of at least 12,618 additional dwellings over the plan period. The housing requirement is, however, below the Plan’s projected need for the development of over 16,000 dwellings. Whilst the Local Plan seeks to direct the shortfall to other Local Authority areas within the HMA it would be good planning to deliver the housing requirement in Plan area. This would result in housing being provided where the needed arises from, and the delivery of the housing remaining in the control of the Local Authority. As such the plan making process, including the preparation of Neighbourhood Plans, should be used to deliver additional housing.

Furthermore, the housing requirement in the Local Plan is set as a minimum. Therefore, allocating further sites for housing does not conflict with the Plan. Indeed, as a minimum housing requirement there is a requirement for it to be exceeded.

In addition, since the Local Plan was adopted in 2016, it has been superseded twice by the National Planning Policy Framework. The Framework requires local authorities to review their Local Plan every five years. The housing figure for this authority and the Plan as a whole is out of date. The

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Neighbourhood Development Plan provides the Parish of Melbourne with an opportunity to allocate housing sites in readiness for the emerging replacement Local Plan. By selecting sites now, this will allow residents to remain in control of any future development rather than leaving it in the control of the local authority in the emerging replacement Local Plan.

Melbourne is identified within the adopted Local Plan as a Key Service Village and being able to support further development. Limiting development in Melbourne to infill only within the settlement boundary does not look ahead to meeting future housing needs. Indeed, there have been successful appeal decision allowing development beyond the settlement boundaries of the Council's higher order settlements, including Melbourne. This helps demonstrate that the settlement boundaries are not an absolute constraint to development. Restricting development to infill only does not 'significantly boost' the supply of housing in accordance with the objectives of the Framework. The Omission Site, which adjoins the settlement boundary could play a crucial role in delivering housing in the area, in an appropriate and sustainable location.

Policy DP2 – Maintain the separation between Melbourne and Kings Newton.

In general, we support this policy and agree that the separation between Melbourne and Kings Newton should be maintained. The Omission Site is not located on land between the two settlements, and therefore would not impact on separation.

Policy DP3 – 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'

We object to this policy. Figure 134, of the Derby Strategic Housing Market Assessment Update 2013, identifies that 21.5% of dwellings in South Derbyshire should be 4+ bedrooms. This policy is inappropriate and should not specify 3 bed or fewer dwellings only as it contradicts the evidence available.

Furthermore, although there may be a perceived need for 3-bed or fewer houses at present, the housing needs for the area may change over time and this Neighbourhood Development Plan should be able to stand the test of time. Additionally, the Omission Site is not a large proposal compared to the number of houses in the settlement and therefore its impact on the housing stock would be negligible. By providing a proportion of the dwellings with four or more bedrooms, this would allow local families looking to upsize to move into the larger homes, and in turn free up smaller 3-bed and other smaller homes.

Policy OS2 – Protection from development for footpaths, public rights of way and greenways.

We support the principle of this policy, and agree that footpaths, public rights of way and greenways should be protected from development wherever possible. Development on the Omission Site would not negatively impact any rights of ways.

Policy OS4 – The preservation of Grades 1, 2 and 3a agricultural land will be supported

We support the principle of protecting productive agricultural land for food production, however this should not be at the detriment of ensuring that the housing needs for the area is satisfied. Therefore, the preservation of productive agricultural land is a matter to consider as part of the

planning balance but should not be an overriding material consideration when deciding if a development should take place.

Policy HC1 - Preserve the historical and cultural Heritage Assets and the existing Conservation areas.

We support the objective of this policy and agree that Heritage Assets and existing Conservation Areas should be preserved. We note that there are two recent housing developments at Castle Mills and Castle Mews, which adjoin the Omission Site. These developments have a similar relationship to Melbourne Hall and Gardens than the Omission Site. This demonstrates that development can take place in this general area that respects the heritage asset.

The Omission Site is located within the Conservation Area. Development here would provide appropriate green space between new housing and any heritage assets as to not have a detrimental impact on such assets.

The Omission Site

As detailed in these representations additional housing is required in South Derbyshire, and Melbourne should provide more housing given its position in the settlement hierarchy and the range of services and facilities it provides. Indeed, we are aware of appeal decisions in the area where permission has been granted for development beyond the settlement boundary clearly indicating the demand for housing is such that additional housing allocations are required, and settlement boundaries should not be seen as an absolute constraint to development.

Development opportunities are, however, restricted. The west of Melbourne is constrained by the National Forest designation. Development opportunities to the south are affected by their proximity to Melbourne Hall and Gardens and the Conservation Area. There are also sports facilities in this location preventing development. Flood Zones 2 and 3 affect the land to the east of Melbourne and development to the north could result in the settlement starting to merge with Kings Newton.

The Omission Site is, however, a suitable and suitable location for an allocation. The location and extent of the Omission Site is shown on the plan attached at Appendix 1 of this letter. To confirm, we are not proposing that residential development is provided across the full extent of the site. The plan identifies the extent of the flood plain and no development is proposed in the flood plain. This area can become publicly accessible open space. We envisage that housing will be developed on the western edge of the site where there are currently allotments and land to the south which comprises of an unattractive agricultural building and associated land. It is expected that around 50% of the site will be developed with the remainder forming a green buffer to the east. As a consequence, Melbourne will not be extended any further eastwards. The site is well contained by existing buildings in the village and a strong eastern boundary made up of vegetation and the brook. The Omission Site forms a natural extension and would not result in the village extending further eastwards. It is considered a suitable site for new residential development and should be considered accordingly

The extent of the site is approximately 3.16ha, of which half we see as being developed. This provides a net developable area of 1.58ha. It is envisaged that the scheme will deliver between 30 and 35 dwellings per hectare with a total capacity of between 47 and 55 houses. This is considered to be an appropriate density for the area. Furthermore, the Census estimates Melbourne's population to be 5,314. Working on the average occupancy of 2 people, the site will accommodate

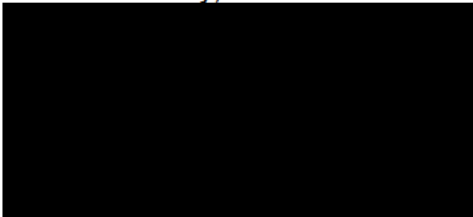
between 94 and 100 people. This is an increase of only 1.8% to the existing population, whilst also providing housing for the growing population.

There is also opportunity for the existing Castle Mills development to be extended into the Omission Site. Furthermore, the site will deliver both Market and Affordable housing as well as delivering biodiversity net gain. These are significant benefits that weigh in favour of the allocation.

