

JD Brown



Representation ref numbers: BHLF-13H4-7YMP-Q

08/01/2018

Dear Ms Travers

**MELTON LOCAL PLAN EXAMINATION
MATTERS AND QUESTIONS**

I respond to your numbered questions as follows:

MATTER 1: Legal requirements and Duty to Co-operate

1.1 No comments.

1.2 Has the Habitats Regulation Assessment and the Sustainability Appraisal (SA) adequately assessed the likely environmental, social and economic effects of the Melton Local Plan (MLP)? Does the SA demonstrate that the Plan has been tested against all reasonable alternatives?

I, like others, have found no document called '**Habitats Regulation Assessment**'. However, the Melton Biodiversity and Geodiversity Report 2016 at Appendix J assesses all the sites as of Low, Medium or High ecological value based on presence of valued flora and fauna. This is reasonable though I would have expected presence of Great Crested Newts to result in High value, as by law their presence always necessitates mitigation or relocation.

With regards to the **Sustainability Appraisal (SA)** - I am concerned that the SA *has not been meaningfully applied, if at all*, in drafting the Plan. The objection is not to the 'scoring' (- - to ++) in the SA but that the chosen policies do not follow from them or seek to mitigate against significant impact. The SA does not appear to demonstrate that the Plan has been tested against all reasonable alternatives because it is not meaningfully applied. Whilst alternatives are stated the negative 'scores' do not appear to have shaped policy. (This will be argued further under **Matter 5** in relation to Site Assessments.)

Furthermore, I understand that no heritage impact assessment has been undertaken as part of the SA. A key sustainability issue - "To conserve and enhance Melton's historic environment, heritage assets and their settings." Two of the proposed sites for Somerby are settings of heritage assets. Melton does not appear to conduct any detailed heritage assessments before allocating these sites to develop. Sometimes development cannot be sympathetic to the existing character of an area, it's presence being detrimental. Assessments of this importance cannot be just a tick box exercise.

As demonstrated by the recent committee decision in respect of land adjacent to Sandpit Lane, Long Clawson (MBC/16/00032/OUT) - such heritage assessments should be carried out in advance of allocation, otherwise, MBC will find that they are unable to deliver the land supply.

Consider the important example of **Table 3 from the SA**:

Table 2.1: Summary of SA findings for the three housing growth options considered

SA objectives	Option 1: 154 dpa	Option 2: 245 dpa	Option 3: 280 dpa
1. Housing	+/--	++/-	++
2. Education	-	++	++
3. Sustainable transport	--	++	++
4. Economy and employment	--	++	++
5. Landscape	-?	--?	--?
6. Biodiversity and geodiversity	-?	--?	--?
7. Cultural heritage	-?	--?	--?
8. Efficient use of land and minerals	-?	--?	--?
9. Access to services	-	+	+
10. Social and economic inclusion	--	++/-	++
11. Crime	0	0	0
12. Waste	+?	-?	-?
13. Economic growth	--	++	++
14. Health	-	+	+
15. Greenhouse gases and air quality	0	0	0
16. Flood risk	?	?	?
17. Water quality	0	0	0

I contend that further options between 154dpa and 254pda should have been tested.

Consider Q6. Do the scores justify a preference for 245 dpa over 154 dpa? The run of (- -?) scores for 245 dpa on environmental grounds (landscape, biodiversity, land use) strongly suggests not. Also, I cannot see how if both options score (++) for economic growth, only 245 dpa achieves (++) for Economy and Employment? Similarly, I do not think a faster building rate necessarily results in better education – particularly when some allocated site are not required to contribute towards the LEA costs or budget.

Consider Q12. Can these two alternatives be compared? I don't think they can, they are 'apples and pears'. The second alternative is token, presenting only an appearance of considering an alternative.

This will be the first of several examples where MBC show themselves absolutely committed to 245 dpa and their preferred development sites regardless of the SA or any other evidence.

Suggested change: Adopt a lower dpa to avoid the (- -?) scores under landscape, biodiversity, cultural heritage and efficient use of land. HEDNA provides a sound evidence for doing so. (**Matter 3**). Review SA methodology to incorporate Heritage Assessment to ensure soundness of allocations.

