

8 January, 2018

Matters and Questions
Melton Local Plan Examination

Dear Examiner,

Thank you for the opportunity to comment on the Plan in the context of Matters and Questions. I am a Somerby resident and a member of the Neighbourhood Plan there, so when examples are necessary to illustrate my points, I will reference my Parish or village, but I believe observations may also apply for the other rural parts of the Borough.

Matter 9: Policies for the Environment

Policies for the environment.

9.1. Justified and provide effective guidance?

Policies which address the Borough's landscape, biodiversity and protection of settlement character are not considered justified or effective to result in gains for the environment in the context of the Plan. In many cases they are unclear and not positively expressed against evidential criteria or tangible measures.

Individual environmental policies

9.1.1 Policy EN1: Landscape: The Policy has a positive intention, but will not be effective especially under the 6,125 high growth scenario. It is over-reliant on judgements rather than benchmarked criteria that could have been provided, and for defined areas, if Landscape Policy Option 2 (Chapter 4, Table 4.9) had been adopted. The policy terminology is too elastic and I question, as written, if it will help to improve the Plan's significant negative effect on landscapes

i) An example in Somerby: Melton LCAs describe Somerby Parish (NCA:93) as having the 'most quintessential' Borough landscape, with the 'most important' landmark, Burrough Hill. The Melton and Rushcliffe Landscape study considers the escarpment in Somerby Parish as 'particularly sensitive' yet these descriptions have not played any role in shaping the preferred location of Site Policies or capacities in this area.

ii) An example of tighter policy wording, EN 1, point six: Tranquillity policy: *'For areas rated by the CPRE as 'most tranquil' development will be supported where noise due to the development is not significantly greater than the current level of noise, especially at night.*

Change:

-Adopt Landscape Option 2, define and benchmark specific areas, and rewrite landscape policies with measurable criteria-based terminology.

9.1.3 Policy EN 2 Biodiversity: Sound in words, hopeful in implementation, the negative effect on biodiversity demands more from the Plan to be ethically sound. Professional biodiversity studies focus on designated or known important habitats, rather than local, and development sites can be assessed for what's in them, not always including surroundings. For example SOM3 is rated of low ecological value (as a grazing field this may be true,) but the adjoining park land was not assessed for its rich and sometimes rare biodiversity.

Change:

- Add a clear role for Neighbourhood Plans in biodiversity assessment.
- Add that site surveys for proposals must take account of features outside the site which may support important biodiversity.

9.1.4 Policy EN 3: Melton Green Infrastructure Network

1) The MSSN's proximity to Burrough Hill Fort will produce much higher and varied use in the future, according to policies A, B, and D, especially in relation to erosion. Policy EN 1 and 13 may not be effective in the case where a SAM has been turned into a country park.

Change:

- Add Burrough Hill should be conserved as a heritage asset first and at the level of its contribution to group value with other Iron Age SAM's in the area.
- Add the larger area of Somerby Parish shown on the GIN map to the Policy wording. Part of the GIN, Site Policies in Somerby didn't reflect GIN status because it isn't clear in the Policy.
- Add the Leicestershire Round to the Policy along with the Jubilee Way.

9.1.5 Policy EN6 - Settlement Character: The policy is positive and focussed, but again, it is not justified by evidence and therefore cannot be effectively delivered. The common form of village in the Borough and Somerby Parish is the linear form. Many historic features and green spaces are located on village fringes, evidenced by historic maps. NCA:93 specifically calls for the protection of these settlement patterns.

Change:

- Add Conservation area appraisals together with NPs to evidence settlement character features.

9.2 Policy EN 4 Areas of Separation: Given the 35% rural growth allocation this Policy should be applied to Service Centres, particularly since NPs might be required to be consistent with Policy EN4. The Examiner has already questioned the effects of repeated application of Policy SS3 at fringes/edges.

Change:

- To provide guidance, AoS's should be identified and mapped for villages, particularly Service Centres.

9.3 Policy EN5 Local Green Spaces (LGS): This policy was not soundly based, justified or consistent with national policy, especially considering the inadequate assessments in the FSS. Recent amendments to this policy are welcome, but still need to understand 'proximity' in linear village versus other village forms.

9.4 No comments.

9.5 Policy EN 9: This policy should be amended to be effective and include criteria for energy efficient design in conservation areas or development proximate to listed building or their settings. Evidence from HE and London School of Economics (2012) establishes the economic and social benefits for developments having architectural integrity within and surrounding conservation areas.

Change:

- Add policy criteria for energy efficient design in heritage areas, including support for 'passive-invisible building' techniques, solar tiles versus panels, increased planting, etc.

9.6 Policy EN 10:

This Policy should be dropped from the Plan and/or delegated to NPs in line with Ministerial advice.

9.7 Policy EN 11 Flood Risk

Sound, but as written but not consistent with the topic's introduction which addresses flood risk from all causes of flooding. The wording should be changed to reflect this.

Change:

- Change Sequential test to sequential approach.

9.8 Policy EN13 Heritage Assets

9.8. This policy does not provide appropriate protection for the Borough's heritage and is not positively prepared, justified or sound:

9.8.1 The Policy does not set out a positive and broad strategy for conservation and enjoyment of the historic environment in a manner appropriate to the significance of the Borough's heritage assets over the time frame of the Plan

in accordance with NPPF 126.

i) Compared to, for example, Policies EN 2 and 3, climate change policies EN8-10 and Flood Risk, EN11, Policy EN13 doesn't set out a detailed and justified strategy which includes criteria based policies and demonstrate how the historic environment will be conserved; or specific policies for how the wider social, cultural and economic benefits of HAs can be seen to be gained, except narrowly. This should be considered unsound when seeking to achieve sustainable development in relation to the historic environment.