Part of the Omission Site is currently used for allotments. Melbourne Estate have offered to replace the allotments elsewhere in the village on land in their control, which will also provide a greater number of allotments than those lost as a result of the development. The location of the proposed replacement allotments is shown on the plan provided at Appendix 2. The existing allotments are approximately 0.82 ha in size. It is the intention to make approximately 2.1 ha available for new allotments should this site be allocated for development. This is over double what is already offered and is considered a material benefit to the allocation. The location of the proposed replacement allotments is shown on Plan 2. It is our view that it would be appropriate for the Plan to include a policy allocating the Omission site for residential development and allocate this land for replacement allotments.

We trust that you will take this representation into account in your consideration of the Neighbourhood Development Plan. We look forward to being notified about the submission of the Plan for Examination in due course. In the interim, should you require anything further or have any questions please do not hesitate to contact me.

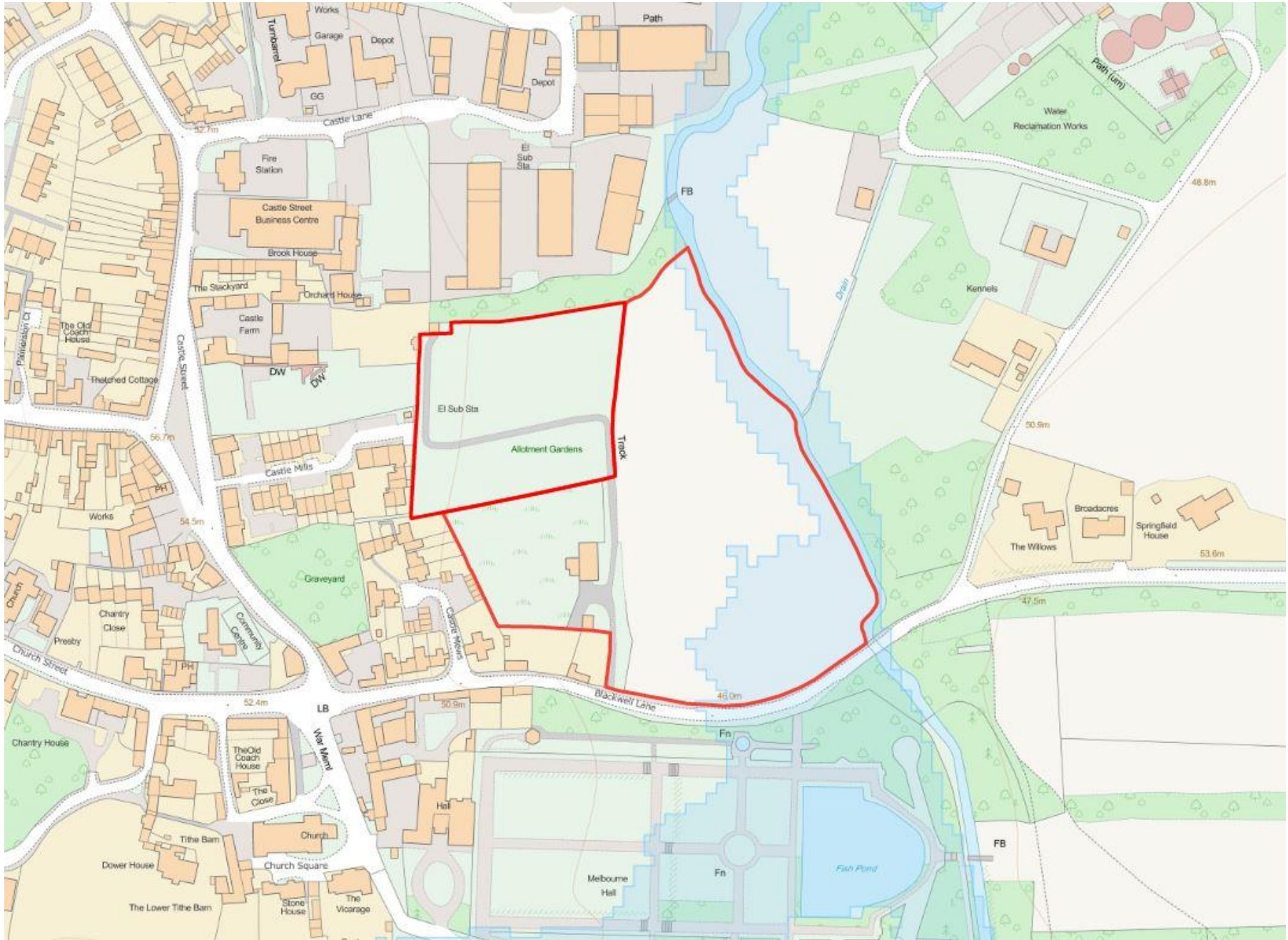
Yours faithfully,



Josie Hobbs
Graduate Planner
josie.hobbs@harrislamb.com
DIRECT DIAL: [REDACTED]
Mobile: [REDACTED]

Cc Hamish Byers -Mather Jamie

**APPENDIX 1
SITE PLAN**



**APPENDIX 2
PROPOSED REPLACEMENT ALLOTMENT LOCATION**



South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Josie Hobbs

Organisation

Harris Lamb Ltd

Address (including postcode)

Harris Lamb
75-76 Francis Road
Edgbaston
B16 8SP

Telephone number

[REDACTED]

E-mail address



Josie.hobbs@harrislamb.com

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

OS4

Page:

22

Other:

Comment:

Please refer to covering letter.

(Continue on a separate sheet if necessary)

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

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South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Josie Hobbs

Organisation

Harris Lamb Ltd

Address (including postcode)

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Edgbaston
B16 8SP

Telephone number

██████████

E-mail address



Josie.hobbs@harrislamb.com

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

HC1

Page:

25

Other:

Comment:

Please refer to covering letter.

(Continue on a separate sheet if necessary)

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YES:

NO:

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Part B – Your Representation

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To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

DP1

Page:

12

Other:

Comment:

Please refer to covering letter.

(Continue on a separate sheet if necessary)

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Address (including postcode)

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E-mail address



Josie.hobbs@harrislamb.com

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

DP2

Page:

13

Other:

Comment:

Please refer to covering letter.

(Continue on a separate sheet if necessary)

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YES:

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Organisation

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Address (including postcode)

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75-76 Francis Road
Edgbaston
B16 8SP

Telephone number

██████████

E-mail address



Josie.hobbs@harrislamb.com

Part B – Your Representation

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To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

DP3

Page:

15

Other:

Comment:

Please refer to covering letter.