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

No - The plan includes an excess of housing allocation where long journeys by car will be necessary to meet work, shopping and leisure needs. Greater concentration of housing development at or near proven or planned employment sites would be better for the mitigation of climate change.

Suggested change: Restore 'access to regular public transport' as a criterion for Service Centre status. This needs to be meaningful – a service reasonably usable to get to employment sites in time for work (the 2-hourly Somerby bus service, for example, entirely fails to achieve this). When this criterion was removed from the 'settlement role' criteria we felt it was done deliberately to remove an obstacle to sites in villages lacking environmentally sustainable transport options.

Also, meaningfully assess – with evidence – the 'employment opportunity' criterion for settlement roles, and select sites accordingly. This will be discussed at **Matter 2**.

1.4 I cannot see that there has been any co-operation between MBC and the adjoining LPAs in regard to the settlement fringe development on the boundary of the Borough. In particular, Harborough DC have designated the area immediately to the south of Somerby as an area of High Landscape Importance; however, MBC seem willing to allocate development on the fringe of this area without regard to the neighbouring LPA's designations.

Suggested Change: MBC should engage and consult with neighbouring LPA's to agree policies which respect and protect important designations. This is likely to be combined with the Habitat, Environment, Heritage and Landscape Assessments sought above.

1.5 Does the plan set out a clear strategic policy framework for the preparation of Neighbourhood Plans? How will any inconsistencies between emerging NPs and the Plan be resolved?

No, the explanation as to how inconsistencies between NPs and the MLP will be resolved is completely unsound (inconsistent with national policy). It seeks to ensure primacy of the MLP over NPs at all times by grossly misconstruing the term 'strategic'. To explain:

At 1.9.1 the draft MLP says that NPs must be '*in **general conformity** with the strategic policies contained in the Local Plan.*' This is a correct statement of the NPPF para 184 but is only half of what must be said. NPPF para 185 makes it equally explicit that having demonstrated general strategic conformity, a NP '*takes precedence over non-strategic policies in that neighbourhood*'.

Suggested change: Having quoted NPPF para 184, the MLP should likewise quote para 185, to correctly and fairly state the relationship between the LP and any NP. One without the other is misleading to the reader and exaggerates the relative importance of the LP.

However, there is a much more serious difficulty which I consider to be inappropriate use of powers: At 1.9.4 the draft MLP says "**For the purpose of testing conformity of Neighbourhood Plans with the Local Plan, all policies included in the Local Plan up to Chapter 8 are regarded as strategic policies.**" (Bold is theirs not mine). This is a gross misuse of the word 'strategic', calculated to subordinate NPs to the LP in all important matters whether truly 'strategic' or not. 'The Local Plan up to Chapter 8' includes **every** policy except for three:

- *Design standards;*

- *Equestrian development;*
- *Agricultural Worker's Dwellings.*

Every other policy in the Plan (about 40 policies) is deemed 'strategic' including every individual housing allocation.

This is unsound for being inconsistent with the NPPF paras 184 and 185. Those paragraphs are meaningless if the LPA has unlimited power to decide what is 'strategic'.

Whilst one I can accept that a housing target of 6,125 is 'strategic' but **not** that every single housing allocation under it – 19 houses exactly here, 15 houses exactly there – is a 'strategic policy'. MBC are very clear how they want inconsistencies to be resolved – they want the LP to prevail every time (unless discussing architectural features, equestrian or agricultural development). I do not believe that MBC should be able to arbitrarily decide that everything important is 'strategic' and therefore unchallengeable by any NP. The draft plan seeks to subordinate any NP to it in all important matters whether truly 'strategic' or not.

Suggested change: Make clear that Policy C1(A) and Policy C1(B) are NOT 'strategic policies'. Policy SS2 and Policy SS3 are 'strategic' but **individual sites in C1(A) and C1(B) definitely are not**. They are important but not strategic – they are the detail.

MATTER 2: Overall spatial strategy

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

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