9.8.2 The Policy does not set out a clear *local* strategy for the conservation and enjoyment of the *local* historic environment, in accordance with NPPF Policy 126. The Plan is over dependent on high level national policy which may result in decision-taking being not Melton local 'plan-led' or justified.

i) The Plan chose not to adopt SA Policy Option 1 (individual policies addressing historic landscapes, archaeological sites, listed buildings and their settings and conservation areas [and settings]) despite its ++ score for historic environment which the SA comments would have a significant positive effect on the Borough's heritage. (SA Chapter 4, Q73 - Table 4.23). Therefore Policy EN 13 as written is not justified by proportionate evidence or sound, and may result unintentionally in negative effects upon the historic environment.

ii) EN 13 does not set out which specific local heritage assets are at risk, and priorities and actions to conserve, protect and enhance them. It does not identify, describe and assess local but not designated built and historic landscape assets, or put a policy in place to do so. The role and weight of NP's historic environment inventories is not clear with regard to points 7.23.2 and 7.23.3. The HER is a good source, but not comprehensive.

9.8.3 With regard to the content of EN 13, the Council has not clearly set out its duty in the exercise of planning functions in conformance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 66 (1) and 72:

i) Section 66 (1): In considering whether to grant planning permission for development which effects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State, shall have a special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.

ii) Section 72: In the exercise with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

iii) EN 13 paragraph 1, points in 7.23.2 and 7.23.3 and points A-F would indicate that the duty of special regard and attention to the desirability of preserving (that is not to harm) heritage assets in Section 66 (1) and 72 is not sufficiently embedded or recognizable in the Policy.

iv) For example, paragraph 1 of the Policy EN 13 says 'The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and *the need for a balanced judgement about the scale of any harm or loss* and the significance of the heritage asset'.

v) The Policy appears to see the desirability of preserving HAs and settings as only a material consideration to which more or less weight can be attached, when the direction of heritage case law would indicate any harm must be given considerable importance and weight given the overarching duty of 66(1) and 72.

9.8.4 Policies A-F are not written positively or include the criteria upon which they can be seen to be delivered. For example, Policy EN9 makes quite specific and clear what proposals must demonstrate to ensure they are energy efficient, but EN13 doesn't do this for heritage. Policies A-F are not comprehensive and take in the 'wider historic environment.'

i) Policy A should start off by amending its wording, consistent with 66(1) and 72 to ask proposals first to demonstrate how they preserve the Significance of HAs and the features of settings which contribute to Significance, and include the criteria for how this is can be demonstrated. As written the Policy seems to accept harm as inevitable and jumps directly to asking proposals to demonstrate how harm can be avoided through mitigation. This is not a positive approach.

ii) Policy B - 'seeking new developments to make a positive contribution to the character (and should say appearance) and distinctiveness of local areas'. This is true for all development in the Plan, so just what is the specific Policy goal for development in areas affecting heritage assets? What specific heritage based or design criteria deliver sustainable development in historic landscapes, or the settings of listed building or CAs? 'Sensitive' and 'respectful' sounds positive but to be meaningful judgements must be based on criteria.

In any case, it would not appear that the Plan has a sufficient local evidence base to develop robust policies with supporting criteria so they can be effective and deliverable. This again questions if Site Policies with environmental constraints should be in the Plan.

Impediments to delivery of heritage policies

9.8.5 Without out updated conservation area appraisals and management plans neither Policy EN 13 or EN 6 cannot be effectively applied to CAs and their settings, or to settlement character in villages with conservation areas.

'Updated' should include

i) the review of CA boundaries to assess if there are additional areas of conservation status which should be included when considering the development strategy of a new local plan

ii) importantly that the standard of the assessment and content of appraisals is consistent with HE: *Understanding Place: Historic Area Assessment in a Planning Development Context*.

iii) CA appraisals and management plans are completed as Policy 13 says but many are decades old. They underperform current best practice guidance for in summary: describing CA historic context and character, assessment of buildings, settings and open spaces and the features with historic interest contributing Significance to the CA.

iv) This lack of best practice guidance for CA appraisals is evident in the SA scoring, the FSS and LGS work and certainly in Site Policies in Somerby. This lack makes it impossible for development proposals to produce accurate heritage assessments, assess how they preserve Significance and the features contributing to it, or help the Plan develop criteria-based policies or give planners the tools to judge proposals and monitor them.

9.8.6 However, there are two other impediments to delivering effective policies for the historic environment in the Plan.

i) the standards required for developers heritage assessments in planning applications; their balance should be shifted as explained in 9.8.4 -i).

ii) the Plan's historic environment policies and decision making process should reflect a correct understanding for heritage concepts such as Significance, setting, mitigation and enhancement and develop effective criteria-based policies to guide decisions in these areas.

HE has provided sound guidance on the principles and assessment criteria for these concepts in the

Changes:

-This policy section should be significantly expanded.

- SA Policy Option 1 should be adopted and the policy rewritten based on policies for historic landscape and built asset types, including village street scenes

-A supporting SEA should be considered

-Conservation appraisals and management plans should be revised at current best practice standards, starting with Service Centres

- HE definitions for key heritage concepts should be built into the plan along with their assessment techniques. In particular, sections of the HE *Settings of Heritage Assets, Planning Advice, 3* should be incorporated into the Plan. include HE criteria for effective mitigation and the six HE criteria for what constitutes enhancement of a HA.