(Continue on a separate sheet if necessary)

Future notification

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Our Ref:
Your Ref: SCR/2021/0002

South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH
Via Email: planning.policy@southderbyshire.gov.uk

Steve Freek
National Highways (Area 7)
Stirling House
Lakeside Court
Osier Drive
Sherwood Business Park
Nottingham
NG15 0DS

Direct Line: 0300 470 4457

www.highwaysengland.co.uk

17 November 2021

Dear Sir / Madam,

Consultation of the Draft Melbourne Neighbourhood Plan

National Highways (We) welcomes the opportunity to comment on the Draft version of the Melbourne Neighbourhood Plan which covers the period of 2016 - 2028. The document provides a vision for the future of the area and sets out a number of key objectives and planning policies which will be used to help determine planning applications.

We have been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Melbourne Neighbourhood Plan, our principal interest is in safeguarding the operation of the A50, located approximately 3km to the north of the Plan area.

We understand that a Neighbourhood Plan is required to be in conformity with relevant national and district-wide planning policies. Accordingly, the Neighbourhood Plan for Melbourne is required to be in conformity with the adopted South Derbyshire Local Plan and this is acknowledged within the document.

From our review of the Neighbourhood Plan, we note that the only mention of employment sites is retail development, which will be supported where it is appropriate and in keeping with the rural village setting and providing for local needs.

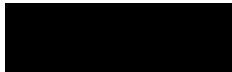
With regard to housing, we note that the Neighbourhood Plan will only support infill developments within the settlement boundaries, and these should be sensitive to the location and serve local demand.



Due to the minimal growth coming forward within the Melbourne Neighbourhood Plan area, we do not consider that there will be any material impacts on the operation of the SRN.

We have no further comments to provide and trust that the above is useful in the progression of the Melbourne Neighbourhood Plan.

Yours sincerely,



Steve Freek
Midlands Operations Directorate
Steve.Freek@highwaysengland.co.uk



Historic England

Ms Karen Beavin
South Derbyshire District Council
Council Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

Direct Dial: 0121 625 6870

Our ref: PL00582784

5 November 2021

Dear Ms Beavin

Neighbourhood Plan for Melbourne

Thank you for consulting Historic England about your Neighbourhood Plan.

The area covered by your Neighbourhood Plan includes a number of important designated heritage assets. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.

If you have not already done so, we would recommend that you speak to the planning and conservation team at your local planning authority together with the staff at the county council archaeological advisory service who look after the Historic Environment Record. They should be able to provide details of the designated heritage assets in the area together with locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as the local Civic Society or local historic groups in the production of your Neighbourhood Plan.

Historic England has produced advice which your community might find helpful in helping to identify what it is about your area which makes it distinctive and how you might go about ensuring that the character of the area is retained. These can be found at:-

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

You may also find the advice in “Planning for the Environment at the Neighbourhood Level” useful. This has been produced by Historic England, Natural England, the Environment Agency and the Forestry Commission. As well as giving ideas on how you might improve your local environment, it also contains some useful further sources of information. This can be downloaded from:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Historic England

If you envisage including new housing allocations in your plan, we refer you to our published advice available on our website, "Housing Allocations in Local Plans" as this relates equally to neighbourhood planning. This can be found at <https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/>

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

C.Fletcher

Clive Fletcher
Principal Adviser, Historic Places
clive.fletcher@HistoricEngland.org.uk



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Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

M Ride

Organisation

Address (including postcode)

Telephone number

E-mail address

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

CA7
&8

Page:

Other:

Comment:

Thankyou for the opportunity to read and comment of the plan, which I have with interest.

My main comments and observations relate to CA7 and CA8 and are based on my experiences in the context of inadequate levels of GP support and access. These comments equally apply widely across the Authorities region. This is equally the case for Social Care support provision and facilities for the elderly – given that we have an accelerating aging population, which should be cause for concern.

1. Will the levels and types of GP support be improved to catch up with and match the community's need(s)?
2. Will social care provisioning and service levels/ facilities for the aging and elderly population be improved to match the need of a change in the demographic mix?
3. Will corresponding infrastructure impacts – roads and transport links, acute hospital access numbers, not previously planned for at time of commissioning be upgraded/fully funded?
4. Will existing footprints be preserved without loss of green/moorland/woodland and forested areas?
5. How will development considerations be managed in the context of net zero carbon by 2050 legally binding commitments?
6. In the context of an emerging position whereby the UK could become over populated by 2100 based on present projections/sustainability in terms of energy and food, how does this plan support and or address these issues.
7. Is there a local area consensus on and development plans (for this area) and can it be demonstrated beyond any doubt that this has been taken into account?
8. Are there any current or longer-range out of area/adjacent to area development plans that could have an impact of this area in terms of growth and population between 2030 and 2040?
9. What impact with the recently announced rail hub have on this area, in terms of the above?
10. Will growth plans affecting the East Midlands airport free port activity have any impact of this area, near or longer term through to 2040.
11. What affect will the closure of Ratcliffe Power Station have on this area and its development?
12. Are there any additional flood defence and corresponding land preservation works deemed necessary to support this area, especially if development works are permitted elsewhere but on existing undeveloped land?

I trust that you will be able to take account of these questions and, at the very least, consider how infrastructure and key service aspects are affected by any growth plan in Melbourne and indeed other areas within the South Derbyshire Authorities boundary.
(Continue on a separate sheet if necessary)

Future notification

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YES:

NO:

Privacy Notice

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Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

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Andrew Gore (agent)

Organisation

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Address (including postcode)

Waterfront House, Waterfront Plaza, 35 Station Street, Nottingham, NG2 3DQ

Telephone number

██████████

E-mail address

Andrew.gore@marrons-planning.co.uk

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

Please see our attached representations on behalf of our client, Davidsons Development Ltd, in respect of Land at Jawbone Lane.

(Continue on a separate sheet if necessary)

Future notification

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MELBOURNE NEIGHBOURHOOD PLAN SUBMISSION CONSULTATION

REPRESENTATIONS ON BEHALF OF DAVIDSONS DEVELOPMENTS LTD

Introduction

1. These representations have been prepared by Marrons Planning on behalf of our client, Davidsons Developments Ltd. Our client has an interest in Land at Jawbone Lane, Melbourne and is promoting the site for 58 dwellings, including the provision of affordable homes.
2. This Neighbourhood Plan representation is intended to help shape the Neighbourhood Plan and ensure it meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).
3. These representations conclude that, in its current form, the Melbourne Neighbourhood Plan fails to meet some of the basic conditions required for the Neighbourhood Plan to proceed to referendum including:
 - *contributing to the achievement of sustainable development; and*
 - *being in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
4. Davidsons Developments Ltd's position is that the Neighbourhood Plan fails to meet all these basic conditions by:
 - Pursuing restrictive policies that conflict with the policies contained within the adopted Local Plan; and
 - Preventing the achievement of sustainable development with regard to wider planning objective.

