

Examination Ref:01/DAS/MNP
Date 8th March 2022

Dear Mr Stebbing,

MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN RESPONSES TO THE EXAMINER'S
QUESTIONS

Thank you for your letter of 21 December 2021, and for agreeing to an extension of the original deadline for our written response to Wednesday March 9th 2022.

We were pleased that subject to your detailed assessment of the draft plan, you had not, at this initial stage identified any very significant obvious flaws in the Plan, and that therefore your examination can proceed.

We were also pleased that at this stage you consider that the examination can be conducted solely by the written representations without the need for a hearing, and recognise that you have reserved your option to convene a hearing should it prove necessary.

We found your 7 questions very helpful, and have tried to answer them in a way that reflects your observations, whilst remaining true to the comments expressed by residents as we undertook the numerous consultation exercises. We hope we have succeeded in this aim.

Your questions, and our responses to them are set out in the attached annex.

If you have any further questions, we will be pleased to answer them.

Yours sincerely



Clerk For Melbourne Parish Council

Annex

Examiner's Questions and our Responses

Question 1: Re. Policy DP1 (Page 12)

I note that Melbourne is identified as a Key Service Village within the settlement hierarchy in the adopted South Derbyshire Local Plan Part 1 (Policy H1). It therefore performs a wider role in the provision of services, such as education, employment, retail and health, than Rural Villages such as Kings Newton.

As drafted, Policy DP1 seems to limit all development to "Infill" only within both Melbourne and Kings Newton. In my assessment, this does not reflect the recognised role of Melbourne as a Key Service Village and, by the use of the word "development", the policy covers all forms of development. I believe that the policy is intended to focus upon residential development but, as drafted, it does not support other types of development, for example proposals for retail, educational and community facilities, which may be acceptable on suitable sites within Melbourne. The policy is also potentially contrary to the national policy objective to promote sustainable development.

The policy also cannot be reconciled with a number of the Community Aspirations listed in Section 10 of the Plan.

I consider that the policy needs to distinguish between the forms of development that will be supported in Melbourne and those that will be supported in Kings Newton.

The Policy also needs to provide a cross-reference to the defined settlement boundaries of the villages, which are shown on the map on page 20, although a separate map simply identifying the settlement boundaries would be preferable (which can then be linked to Policies DP1 and DP3).

*I therefore invite the **Qualifying Body** to provide me with a note setting out some appropriate replacement draft text for this Policy, to reflect the above points, which I may consider as a potential modification to the Plan.*

Response to Question 1

Replacement draft text for this policy, to reflect the above points, for consideration as a potential modification to the Plan is as follows

Paragraph 2 (Amendment to Policy DP1)

Residential Development will be 'Infill' only within the Settlement Boundaries of the villages. Development for example for retail, education, health and community which addresses the community aspirations set out in section 10 of the plan will be supported.

(Paragraph 7.4 Amendment to Heading 7.4.1) Residential Development will be 'infill' only within the Settlement Boundaries of the Villages

Residential Development

(Paragraph 7.4.1 Additional paragraphs)

The definition of 'infill' used for the purposes of this plan is 'the sensitive development of small gaps within an otherwise continuously built up frontage. Development here will be permitted where

- i) the development is appropriate to the scale and character of the group of buildings and its surroundings and
- ii) it will not fill a gap which provides a positive contribution to the street scene.

In exceptional circumstances the development of small groups of buildings may be acceptable where the development is of a particularly high quality and would provide significant benefits to the local community.

Other Development

This policy is not intended to restrict development within the settlement boundary for other non residential purposes, including health, retail, education and community purposes. In particular, development which addresses some of the Community Aspirations set out in Paragraph 10 and CA5 to 11 shall be encouraged.

We are asked to distinguish between the forms of development that will be supported in Melbourne and those that will be supported in Kings Newton. Throughout the consultations the principal focus was on the need for the separation between Melbourne and Kings Newton, rather than any suggestion of supporting different forms of development, providing that the character of Kings Newton as a rural village with a conservation area was maintained.

Question 2: Re. Policy DP2 (Page 13)

I do not identify the proposed Area of Separation on the map at page 20 which is referenced within this Policy and its supporting text.

*Can the **Qualifying Body** please provide me with a suitable map that defines the proposed Area of Separation which I can consider as a potential modification to the Plan.*

Response to Question 2

All areas outside the settlement boundaries are covered by South Derbyshire District Council Local Plan Part 2, policy SDT1. This policy will continue to cover all areas outside the settlement boundaries including the Area of Separation. There will be no map to define the proposed Area of Separation as the desire found in the public consultation is not to identify any area of separation, instead the Local Plan Part 2 will be the relevant policy in force.

