



Melbourne Neighbourhood Plan Examination

Decision Statement (Regulation 18)

27 May 2022

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations in the Melbourne Neighbourhood Plan Examiner's Report, which was issued on 19 April 2022.

1. Background

1.1. The Town and Country Planning Act 1990 (as amended) places a statutory duty on South Derbyshire District Council to assist communities in the preparation of neighbourhood plans and to take the plans through a process of examination and referendum. The Localism Act 2011 sets out the responsibilities of Local Planning Authorities under neighbourhood planning.

1.2. South Derbyshire District Council (the Council) formally designated the Melbourne Neighbourhood Area on 29 January 2015, following an application by Melbourne Parish Council and a six-week consultation in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations'). The Neighbourhood Area covers the same area as the parish of Melbourne. The designation allowed Melbourne Parish Council to become a 'qualifying body' for the area, with the power to produce a neighbourhood plan.

1.3. Melbourne Parish Council submitted the draft Melbourne Neighbourhood Plan to the Council, following its meeting on 4 May 2021, for consultation, independent examination and for the remaining stages of the draft Plan's preparation in accordance with the Regulations.

1.4. The Council publicised the Plan and invited representations during the Regulation 16 consultation period, which was held between 8 October and 19 November 2021.

1.5. In December 2021, the Council appointed an independent examiner, Mr Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI, to examine the Plan and consider whether it should proceed to referendum and whether it should be modified before doing so.

1.6. The examination took place between January and April 2022 and was held by means of written representations. The Council received the Examiner's final report on 19 April 2022. The report recommended that specific modifications should be made to the Plan and



that the modified Plan be progressed to a referendum. It also recommended that the referendum area should not extend beyond that of the designated area. The Examiner's report and this Decision Statement are available at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

1.7. Regulations 17A and 18 of the Regulations require the Council to decide whether to reject the Melbourne Neighbourhood Plan or progress it to a referendum, what action to take in response to the Examiner's recommendations, what modifications (if any) to make to the Plan, and whether to extend the referendum area beyond Melbourne Parish. The decisions must be set out in a "decision statement" (this document).

2. The Council's decision

2.1. The Council agrees with the recommendations made by the Examiner. It has therefore decided to modify the Plan in accordance with the Examiner's recommended modifications.

2.2. The Council has also decided to progress the modified plan to a referendum of eligible registered voters within the Melbourne Neighbourhood Area, as recommended in the Examiner's report, as the Council agrees that this is the most appropriate area for the referendum.

2.3. This decision has been made by the Council at its meeting on 12 May 2022.

2.4. A list of the Examiner's recommended modifications and the Council's actions in response to each recommendation is included at the end of this statement, as well as in the Examiner's report.

3. Documents

3.1. This Decision Statement and the Examiner's report are on the Council's website at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

3.2. Due to the Covid-19 pandemic the Council Offices are currently closed to the public. A hard copy of the Examiner's report and this Decision Statement will be made available at Swadlincote library, Civic Way, Swadlincote and Etwall library, Egginton Road, Etwall (again subject to Covid-19 restrictions) during opening hours and will also be made available on request.

3.3. For any questions, please contact the Planning Policy team on 07501 698400 or e-mail planning.policy@southderbyshire.gov.uk



Examiner’s Proposed Modifications to the Draft (Regulation 16) Melbourne Neighbourhood Development Plan and Council’s actions in response

Proposed modification number (PM)	Page no./ other reference	Modification	Action taken in response	Reason for action
PM1	Page 7	<p><u>Section 4 – Vision for Melbourne and Kings Newton</u></p> <p>Add new paragraph 4.4 to read as follows:</p> <p>“The Plan is seeking to promote and achieve sustainable development within the Plan area. By sustainable, we mean that development should meet the needs of the present population without compromising the ability of future generations to meet their own needs (NPPF 2021). When new development is proposed for Melbourne and Kings Newton, it should meet an economic objective to support growth and innovation, a social objective to support our community aspirations and an</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		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.”		
PM2	Page 12	<p><u>Policy DP1</u></p> <p>Delete existing policy text in full and replace with:</p> <p>“Proposals for new development within the defined settlement boundaries of Melbourne and Kings Newton will be supported, where such development is appropriate to the scale and character of the site and its surroundings, and where there will be no adverse environmental impacts arising from the development. The defined settlement boundaries are shown on the accompanying map at page --. (page number to be inserted in due course)</p> <p>Development proposals should, in all cases, seek to achieve a high quality of building design and landscaping and make a positive contribution to the street scene.</p> <p>Proposals for new development beyond</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<p>the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with the relevant Policies of this Plan and the adopted South Derbyshire Local Plan.</p> <p>All proposals should ensure that they do not lead to any increased risk of flooding within the Plan area, in accordance with the Policies of the adopted South Derbyshire Local Plan and the advice of the Environment Agency.”</p> <p>Add two new paragraphs to Explanatory Text on Page 12, to precede existing text, and to read as follows:</p> <p>“This policy seeks to support appropriate well-designed, small-scale developments within the existing defined settlement boundaries of Melbourne and Kings Newton, in order to maintain the character of those settlements and to promote a</p>		
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		<p>sustainable pattern of development.</p> <p>Proposals for new development within the rural areas beyond the settlement boundaries of Melbourne and Kings Newton will not be supported unless such proposals comply with the relevant policies concerning development in the countryside, contained in the adopted South Derbyshire Local Plan and this Plan.”</p> <p>Insert map (as contained in the Parish Council’s response dated 8 March 2022)¹ showing limits to development of Melbourne and Kings Newton to follow the text of Policy DP1 and to precede the Explanatory Text.</p>		
PM3	Pages 13 and 14	<p><u>Policy DP2</u></p> <p>Delete existing policy text in full and replace with:</p> <p>“In addition to the general presumption against new development within the rural areas beyond the settlement boundaries of Melbourne and Kings</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