National Planning Policy Framework

5. Paragraph 13 of the National Planning Policy Framework (NPPF) says that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

6. Paragraph 14 NPPF provides guidance on how the presumption in favour of sustainable development (at paragraph 11d) should be engaged and, in essence, reduces the supply of land required for a plan to be considered up to date from five years down to three where the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement.
7. The amount of housing required in an area is a strategic matter (paragraph 20 NPPF) although non-strategic policies can be used by communities through Neighbourhood Plans to set out more detailed policies for specific areas, neighbourhoods or types of development and also for allocating sites (Paragraph 28 NPPF). Importantly, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (Paragraph 29 NPPF).
8. Once a Neighbourhood Plan has been brought into force, the policies it contains take precedence over the existing non-strategic policies set out in a local plan covering the area (Paragraph 30).
9. Paragraph 31 NPPF confirms that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
10. Paragraph 33 says that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and that relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.
11. Paragraph 60 NPPF recognises the Government's objective of significantly boosting the supply of homes and paragraph 61 says to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance.
12. Paragraph 68 of the NPPF says that strategic policy-making authorities should have a clear understanding of the land available in their area and that planning policies should identify a supply of:
 - a) specific, deliverable sites for years one to five of the plan period
 - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

13. The National Planning Practice Guidance says that ‘where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, [including] the existing and emerging spatial strategy’ (paragraph: 105 Reference ID: 41-105-20190509 – emphasis added).
14. Where a neighbourhood planning body needs to determine a housing requirement figure themselves (in accordance with the above) the national planning practice guidance signposts them to the neighbourhood planning toolkit on housing needs assessment, noting that the neighbourhood planning body will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the ‘basic conditions’ (Paragraph: 105 Reference ID: 41-105-20190509).

Housing Requirement

15. South Derbyshire Local Plan Part 1 was adopted on 13th June 2016 and the Local Plan Part 2 was adopted on 2nd November 2017 with a plan period between 2011 and 2028. Local Plan Part 1 Policy S1 sets out the Growth Strategy for the District and identifies that the Plan will deliver at least 12,618 dwellings within South Derbyshire, equating to 742 dwellings per annum.
16. The Local Plan recognises Melbourne as a Key Service Centre and Kings Newton as a Rural Village (Policy H1), although neither settlement contained a strategic allocation (100 dwellings or more). The Local Plan Part 2 sought to allocate non-strategic housing sites across the district totalling 600 dwellings.
17. The Melbourne Neighbourhood Plan does not seek to identify a housing requirement or housing allocation as it considers that Melbourne and Kings Newton have already made their contribution to the housing need of up to 600 houses by 2028 through Policy H23 (Station Road, Melbourne) and existing commitments.
18. The Local Plan is in excess of 5 years old and the housing requirement for South Derbyshire is consequently out of date. The up to date housing requirement for the District is now established through the Standard Housing Methodology. However, the context for a housing requirement for South Derbyshire is further complicated by the strong likelihood that the district will have to accommodate a significant level of Derby City’s unmet need.
19. Derby Interim Housing Position Statement produced in December 2015 as part of the Derby Local Plan Part 1 Examination sets out the significant capacity concerns that the City council

had that led to the conclusion that they could not meet their housing need and that the unmet need was to be pushed into Amber Valley and South Derbyshire. The availability of land within Derby City has not increased and the revised standard method now boosts the City's housing need by an additional 35%. This will undoubtedly lead to further unmet need being accommodated within South Derbyshire in future.

20. The direction of travel for increased housing need is clear and the housing requirement set by the Local Plan can no longer be relied upon for plan making. The Melbourne Neighbourhood Plan should be cognisant to this and actively work towards accommodating sustainable development within the plan boundary.

Neighbourhood Plan Policies

21. The Melbourne Neighbourhood Plan Policy DP1 sets out that development will be 'infill' only within the settlement boundaries of the villages, with the explanatory text stating that no new homes to be built in the fields outside the existing settlement boundaries.
22. This policy, based on the accompanying policy preamble, restricts all types of development outside of settlement boundaries and therefore does not allow for the exceptions identified within Local Plan Policy BNE5, such as being essential to a rural based activity or unavoidable outside settlement boundaries. In addition, this approach does not align with NPPF paragraph 82 which requires planning policies to be flexible enough to accommodate needs not anticipated in the plan.
23. 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.

24. Paragraph 8.4.2 relates to the Table and Map of Local Green Spaces to be included in the Neighbourhood Plan and does not identify an area of separation between Melbourne and Kings Newton as set out within Policy DP2. It is entirely unclear which areas are referred to within the policy as being the area of separation.
25. In addition, and for the reasons stated above in respect of conflict with Policy BNE5, there is also a conflict between Policies DP1 and DP2 in that Policy DP1 restricts all forms of

development outside of settlement boundaries, whereas Policy DP2, which the Plan argues relates to a much more sensitive landscape than other areas of countryside, allows for a broader range of limited or minor structures and facilities.

26. The Inspector at the Jawbone Lane appeal (reference 3139116), from which the Neighbourhood Plan draws evidence, states that in this case where development was argued to cause a reduction in the area of separation, the open countryside that would remain between even the closest part of the proposed development to Kings Newton would be such that any reduction in actual or perceived separation would be limited in its effect. The Inspector's judgement is clear therefore that development between Melbourne and Kings Newton does not automatically result in the loss of the area of separation between the two settlements. Indeed, the Inspector considered this to also be the case when considering the Kings Newton Conservation Area which would lose neither its appearance nor character of separateness given the amount, and character, of intervening open countryside which would remain between the settlements.

27. The Inspector continued at paragraph 45;

"The proposed development to the north of Jawbone Lane would be set between existing complexes of buildings at Bond Elm and Blakefield House so lessening the sense of an intrusion of new development into a previously undeveloped area of land. Existing hedges would also lessen its effect, albeit to a more limited degree. When viewed from Kings Newton, its visual effect on the countryside would be limited, in part as a result of the topography of the site. Therefore, proposed mitigation in the form of limiting the height of buildings and the potential for the reserved matters landscaping scheme to assist in assimilating the development into its surroundings to a degree, would assist in limiting its impact."

28. The Inspector's makes clear that the existing built form, landscape topography and proposed design can all act to minimise impact upon the actual and perceived separation.

29. Policy DP2, as well as being entirely unclear given no identified area of separation is made in paragraph 8.4.2 (contrary to NPPF paragraph 16), is rendered completely obsolete by Policy DP1 which restricts all development outside of settlement boundaries regardless of its location. Policy DP2 therefore serves no practical purpose and should be deleted.

Land at Jawbone Lane

30. Our client's site, Land at Jawbone Lane, extends to approximately 2.24 hectares of agricultural land on the North East side of Melbourne and comprises two agricultural fields, one north and one south of Jawbone Lane. Vehicular access is to be taken directly from Jawbone Lane to both field parcels, although access off Station Road remains a suitable option.