Question 3: Re. Policy DP3 (Page 15)

*The terms "Executive Homes" and "Downsizing" are not appropriate for a planning policy. The Policy is intended to encourage the development of smaller homes, and I invite the **Qualifying Body** to provide me with some appropriate replacement draft text for the Policy which avoids the above terms, and which I may consider as a potential modification to the Plan.*

Response to Question 3

Replacement draft text for the Policy, which avoids the above terms, for consideration as a potential modification to the Plan

(Paragraph 2 Amendment to Policy DP3)

Proposals for the 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 smaller affordable homes. (This paragraph will also be an amendment to Paragraph 7.4.3).

There is a wish to amend the support to have 3 bedrooms or fewer to now read 4 bedrooms or fewer. This amendment is in light of changing circumstances of increasing home working arising from the pandemic which has created the need to have work space away from the family living space.

Question 4: Re. Policy OS2 (Page 22)

As drafted, I consider that this Policy is rather more of an objective than an effective planning policy.

*Can the **Qualifying Body** please provide me with some additional or replacement text for the Policy which reflects the points that are made in the first two paragraphs of the supporting text.*

Response to Question 4.

Replacement Text for Policy OS2 (Page 22) which reflects the points that are made in the first two paragraphs of the supporting text

(Amendment to 8.4.4 Policy OS2.) This Policy Protects from Development all Footpaths, Public Rights of Way and Greenways, both current and new, and encourages extending such routes.

Melbourne has 36 Public Rights of Way (footpaths and bridleways) and greenways which shall continue to be protected, maintained and enhanced in order to encourage the health and well-being of the population.

In any new developments, provision shall be made to extend the routes for walkers and cyclists, including, where possible, routes linking into the countryside network as well as into the villages, and to accommodate people of all ages and abilities.

Question 5: Re. Affordable Housing

The Government has recently published details of its new ‘First Homes’ policy initiative. The newly published ‘First Homes’ section of the Planning Practice Guidance (PPG) now requires as follows (in particular see PPG IDs: 70-017-20210524 and 70-018-20210524: [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk))

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- **Neighbourhood plans are expected to contain First Homes policies.** *The guidance states that First Homes are now the Government’s “preferred discounted market tenure and should account for at least 25 per cent of all affordable housing units delivered by developers through planning obligations”. Policies in neighbourhood plans, like local plans, are expected to reflect this requirement.*
- **Transitional arrangements apply to draft plans already being prepared.** *Neighbourhood plans submitted for examination before 28 June 2021, or those that have reached publication stage by the same date and are subsequently submitted for examination by 28 December 2021, are not required to contain First Homes policies.*

The Melbourne Neighbourhood Development Plan is covered by the transitional arrangements summarised above.

However, the Plan as presently drafted lacks a specific policy addressing the need to support the provision of Affordable Housing within the Plan area (although it notes at paragraph 7.3.1 that “Affordable housing is supported” and that Policy H21 of the South Derbyshire Local Plan Part 1 is supported). I consider that the Plan should have such a policy which should include reference to the provision of First Homes (at a level of at least 25% of all affordable housing to be provided) to reflect Government policy. (Please note that the Government guidance does refer to an expectation that this will be addressed by policies).

*I invite both the **District Council** and the **Qualifying Body** to consider this matter, and if appropriate to provide draft text for a Policy which addresses this point*

Response to Question 5

Draft text for a Policy which addresses this point

Amend paragraph 7.4.3 to read 7.4.3 A

(Additional paragraph 7.4.4. Policy DP3 (B)

During the formation of this plan, a new Government Policy ‘First Homes’ has been introduced. The guidance states that First Homes are now the Government’s ‘preferred discounted market tenure and should account for at least 25 percent of all affordable housing units delivered by developers through planning obligations. Where suitable development is permitted, this policy required developers to adhere to these guidelines

Question 6 – Re. Sustainable Development

The draft Plan notes, at paragraph 1.8, that the making of a neighbourhood plan should contribute to the achievement of sustainable development.

However, I consider that the Plan does not presently contain a sufficiently clear statement or policy which addresses this national requirement, as it applies to the Plan area.

*I therefore invite the **Qualifying Body** to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 4 (possibly as a new paragraph 4.4) or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan.*

Response to Question 6

Statement for inclusion Section 4 as a new paragraph 4.4, for consideration as a potential modification to the Plan

(Additional Paragraph 4.4. Definition of Sustainable Development)

By sustainable, we mean that any development should meet the needs of the present population without compromising the ability of future generations to meet their own needs (NPPF2021). When development of any type is proposed for Melbourne and Kings Newton, it should meet an economic objective to support growth and innovation, a social objective to support our community aspirations, and an environmental objective to protect and enhance our natural rural environment, minimising waste and pollution and adapting to climate change, including moving to a low carbon economy.

