

Melton Local Plan - Matters and Questions for the Examination

Bottesford Forum - Matter 1

In her document Matters and Questions written as guidance for the representations submitted in respect of Melton Borough Council's Local Plan, the Planning Inspector sets out the Legal requirements and the Duty to Co-operate imposed upon the council during the preparation of the Local Plan. The first paragraph of the first section of reads:-

1.1 Is the Plan compliant with the Planning and Compulsory Purchase Act (2004) (as amended) and the 2102 Regulations? In particular, is the Plan compliant with the Local Development Scheme and the Statement of Community involvement?

This section of the paper relates to the requirements placed upon the council by the above Act set out in their introduction to the Local Plan when they write in their Melton Local Plan Community Consultation and Engagement Statement:-

"The National Planning Policy Framework (NPPF-para 155) also sets out parameters for successful engagement, stating that "early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential" and through this "a wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plan."

The matter which the community group Bottesford Forum would like the Inspector to consider is, does repeatedly cutting and pasting the same written paragraphs onto the council's documents (as practised by MBC) in response to written representations compliant with their duty to establish a meaningful co-operative collaborative and proactive engagement with the community? Bottesford Forum considers that the Council has not adequately addressed in its treatment of responses the points raised by the Forum at the various stages of the preparation of the Plan.

Bottesford Forum is a community group of villagers from Bottesford Parish with over 650 members, who first became concerned with the direction that the Local Plan was taking in 2016. We think that the BOT3 Rectory Farm, the major site proposed for Bottesford development, is unviable for three reasons.

Traffic, Flooding and Sustainability and Access.

We believe that the development of site BOT3 would create a flood risk for the centre of the village as well as for the development itself, that it would create a traffic risk by sending large volumes of traffic through the junction between Longhedge Lane and Nottingham Road previously defined by the Highways Agency as below standard and that the suggested access to the site by creating a new road along a disused railway line and over an old railway bridge would be so expensive as to threaten the sustainability of the scheme.

More generally the Forum feels that the number of houses allocated to Bottesford, the largest proportion to the population of any settlement in the Borough, is too high and does not take into account the fact that Bottesford is only in Melton Borough by a historical accident and only has poor links with Melton Mowbray, being far closer as a rural hub to Grantham and Nottingham along the A52 and the Nottingham to Grantham railway line.

Traffic

On April 25th 2016 Bottesford Forum held a public meeting to which Mr Jim Worley Head of Regulatory Services for Melton Borough Council was invited. Subsequently we have made written representations at every stage of the Local Plan process, seemingly without effect. For example as part of our responses statement for the Focused Changes, we wrote:-

“This is a problem for BOT3 because the new road layout as suggested by the developer would require closing off the residential Bowbridge Lane at the junction with Longhedge Lane to through traffic. The access junction to the centre of Bottesford to the east and the A52 to the west, between Longhedge Lane and Nottingham Road (which would then be used by estimated 217 new vehicles that would come from BOT3), has been described in the past as unsatisfactory because of the limited visibility for drivers looking left toward the centre of the village due to the humpback of the old railway bridge in Nottingham Road. (At present a saloon car driver turning right towards the A52 has a visibility splay of approx 25 paces).”

The Response to this paragraph in *Focused Changes Responses to Representations Received : FC4 – Bottesford:* reads as follows:-

“The Highway Authority have been consulted at every stage of the plan and have not objected to the allocation, though they do note that normal planning application processes (transport assessments, conditions, s106/278 etc) are sufficient to secure localised highways improvements. The site would be the subject of a planning application where a detailed assessment would take place.”

Bottesford Forum members are familiar with this paragraph, it has been used at every stage of planning process every time any objector mentions the Longhedge Lane and Nottingham Road junction (or indeed for any other traffic situation in Bottesford). The only exception was during our Public Meeting when Mr Worley in

answer to a question, promised that the *detailed assessment* would take place **before** the next stage of the planning process, the publication of the Draft Local Plan.

We feel that leaving the Detailed Assessment to the very last stage of the planning process is very bad practice because the land that could be needed to enhance the visibility splays, if that were needed, is not in the ownership of the applicants (nor of the Highway Authority). As such, the Forum doubts whether this specific issue can be satisfactorily addressed at the planning application stage as advanced by the Council. We feel that by not responding to immediate concerns of local residents, the Council is in breach of *The National Planning Policy Framework (NPPF-para 155)*.