31. Melbourne plays an important role in the District as a Key Service Village, second tier of the Council's settlement hierarchy, which provide a range of retailing provision and other services, including a convenience store and a Post Office. Melbourne Infant and Junior Schools are located approximately 650m from the site entrance (an 8 minute walk) and the nearest bus stop is 300m from the site offers an hourly connection to the East Midlands Gateway, Swadlincote and Burton via the 9 bus service.
32. The proposal will provide market and affordable dwellings, additional public open space, recreational routes and landscape buffers. In addition, the proposal can assist the Parish Council through the provision of land for burial provision with positive discussions held to date.
33. The Jawbone Lane appeal (reference 3139116) was not dismissed on technical grounds and the decision was judged on the planning context at the time, more than 5 years ago, when the Local Plan Part 1 had recently been adopted. As set out in paragraphs 18 and 19, the policy context and housing need across the District is currently very different.
34. Unless a positive approach to development is utilised the relevance and longevity of policies within the Plan the will be limited. Therefore, the Melbourne Neighbourhood Plan should take a positive approach to development and allocate sustainable sites to deliver housing, such as Land at Jawbone Lane, which will deliver much needed affordable homes but also the provision of land for burial space which is a key issue for the Parish Council.

Summary

35. Our client supports the preparation of Neighbourhood Plans which meet the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).
36. The Melbourne Neighbourhood Plan does not seek to identify a housing requirement or housing allocation as it considers that Melbourne and Kings Newton have already made their contribution to the housing need of up to 600 houses by 2028 through Policy H23 (Station Road, Melbourne) and existing commitments. This approach is short-sighted, as it will result in a Neighbourhood Plan that is very quickly out-of-date if/when it is superseded by the emerging South Derbyshire Local Plan. By seeking to allocate the Land at Jawbone Lane site within the Neighbourhood Plan, the community will be able to exercise an element of control if/when the emerging Local Plan either looks to allocate a site in the village of Melbourne or provides the village with a broad housing requirement figure. By allocating a site in the Neighbourhood Plan, the Neighbourhood Plan will also be afforded greater protection though paragraph 14 of the NPPF, should South Derbyshire District Council's housing policies be deemed to be out-of-date and the tilted balance engaged.

37. In response Policy DP1 only allows for 'infill' development within the settlement boundaries of the villages, with no new homes to be built in the fields outside the existing settlement boundaries.
38. This policy restricts all types of development outside of settlement boundaries and therefore does not allow for the exceptions identified within Local Plan Policy BNE5. Further, this approach does not align with NPPF paragraph 82 which requires planning policies to be flexible enough to accommodate needs not anticipated in the plan.
39. Policy DP2 seeks to maintain the separation between Melbourne and Kings Newton, with development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the area of separation. The policy refers to the area shown on the map at paragraph 8.4.2 which does not include such a designation or identified area. Therefore the area of separation is entirely undefined on any map within the Neighbourhood Plan and Policy DP2 is not in compliance with NPPF paragraph 16 which requires clear and unambiguous policies.
40. The policy does not consider the potential for factors which minimise impact upon the actual and perceived separation such as existing built form, landscape topography and proposed design. The Inspector at the Jawbone Lane appeal (reference 3139116) considered that the open countryside remaining between the proposed development and Kings Newton would be such that any reduction in actual or perceived separation would be limited in its effect.
41. The Inspector's judgement is clear that development between Melbourne and Kings Newton does not automatically result in the loss of the area of separation between the two settlements.
42. Policy DP2 is considered to be unclear given no identified area of separation is made in paragraph 8.4.2 (contrary to NPPF paragraph 16) and is rendered completely obsolete by Policy DP1 which, according to its explanatory text, restricts all development outside of settlement boundaries regardless of its location. Policy DP2 therefore serves no practical purpose and should be deleted.
43. We consider that in order to pass examination and proceed to referendum and be 'made', that the Neighbourhood Plan should re-drafted Policies DP1 and DP2. It is also considered that the Neighbourhood Plan should seek to identify a proposed allocation or, at the very least a reserve allocation, in order to retain control of development going forward. Our client is willing to work with the Parish Council to this end in respect of their interest at Jawbone Lane, Melbourne.
44. In light of the above, this representation should be read as an objection to the Melbourne Neighbourhood Plan at this time albeit we are hopeful that further work and amendments can be made in order to allow the Neighbourhood Plan to meet the basic conditions and proceed to

referendum. In the absence of any amendments our client must, regretfully, maintain an objection and wishes to have that heard by the examiner with a view to preventing the Neighbourhood Plan from being 'made' due to a failure to meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

Jessica Cheadle

From: Mair Vater [REDACTED]
Sent: 15 November 2021 22:32
To: Planning SDDC
Cc: Jane Carroll; Margaret Gildea; Frank Hughes; Martin Fitzpatrick
Subject: Regulation 16 representation forms and Melbourne Neighbourhood Development Plan
Attachments: NDP Reg 16 Representation Form completed DP1.docx; NDP Reg 16 Representation form completed DP2.docx; NDP Regulation 16 Representation Form completed DP3.docx

Dear Planning team,

I am attaching three representation forms in relation to the Regulation 16 Consultation on the Melbourne Neighbourhood Plan.

It has been necessary to complete three forms, each commenting on an individual Policy.

However the three should be read consecutively as they form the whole of our submission and include an introductory paragraph, which initiates the first document and a concluding paragraph which ends the third document.

Mair Aitkenhead (Secretary to Melbourne NDP group)

South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Jane Carroll, Mair Aitkenhead, Frank Hughes, Margaret Gildea

Organisation

Members of a group of volunteers set up by, and working on behalf of Melbourne Parish Council.
Comments approved by Melbourne PC Planning and Strategy Committee 8.11. 2021

Address (including postcode)

Telephone number

Mobile

E-mail address

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

Page:

Other:

1. The Melbourne and Kings Newton Neighbourhood plan was initiated in 2014 under the Localism Act in response to local concerns about the level of building applications which was heading for a 15% to 20% growth in household numbers from 2011 to 2015.
2. After extensive consultation and re-working, the NDP was approved by Melbourne Parish Council in 2021 and recently was approved by South Derbyshire District Council to proceed to Regulation 16 and thence to examination.
3. In approving the NDP, SDDC have expressed concern on three policies outlined in the plan, yet also recognising its overall good standard. This response to the Consultation focuses on these three areas of concern only in an effort to explain why the words in the NDP were used to reflect the views of local residents, rather than, for example, adhering strictly to the terminology in the SDDC Local Plan.