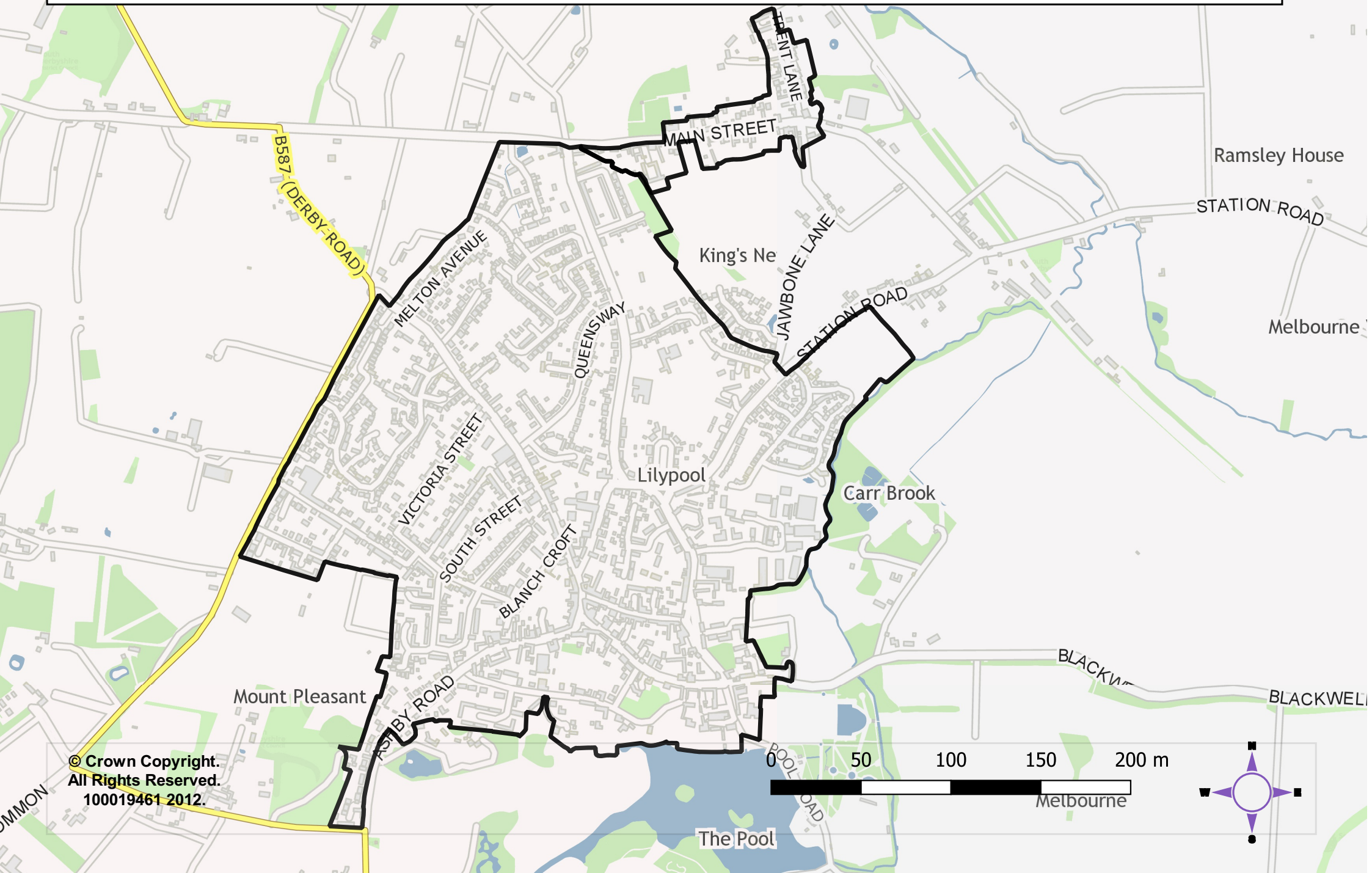
Question 7 – NPPF (July 2021) and National Model Design Code

*A revised version of the National Planning Policy Framework was published by the government on 20 July 2021 alongside a final version of the National Model Design Code. Please could the **District Council** and the **Qualifying Body** advise whether you consider any modifications in relation to the non-strategic matters covered by the Melbourne Neighbourhood Plan are necessary as a result of the publications (other than amended referencing) and, if so, what these are?*

Response to Question 7

As a Qualifying Body we are not aware of any modifications, in relation to the non-strategic matters covered by the Melbourne Neighbourhood Plan, being necessary as a result of the publications. Should the District Council consider any such modifications to be necessary, they will no doubt advise us and you accordingly.

Plan showing limits to development of Melbourne/Kings Newton



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