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**Somerby Parish Council's submission to the  
MELTON LOCAL PLAN EXAMINATION.  
MATTERS AND QUESTIONS.**

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To be read in conjunction with the submissions from Carl Powell &  
Mary Ann Donovans. ( NP leads for Somerby Parish).



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# MELTON LOCAL PLAN EXAMINATION MATTERS AND QUESTIONS

Note 1: It is implicit that in answering the following questions, if respondents identify a soundness deficiency in the Plan (as amended by the Focused Changes) they should make clear how the Plan should be changed.

Note 2: Policy references are to the principal policies at issue but other parts of the Plan may also be relevant.

## ***Matter 9: Policies for the Environment***

***[Note: representations that site allocations in the Plan are inconsistent with certain EN policies will be considered as part of Matters 4, 5 and 8 as appropriate]***

### **9.1 Do Policies EN1, EN2, EN3 and EN6 provide clear, justified and effective guidance for the protection and enhancement of the Borough's landscape, its biodiversity and geod diversity, and delivery, protection and enhancement of the green infrastructure network, and protection of settlement character? Melton Local Plan 2011-2036: Matters and Questions for the Examination 8**

*No - The environment policies are basically weak and as such do little to support the vision stated to cherish as ever "the strong historic and landscape character of the Borough will be as apparent..." The LP also asserts that land use will support a strong rural and agricultural economy. Strategic objectives also aim support this vision. However, policies SS2 and 3 are inconsistent with the vision and objectives for reasons set put in Matters 2&3 of this document.*

*The inadequacies in the SA, EB (linked to methodology and misapplication of scores) and the policies derived using those, results in significant negative effects on rural landscape, biodiversity and efficient land use.*

*The site policies, C1(A), C1(B) and Appendix 1 in many instances place relatively large 'urban-style' developments (30+) at the fringes of historic linear villages is contrary to NCA:93 conservation principles.*

*Thus altering the character and appearance of historic settlement patterns and features,*

*Finally these policies rely heavily on national designations, or lack of them, to assess the local environment, and the guidance terms are unclear, subjective and not based on tangible measures. This applies to site Policy D.*

*Also (See Mary Ann Donovans' submission for a detailed explanation of 9.1)*

#### ***Suggested changes***

*The changes set out in Matters 2, 3 along with enabling NPs to have influence over design detail are all required to produce coherent and deliver on MBC's vision to cherish the strong historic and landscape character of the Borough.*

### **9.2 Is Policy EN4 (Areas of Separation) soundly based? Is its definition/notation on the Policies Map sufficiently clear?**

*No - The LP requires NPs to be consistent with the proposed Policy EN4 and as this is at odds with Ministerial intentions for NPs it is consequently unsound. This taken in conjunction with concerns about the effects of repeated application of Policy SS3 settlement fringes renders EN4 ineffective in maintaining Areas of Separation (AoS) in villages and service centres.*

#### ***Suggested change***

*Alter EN4 so it provides guidance for NPs as to how AoS should be identified for villages, and particularly around Service Centres.*

### **9.3 Is Policy EN5 (Local Green Space) soundly based? Should the designated areas be identified in the policy?**

*No - This policy was not soundly based, justified or consistent with national policy, especially considering the inadequate assessments in the FSS. The Leicestershire Round footpath where it crosses the Borough is not*

*included in the policy, this is a major omission. If the Jubilee Way qualifies, then the Leicestershire Round certainly should.*

*The Leicestershire Round plays an important role in supporting tourism and the local economy in the settlements it crosses. E.g. in Somerby Parish it brings tourists/visitors, who contribute significantly to the local economy specifically to – the pub, shop and bed-and-breakfast in Somerby and the pub in Burrough on the Hill. The Leicestershire Round is important for both leisure and economy.*

#### ***Suggested change***

*The recent amendments to this policy still need to consider the following local knowledge: the differing connectivity patterns in linear villages when judging 'proximity' and what is significant to residents in terms of heritage, wildlife, recreational value or social use.*

*Include the Leicestershire Round as 'primary green infrastructure' in Policy EN3 and in Policy EN8 (tourism paragraph 5, along with Belvoir Castle, Burrough Hill Fort etc.)*