HOUSING POLICY DP1

- 4 First concerns **Housing Policy DP1**. This has been criticised because the explanatory text continues to refer to “no new homes being built outside of settlement boundaries”, and therefore does not accord with Policies H1 and BNE5 of the District Local Plan, which enables building adjacent to the settlement boundary and in numerous other circumstances.
5. Our understanding of BNE5 as led by comments from SDDC (*ref; Meeting of Jan 2016*) was that the existing settlement boundary, extended at that time to cover the new planned buildings including Persimmon estate in Kings Newton & Station Road SHLAA sites, was “fixed” until 2028 (the duration of the Local Plan) and therefore we were fully justified in our explanatory text that “ no new houses should be built in the fields around the villages.”
4. This policy was written in line with the wishes of residents and when surveyed 88% of the respondents were in favour of it.
5. With a long history of Market Gardening most of the land around the settlement boundary was either still in existing use or had been used for agriculture. The sense of irreversible loss of this part of Melbourne’s cultural heritage needed to be reflected in the reference to the fields around the village.
6. The policy does allow for development and is positive about developments on brownfield sites and infill sites in the village. Indeed, this has happened with some 142 dwelling applications permitted since 2015, (*source; search of planning portal*) We sought advice as to whether we needed to identify these sites (*ref meeting of 2016 Jan*) and were advised we could do so only if we were intending to seek landowners’ permission. This was not practicable as most of the sites were only potential locations and still in use. One example was the former bell foundry, which whilst still in use was known to be closing.
7. There remain 8 potential land availability sites identified by SDDC beyond the settlement boundary. If all approved (and some have already been granted and are under development) it would mean approx. 400 additional homes on the outskirts of the village carrying a further 20% growth in the village, double the rate of growth in population forecast elsewhere for South Derbyshire in the next 10 years.
8. In summary on this matter, whilst the wording of Policy H1 and BNE5 clearly does allow for building beyond the boundary of the villages, the NDP Policy DP1 is only moderately more restrictive but reflected the views of local residents and has been approved by the local Parish Council

Comment:

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

Privacy Notice

How is your information used?

Your representation will be forwarded in full to the Inspector.

Representations will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

Who has access to your information?

South Derbyshire District Council Planning Services. Personal information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.

South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Jane Carroll , Mair Aitkehead, Frank Hughes, Margaret Gildea

Organisation

Members of a group of volunteers set up by, and working on behalf of Melbourne Parish Council.
Approved by Melbourne PC Planning and Strategy Committee 8.11.21

Address (including postcode)

Telephone number

Mobile

E-mail address

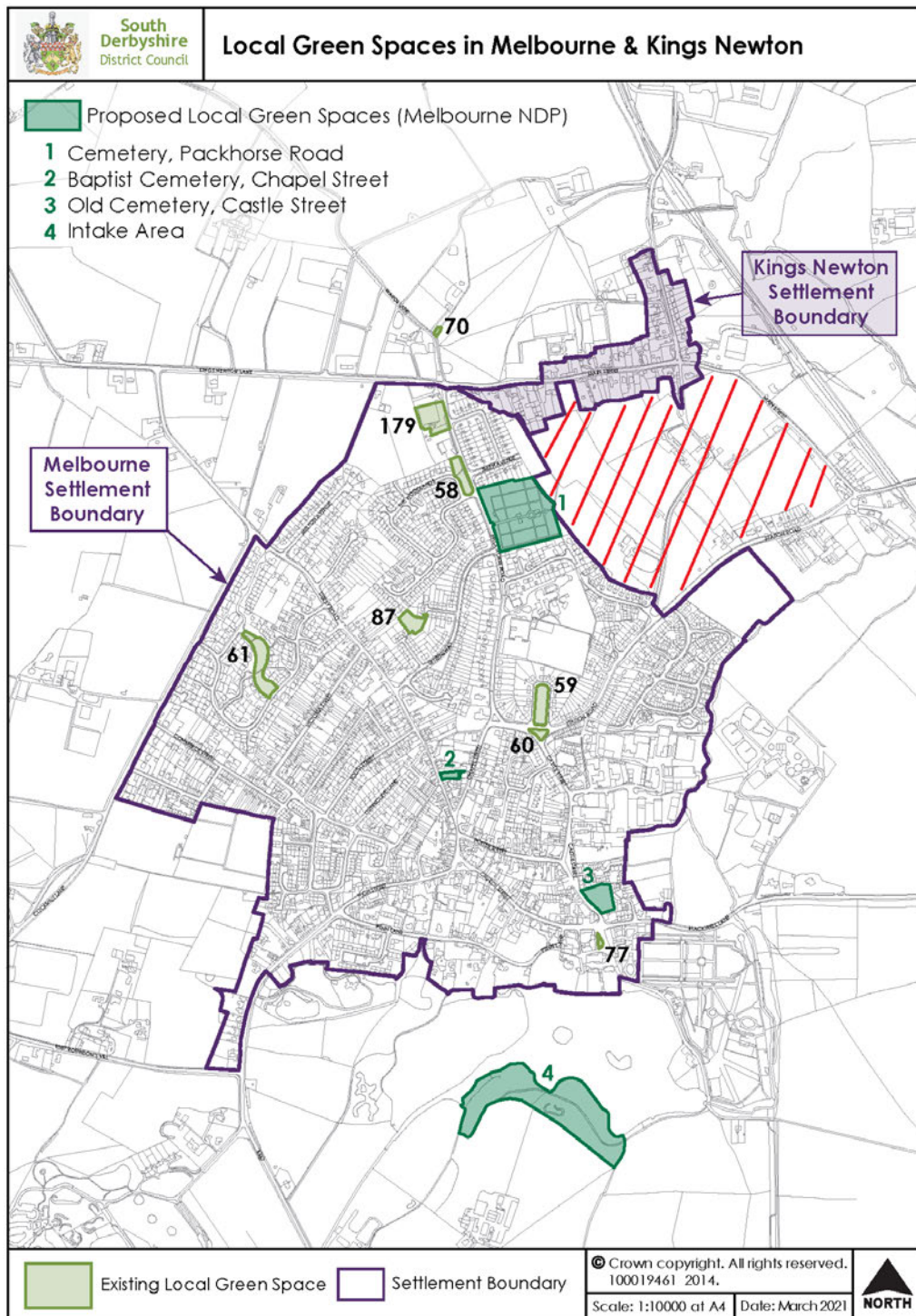
Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

1. The second concern is **Policy DP2**, which involves the separation of the two villages of Melbourne and Kings Newton, referred to locally as the area around Jawbone Lane. Whilst no criticism of the policy is made, there is some concern that this area was not delineated.
2. Looking at the Map in the NDP (Section 8.4.2.) it highlights the settlement boundaries of the two villages and the green spaces. Given the clarity of the boundaries it was thought that the area of separation between the two was self-evident, but if that is not sufficient the final plan could include an amended version of the map as appended below. The NDP group did not consider this was really necessary at the time, particularly as the separation area is all outside the existing settlement boundaries.