Flooding

In the Inspector's Matters and Questions section 1 Legal Requirements and the Duty to Co-operate imposed upon the council during the preparation of the Local Plan. The fourth paragraph of the first section of the document reads:-

1.2 *"Does the Plan as a whole accord with s19(1A) of the Act by including policies that are designed to secure that the development and use of the land in the Borough contribute to the mitigation of, and adaptation to, climate change?"*

In her response to the Focused Changes to the Local Plan , my Bottesford Forum colleague Mrs Julie Moss asked MBC a series of questions, five of which are relevant to this, they were:-

12. *If Melton Borough Council insist on allowing development on areas known to flood what compensation are they prepared to provide villagers whose homes will inevitably flood when the water cannot drain away naturally?*

13. *Similarly, how will Melton Borough Council recompense or resolve the issue of increased house insurance costs or lack of insurance cover for existing residents due to the impact of new developments on the increased flooding risk?*

14. *There are many more sites in Melton Borough with a much lower flood risk than Bottesford. Why does the Melton Local Plan place the most significant rural housing volumes in the highest flood risk areas of the rural part of the Borough, i.e. Bottesford?*

15. *In Spring 2016 Melton Borough Council agreed to investigate if development sites had flood risk problems. Has this been undertaken, what were the results and how has it impacted the Melton Local Plan?*

16. *Has Melton Borough Council taken into account the independent flood survey commissioned by Leicestershire County Council which highlighted the increased impact of flooding caused by climate change?*

Melton Borough Council's response to these questions was to ignore them. They wrote in reply:-

“The updates to site assessments (‘Service Centres Update to site assessments’ May 2017) has taken into account the latest (October 2016) flood risk assessment which followed the 2016 assessments. https://docs.wixstatic.com/ugd/d246bd_9fa2be80fb3542efa7621222aefd8226.pdf Individual site assessments have been adjusted in terms of both their provisions and capacities to ensure that they can be developed without exposing new development to flood risk or increasing risk elsewhere.

Details are contained within ‘Service Centres Update to site assessments’ May 2017) and Focussed Change 4, Appendix 1. Development sites are required to incorporate effective drainage (SUDS) which will be designed to 1:100 year standard (the national standard) plus an allowance for climate change which will ensure they are not at risk of flooding or increased flood risk elsewhere. Retention of surface water within sites will assist, rather than exacerbate, issues with run off into water courses. Whilst some parts of and sites in Bottesford are vulnerable, in part, to flood risk this can be effectively managed. Bottesford as an entire location is not at risk and therefore remains appropriate as a location for development. Severn Trent have been consulted at each stage of the Plan and have not objected to the scale of development proposed.”

With regard to Mrs Moss’s question 14, the Service Centres Update to site assessments (May 2017) and Focussed Change 4, Appendix 1 actually says about BOT3 Rectory Farm in particular, and Bottesford in general:-

“The village (Bottesford) is constrained due to much of it falling within the flood zones 2 and 3. Flood zones 2, 3 and 3b run through the site along the water course the rest of the site lies outside the flood zone EA comments: The site is traversed by the River Devon a main river of this Agency. Associated with the River are areas of flood zone 2, 3 and an historic flood outline. This site must be sequentially tested and found to be sequentially preferable to any other sites within the borough before it is considered for development”.

Just how the author of MBC’s response to Focused Changes, managed to abstract the sentences below from the EA paragraph above is something of a puzzle: -

“Whilst some parts of and sites in Bottesford are vulnerable, in part, to flood risk this can be effectively managed. Bottesford as an entire location is not at risk and therefore remains appropriate as a location for development.”

Somehow the fact that the site must be proven to be “sequentially preferable to any other sites within the borough” has been lost in translation, as well has the fact that Bottesford experienced a major flood in 2001 and has had no remedial flood protection works since. However the council does have a track record of downplaying and under reporting the flood and other problems associated with the BOT3 Rectory Farm site as in this example from Appendix 1 of the Local Plan:-

“Site reasonably well related to settlement. Access issues to the site. Heritage impact, wildlife and flood risk constraints will limit the developable area of the site. Only part of the site (approx. 33%) is in Flood Zone 1 and a further area (42%) Flood Zone 2, which will require mitigation and protection measures. The Council has been provided with information explaining how the access arrangements could be resolved”

This paragraph somehow managed to omit the fact that areas of BOT3 Rectory Farm are within Zones 3 and 3b altogether, putting together what can only be described as a gloss on a site which they seem to be committed to regardless of the difficulties and constraints it faces. They make a nod toward climate change with the phrase *“plus an allowance for climate change”* in their Responses to Focused Changes and a further nod in their *Melton Local Plan Sequential Test of the Flood Risk of Potential Development Sites’* when on the climate change map they colour the area within the site currently, Zone 3b, green for area affected by climate change (presumably meaning that there will be no flood plain in the future) but we in the Forum have seen little evidence of an extra allowance for climate change or indeed of the fact that they have addressed the matter seriously.

The Council should also have replied to question 13 on increased flood Insurance house costs and the possibility of no flood insurance cover at all because Bottesford residents who live close to the River Devon have informed the Forum that they have been declined flood insurance cover by some companies, because they live within 300 metres of the river. A situation which can only be exacerbated by climate change. Indeed, residents of the new houses constructed upon BOT3 Rectory Farm, were the development to be allowed, would doubtless face similar problems A fact that again, we have seen little evidence that the council has addressed.

The fact that Mrs Moss’s questions to the Council were either not answered or only partially and perfunctorily answered is a specific example of the point the Forum is making on Issue 1.1 on the first page of this submission.