#### **9.4 Regarding Policy EN7 (Open Space, Sport and Recreation), are the threshold of 10 dwellings or more, the quantity standards and requirements and the policy criteria soundly based?**

*No Comments.*

#### **9.5 In the case of Policy EN9 (Ensuring Energy Efficient and Low Carbon Development), is the proposal to apply almost all of the policy criteria to all development, regardless of its size or type, reasonable and consistent with national planning policy and guidance? Is the requirement for a statement as set out in the 7<sup>th</sup> bullet point reasonable and proportionate? What would constitute 'major development' in the 11<sup>th</sup> bullet point?**

*No - This policy does not address how energy efficient and low carbon development approaches. It is at odds in villages with extensive Conservation Areas or where development may be in close proximity to listed building or where NP's desire traditional designs. Evidence from HE and LSE (2012) establishes the economic and social benefits of building with architectural integrity in conservation areas.*

#### ***Suggested change***

*A general policy should be in the Plan for this objective to give NP's the power that Ministers intended., but for Policy EN 9 a policy should address the desire to provide climate change mitigation with 'passive-invisible building' techniques, solar tiles versus panels, increased planting, etc.*

#### **9.6 Is Policy EN10 (Energy Generation from Renewable Sources) consistent with the Written Ministerial Statement concerning wind energy development (June 2015) and with Planning Practice Guidance? Does the policy require clarification to refer to the identification of the LCUs on the Policies Map and to explain how criterion 17 of the policy will be applied? Is clarification also required about the point at which criterion 18 will need to be addressed by an applicant?**

*This Policy should be delegated to NPs in line with Ministerial advice.*

#### **9.7 Are Policies EN11 (Minimising the Risk of Flooding) and EN12 (Sustainable Drainage Systems) soundly based? Are the policy criteria clearly expressed, justified and consistent with national planning policy?**

*No - Policy EN11 is not soundly based. It does however make correct reference in it's summary of the requirement of NPPF, Technical Guidance and NPPG require. Specifically it correctly uses the term 'flood risk', which applies to all causes of flooding, and not 'land at risk of flooding' which applies only to risk from rivers and the sea (Technical Guidance and NPPG definition). Unfortunately policy EN11 fails to deliver a sound understanding of this aspect of National policy and it's guidance.*

***Suggested change***

*Include a statement which requires a sequential approach to assessing flood risk management with the aim of locating development on land with the lowest risk of flooding & flood risk.*

*This means Zone 1 in the case of flood risk from rivers and watercourses. In the case of flood risk from all other causes (surface water, pluvial, groundwater, reservoirs, drains) this means where possible avoiding land at higher risk and steering development to land at lower risk.*

*For development in Flood Zones 2, 3a & 3b, the exception test will be applied in accordance with Table 3 of National Planning Practice Guidance. In addition...etc... ”*

*This essential change would make the policy sound.*

**9.8 Does Policy EN13 (Heritage Assets) provide appropriate protection for the Borough’s heritage assets, consistent with national planning policy? Is the need to update conservation area appraisals an impediment to effective application of the policy?**

*No - This policy does not provide appropriate protection for the Borough's heritage assets consistent with national planning policy because it is not positively prepared, justified or sound:*

*The Policy does not set out a positive strategy for the conservation and enjoyment of the historic environment in accordance with NPPF 126. Policy EN13 does not provide a detailed, justified strategy as to how the historic environment itself will be conserved or how social, cultural and economic benefits of HAs can be gained.*

*In addition the SA shows for many of the Boroughs settlements a ++ score for historic environment and should have a significant positive effect on the Borough's heritage. (SA Chapter 4, Q73 - Table 4.23).*

*However in many instances this scoring is ignored therefore Policy EN 13 is not justified by proportionate evidence nor is it sound.*

*In terms of designated built and landscape heritage assets, especially those deemed at risk, as identified through NP's historic environment inventories EN13 has little to say resulting in the possibility of asset loss.*

*The policy is weak with regard to the treatment of Listed Buildings See Mary Ann Donovans’ submission for a detailed explanation of 9.8. On the whole Policy EN 13 is lacking and as such unsound when seeking to achieve sustainable development.*

***Suggested change***

*Strengthen the identification of all types of heritage asset. Use credible data to inform Policy. Take on board all guidance in regards to Listed Buildings.*