Comment:

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

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Part A – Your Contact Details

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Name

Jane Carroll, Mair Aitkenhead, Frank Hughes, Margaret Gildea

Organisation

Members of a group of volunteers set up by, and working on behalf of Melbourne Parish Council.
Comments approved by Melbourne PC Planning and Strategy Committee 8.11. 2021

Address (including postcode)

Telephone number

Mobile

E-mail address

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

POLICY DP3

1. The third area of concern is **Policy DP3**, relating to the preference for smaller homes. The planning team have commented that “the appointed examiner will need to consider whether the Policy is compatible with the Local Plan’s strategic policy, Policy H20: Housing Balance”. [Similarly]Policy OS2 is not substantially altered following the Council’s Regulation 14 comment.”
2. This was probably the most difficult Policy to match the local aspirations for housing development which provided for both starter homes and “downsizing” homes, with the District Local Policy set out in H20 which says “The Council will seek to provide a balance of housing that includes a mix of dwelling type, tenure, size and density”. After considerable deliberation and various re-wordings, the phrase in DP3 was provided by council officers in a documented meeting of 8/5/2017.
3. As set out in the NDP consultation statement this policy and OS2 were re-examined in the light of SDDC Regulation 14 comments but “there was strong feeling it should remain with its aim intact, as a testimony to the group’s desire to influence development to meet the needs of different groups of local residents. This would include first time buyers and people wishing to downsize and would mean building more affordable housing and avoid building even more executive homes.”
4. In summary, throughout the many discussions with SDDC, the NDP team sought to balance the requirements of the Local Plan with the strongly expressed views of local residents. We regularly sought advice from the Planning Department and used their wording, wherever we could. It remains our belief that the purpose of a Neighbourhood Development Plan is to reflect the views of local residents, whilst remaining true to the spirit of the Local Plan. This we have sought to do, and we trust that the Planning Inspector will recognise the strength of the local feeling on the points set out above.

(Continue on a separate sheet if necessary)

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES: +

NO:

Privacy Notice

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Jessica Cheadle

From: National Forest Planning <planning@nationalforest.org>
Sent: 16 November 2021 15:45
To: Planning Policy
Subject: Draft Melbourne Neighbourhood Development Plan

Dear Karen,

Thank you for consulting the National Forest Company (NFC) on the Draft Melbourne Neighbourhood Development Plan (the Plan). We are supportive of local communities having their say in the future of the places where they live and work.

Although a large portion of the Plan area falls within The National Forest, there is no mention of the National Forest within the Plan. The NFC considers that it is important that the National Forest is referenced within the Plan, and that development within the National Forest achieves appropriate woodland creation, character and design.

Policy OS2 is entitled 'protection from development for footpaths, public rights of way and greenways'. While the NFC welcomes the aspiration to improve and extend footpaths in the Plan area, the NFC considers that this policy should include reference to protecting and enhancing footpaths, public rights of way and greenways. The NFC considers that referring in the Plan to the National Forest Way would also be beneficial. The National Forest Way is a long-distance promoted walk through all the landscapes of the National Forest (see <https://www.nationalforest.org/visit/national-forest-way>), part of which is in close proximity to the Plan area. A reference within the Plan to improving footpath links to the National Forest Way is consistent with the aspirations of the supporting text of this Policy to improve and extend footpaths into the countryside network (Policy OS2).

Policy OS3 states that 'wildlife should be encouraged by keeping open spaces, hedgerows and trees.' To protect and enhance biodiversity, the NFC considers that the supporting text should refer to the planting of new hedgerows and trees rather than just the retention of them. Policy OS3 states that tree planting in verges should be encouraged. The NFC support appropriate tree planting in verges but recommend that the Policy is broadened to require developments to provide appropriate tree planting and landscaping for the specific site. This is likely to be relevant across the whole Plan area, not just within the National Forest.

We would be grateful if you could take these comments into account and inform us of the progress of this document.

Kind Regards
Eilish

Eilish Gardner | Green Infrastructure & Planning Officer

The National Forest Company, Bath Yard, Moira, Swadlincote, Derbyshire DE12 6BA
Tel: 01283 551211
Email: planning@nationalforest.org
Web: nationalforest.org

Regarding COVID-19

The National Forest Company is currently operating as usual. However, our office is closed with all of our staff working from home.

[View our website to see the latest public message from the National Forest Company regarding COVID-19](#)

National Forest Company (NFC) This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose or be held responsible for the content of this message and you should notify us immediately. We accept no responsibility once it has left our systems. Communications on NFC's computer systems may be monitored and/or recorded to secure the effective operation of the system.

The National Forest Company is a company limited by guarantee, (registered no. 2991970) and a registered charity (registered no. 1166563) Enterprise Glade, Bath Yard, Mowbray, Bath, BA1 2JN
Email: enquiries@nationalforest.org Website: www.nationalforest.org

Our Ref: MV/ 15B901605



12 November 2021

South Derbyshire Council
planning.policy@southderbyshire.gov.uk
via email only

Dear Sir / Madam

**Melbourne Neighbourhood Plan Regulation 16 Consultation
October - December 2021
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Proposed development sites crossed or in close proximity to National Grid assets:

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

Please also see attached information outlining guidance on development close to National Grid infrastructure.



Distribution Networks

Information regarding the electricity distribution network is available at the website below:
www.energynetworks.org.uk

Information regarding the gas distribution network is available by contacting:
plantprotection@cadentgas.com

Further Advice

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgrid.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

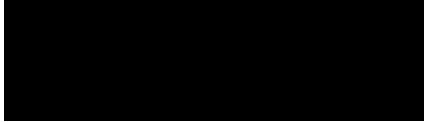
Spencer Jefferies, Town Planner

box.landandacquisitions@nationalgrid.com

National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



Matt Verlander MRTPI

Director

0191 269 0094

matt.verlander@avisonyoung.com

For and on behalf of Avison Young

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: nationalgrid.uk@avisonyoung.com

Date: 19 November 2021
Our ref: 370523
Your ref: MelbourneReg16



South Derbyshire District Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Karen Beavin

Draft Melbourne Neighbourhood Development Plan (South Derbyshire)

Thank you for your consultation on the above dated 08 October 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely,

Gregory Shaw

Lead Adviser

Sustainable Development

Natural England - East Midlands

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

Please return this representation form to South Derbyshire District Council:

Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Guy Longley

Organisation

Pegasus Group on behalf of Richborough Estates

Address (including postcode)

4 The Courtyard
Church Street
Lockington
Derbys
DE74 2SL

Telephone number

[REDACTED]

E-mail address

guy.longley@pegasusgroup.co.uk

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

Section 7.2 refers to the Local Plan context for the Neighbourhood Plan and the need for up to 600 houses in smaller villages identified in the Part 2 Local Plan. Paragraph 7.2.3 notes that Melbourne and Kings Newton has made their contribution to the housing need over the period to 2028.