¹ View at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

		<p>Newton, as set out in Policy DP1, all development proposals within the rural areas will also be assessed in terms of their impact upon the existing character and setting of Melbourne and Kings Newton, including the designated heritage assets. Proposals which would lead to adverse impacts upon those settlement features will not be supported, including those proposals which would lead to the coalescence of the two settlements by virtue of their scale and mass, siting, visual impact and/or impacts upon the landscape features of the area."</p> <p><u>Explanatory Text</u></p> <p>First paragraph – delete 3rd and 4th sentences.</p> <p>Second paragraph – delete in full.</p> <p>Third paragraph – add the words "between the settlements of Melbourne and Kings Newton" after "<i>The area</i>" in the first line of text.</p> <p>Fourth paragraph – no amendments.</p>		
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		Fifth paragraph – delete the words “on a significant part of the Area of Separation” in the second and third lines of text and replace with “within the area” .		
PM4	Page 15	<p><u>Policy DP3</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>“Proposals for the development of new dwellings within the defined settlement boundaries of Melbourne and Kings Newton will be supported if they have four bedrooms or fewer, in order to encourage the development of smaller dwellings including starter homes and smaller affordable homes.”</p> <p>Insert where appropriate additional supporting text for Policy DP3, to read as follows:</p> <p>“During the preparation of this Plan, the Government introduced a new ‘First Homes’ policy. The policy guidance states that First Homes are now the Government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations and be discounted by 30% against the market value. This</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		policy will apply to appropriate developments in the Plan area that are granted planning permission.”		
PM5	Page 22	<p><u>Policy OS1</u></p> <p>Delete policy text in full, and replace with:</p> <p>“The 12 sites listed on page 21 of the Plan and shown on the map on page 20 are all designated as Local Green Spaces in this Plan, of which eight sites are designated within the adopted South Derbyshire Local Green Spaces Plan.</p> <p>In accordance with Policy BNE8 in the adopted Local Plan Part 2, the Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:</p> <p>i) The construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;</p> <p>ii) The carrying out of an engineering or other operation.”</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

PM6	Page 22	<p><u>Policy OS2</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>“The existing network of footpaths, Public Rights of Way and greenways within the Plan area will be protected from development.</p> <p>Proposals for new developments should include provision for satisfactory routes for pedestrians and cyclists, by providing, where possible, links to routes into the countryside network, including to the National Forest Way, as well as into the settlements. All such links should be capable of being used safely by people of all ages as well as those with limited mobility.”</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM7	Page 22	<p><u>Policy OS3</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>“Proposals for new development in the Plan area which seek to protect and enhance biodiversity will be supported.</p> <p>The incorporation of features such as ‘bird bricks’, ‘bat boxes’ and ‘hedgehog highways’ in the design and layout of</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		new buildings and development schemes will be encouraged and supported in order to enhance biodiversity.”		
PM8	Page 22	<u>Policy OS4</u> Delete existing policy text in full, and replace with: “Proposals for new development in the Plan area which would result in the permanent loss of Grades 1, 2 and 3a agricultural land will not be supported.”	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM9	Page 25	<u>Policy HC1</u> Delete existing policy text in full, and replace with: “The preservation and enhancement of the designated heritage assets in the Plan area will be promoted and supported in order to maintain their importance to the historic character and distinctiveness of the area. All proposals for development should take account of the designated heritage assets and non-designated heritage assets, which are referenced in the supporting text to this policy and at Appendices 13 and 14 to the Plan, and	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		should ensure that there are no adverse impacts upon such assets.”		
PM10	Page 34	<p><u>Section 11 – Monitoring Arrangements</u> (note there is a minor spelling mistake in the present title)</p> <p>Amend title of this section to read “Monitoring and Review”.</p> <p>Add new second paragraph to this section to read:</p> <p>“The plan will be reviewed at regular intervals during the period up to 2028 to ensure that it continues to have due regard to national policy and is in general conformity the strategic policies of the District Council’s Local Plan or any other strategic plan covering the parish.”</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report