

Carl Powell (231 / 150)
Somerby
28th Dec 2017

MELTON LOCAL PLAN - Matters and Questions for the Examination

Dear Inspector Mary Travers,

Important parts of the draft Melton Local Plan (MLP) and Focussed Changes are unsound for want of proportionate and reliable evidence. Some policies are unsupported by evidence and some ignore the evidence. In the worst cases evidence has been selected or even created retrospectively to justify policies already preferred and pre-determined.

This is most apparent in matters relating to housing numbers and site allocations and to assessments of environmental sustainability. Also to wrongly defining what is 'Strategic' and thus claimed as the exclusive gift of the Local Plan as against any Neighbourhood Plan.

Somerby Parish will be unavoidably prominent in this document simply because it is the place about which I know enough to write. However I believe other villages in the rural Borough have been similarly treated; please consider Somerby an example.

MATTER 9: Policies for the Environment

9.1 – Do Policies EN1,2,3,and 6 provide clear, justified and effective guidance for the protection and enhancement of the Borough's landscape, biodiversity and geodiversity, and delivery, protection and enhancement of the green infrastructure network, and protection of settlement character?

EN3 – The Melton Green Infrastructure Network.

No - There is a glaring omission here, the Leicestershire Round footpath where it crosses the Borough. If the much lesser Jubilee Way qualifies, the Leicestershire Round certainly should. In Somerby Parish, for example, it is a major attractor and conveyor of tourists/visitors, contributing to the overall reputation of the parish and specifically to some businesses there – 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: Include the Leicestershire Round as ‘primary green infrastructure’ in Policy EN3 and in Policy EN8 (tourism – fifth paragraph with Belvoir Castle, Burrough Hill Fort etc.)

9.2 – 9.6: I have insufficient knowledge to say.

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. However only slight change is necessary to make it so. To explain:

Chapter 7.22 starts well with the statement that national policy requires a risk-based sequential approach, avoiding high-risk areas and steering development to areas at lower risk. This is a correct summary of what the NPPF, Technical Guidance and NPPG require. In particular 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). The chapter continues logically (and soundly) from this starting point and I agree with all of it.

However – policy EN11 does not deliver on this sound understanding. It does not make into policy the correct statements that precede it. The difficulty is it addresses only risk of flooding from rivers and the sea, as represented by Flood Zones 1, 2, 3 and 3a. It is applying the ‘sequential test’ which is (mostly) specific to rivers and the sea but not the ‘sequential approach’ which applies to all causes of flooding. This is unsound as no other causes (surface water, pluvial, groundwater, reservoirs etc.) would be considered at all, which the NPPF paras 100-102 and NPPG (Flood Risk and Climate Change) paras 1-21 require.

Suggested change to rectify this:

Second paragraph – take nothing out, rewrite with additions in **bold**:

*“The Borough Council will follow a sequential approach to 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...”

With this small but essential change the policy would become sound.

9.8 Unable to say.

Conclusion

If I could only make four points from all of the above they would be:

- 4,250 not 6,125 is the soundly evidenced housing target for Melton Borough. HEDNA is more objective and thorough than TAHR and the addendum to TAHR which were commissioned solely to justify decisions already made.
- Serious environmental 'negatives' in the Sustainability Appraisal have been ignored or deliberately replaced in the MLP Evidence Base. Housing delivery is important, but the draft MLP elevates it unduly to the exclusion of many important paragraphs of the NPPF.
- In claiming every single one of its policies (except three in Chapter 9) to be a 'Strategic Policy' MBC seeks to monopolize control of all important planning and decision making. This is contrary to NPPF paras 184 and 185. In particular, calling every single site allocation a 'strategic policy' is untrue and unsound.
- The most important parts of the draft Plan are not based on the evidence. Evidence has been ignored, or even found retrospectively to justify policies already decided. This is the absolute opposite of soundness.

It was made abundantly clear to me at that meeting with MBC on 11th September 2017 that there was *nothing* I or my neighbours could say to MBC to change *anything* in the draft MLP, and if I didn't like that I should try telling the Inspector. So that is what I'm doing.

I have not asked to speak on my own behalf at the Examination but would endeavour to do so if invited. I am more than happy to discuss or explain by email anything I have written if thought useful. Thank you for reading.

Yours sincerely,

Carl Powell