The Part 2 Local Plan Policy H23 made a number of allocations to deliver the non-strategic site requirement identified in the Part 1 plan, including one site at Station Road, Melbourne to provide some 46 dwellings.

The District Council is in the early stages of preparing a new Local Plan. The Neighbourhood Plan should make reference to this review and note that this review may result in further housing requirements for the district that may mean that additional allocations may need to be considered at Melbourne in the future to help meet future housing requirements. The section should be amended to make reference to the review of the Local Plan.

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES: NO:

Privacy Notice

How is your information used?

Your representation will be forwarded in full to the Inspector.

Representations will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

Who has access to your information?



South
Derbyshire
District Council

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For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.

Part B – Your Representation

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To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

Policy OS2 deals with protection from development for footpaths, public rights of way and greenways, stating that they should continue to be protected, maintained and enhanced in order to encourage the health and wellbeing of the population.

In the majority of new developments existing footpaths are accommodated as part of the new development successfully. There are some circumstances where a footpath needs to be diverted and there is legal provision to allow for footpath diversions to be proposed and approved. This section of the Neighbourhood Plan should recognise that in some circumstances footpath diversions may be the most appropriate solution and could provide an improved route and that there are legal processes to be followed in these instances.

Future notification

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YES: NO:

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To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

Policy OS4 advises that the preservation of Grade 1, 2 and 3a agricultural land will be supported. The supporting text goes on to state that development that would result in agricultural land being lost for ever will be not be supported.

This approach is not consistent with guidance set out in the National Planning Policy Framework (NPPF) or the adopted Local Plan.

Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land. Footnote 58 to paragraph 175 advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.

Policy BNE4 of the South Derbyshire Local Plan advises that the Council will seek to protect soils that are best and most versatile and wherever possible, direct development to areas with lower quality soils.

As currently framed the wording of policy OS4 and the supporting text implies a stricter safeguarding in seeking the 'preservation' of best and most versatile agricultural land and stating that any development which would result in agricultural land being lost for ever will not be supported.

Amendments should be made to the policy so that it is consistent with guidance in the NPPF and relevant policies in the adopted Local Plan, referring to the protection of best most versatile agricultural land and where significant development of agricultural land is demonstrated as being necessary, directing development to areas with lower quality soils.

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

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South Derbyshire District Council Regulation 16 publicity:

Melbourne Neighbourhood Plan Representation Form

Please submit a separate form for each representation you wish to make. The Draft Melbourne Neighbourhood Development Plan and accompanying documents can be found at: www.southderbyshire.gov.uk/MelbourneReg16

All comments should be submitted by 5pm on Friday, 19th November 2021.

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Email: planning.policy@southderbyshire.gov.uk

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Sport England

Organisation

Sport Park, 3 Oakwood Drive, Loughborough, Leicestershire,
LE11 3QF

Address (including postcode)

[Redacted address]

Telephone number

E-mail address

helen.cattle@sportengland.org

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number:

OS1

Page:

17

Other:

Comment:

Support the inclusion of the policy to protect designated Local Green Space subject to the very special circumstances exceptions (in line with Local Plan Policy BNE8.)

(Continue on a separate sheet if necessary)

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

NO:

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Melbourne Neighbourhood Plan

Representation Form

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Part A - Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Ms. SUSAN KERR

Organisation

N/A

Address (including postcode)

[Redacted address]

Telephone number

[Redacted telephone number]

E-mail address

[Redacted email address]

Part B - Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

HOUSING AND DEVELOPMENT

Policy Number: DP2 Page: 12 Other:

Comment:

I support the view that Melbourne and Kings Newton have separate geographical & historical identities. Housing development on the land between these settlements will erode these characteristics. Jawbone lane is narrow & winding, with one very sharp bend & a blind junction at its north end. Several currently direct vehicles along this lane. Any development either side of this lane will have significant adverse impacts, both social & environmental eg drainage & potential flood risk. It will lead to an increase in traffic volumes along roads ill-suited to lorries, vans, cars, & in turn on the historic Swarkestone Causeway, leading to congestion & safety issues. Development will go against the community response to adapting to climate change. Presence of open areas for native biodiversity is crucial. Loss of further tree cover will reduce interception & infiltration, exacerbated by ground compaction (evident on our new housing estate), leading to faster runoff of rainwater, significant in extreme events. The impact on school provision (reference CA5/CA6) is also an important consideration, especially when availability of school places is already affected by extensive development in the Chellaston area/catchment. The impact on an already overstretched medical centre is also of concern. In summary, I support the inclusion of policy DP2 in the Neighbourhood Plan, & have several concerns regarding future housing development in this particular area. (Continue on a separate sheet if necessary)



Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES: [checked]

NO: []

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Part A – Your Contact Details

If you are an agent, please specify the name of the organisation you are representing.

Name

Tom Clarke MRTPI

Organisation

Theatres Trust

Address (including postcode)

[Redacted address]

Telephone number

[Redacted telephone number]

E-mail address

[Redacted e-mail address]

Part B – Your Representation

Please use a separate form for each representation you wish to make.

To which part of the Melbourne Neighbourhood Plan do your comments relate?

Policy Number: Page: Other:

Comment:

The Trust is supportive in principle of the Plan's support for a new performance venue within the town. The existing Melbourne Assembly Rooms offers cultural provision including cinema, live music and theatre but we recognise its multi-use function gives rise to lack of availability for local performance groups. The current main hall within the Assembly Rooms may be suitable to meet the community's ongoing needs with demand by local groups and audiences being more effectively met by new sports provision relieving constraints on hire of the Assembly Rooms. We therefore suggest that Policy CA11 may be made more effective through being revised to 'support for proposals to enhance or upgrade the Assembly Rooms or provide a new indoor performance venue'. Otherwise, in conjunction with Policy CA10 promoting new sports facilities, there is a risk the Assembly Rooms could inadvertently be left redundant to the detriment of the town.

Should proposals for upgrade of the Assembly Rooms or a new facility come forward we would encourage early engagement with Theatres Trust to help ensure the facility meets the needs of its users.

We otherwise consider this plan to meet legal requirements.

(Continue on a separate sheet if necessary)

Future notification

I wish to be notified of the decision(s) on the Melbourne Neighbourhood Plan following Examination:

YES:

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