



The Office of Planning Policy  
Melton Borough Council  
Burton St,  
Melton Mowbray  
LE13 1GH

29<sup>th</sup> August 2017.

Dear Sirs,

**The Clawson, Hose & Harby Neighbourhood Plan – Comments: Formal Objections to the Plan.**

I am a resident of Long Clawson. Having reviewed the Clawson, Hose & Harby Neighbourhood Plan I wish to make the following comments. More specifically, I wish to lodge the following formal objections to parts of the Plan.

1. Section 'Great Crested Newts'- The introduction states: "*This policy and community action is not intended to replace or contradict that legislative protection or the powers that Natural England as a statutory body and the licensing system has to maintain the favourable conservation status of the species, but is intended to supplement this and encourage a greater level of enhancement measures to ensure that the local population thrives.*". However, 'COMMUNITY ACTION ENV5: GREAT CRESTED NEWTS', then, in contradiction of the above, immediately seeks to go beyond the levels of legislative protection afforded, by applying more onerous restrictions. The embodiment of the report: '*Great Crested Newt Appraisal, Clawson Hose and Harby Neighbourhood Plan: Aron E and Cooper A 2016*' ( <http://www.chhparishcouncil.co.uk/uploads/greatcrestednewtsclawsonhoseharbyneighbourhoodplanfinal.pdf> ) into 'ENV5' within the Neighbourhood Plan is inappropriate and flawed. Consequently the designations, classifications and zoning contained within the NP, which are clearly based on the findings of this report are similarly inappropriate and flawed. **I object to 'ENV5', the embodiment of the aforementioned report and to other sections of the NP where this report has informed the content.**

**My objection is based on the following grounds:**

- A. The report is not independent. The report is co-authored by Dr A Cooper, a resident of Long Clawson. Whilst Dr Cooper is a fine man with unquestionable character, there is inherently a conflict of interest, which undermines the credibility of the report's inclusion and inferences.
- B. The first draft policy proposed by the report introduces a more onerous threshold test, suggesting that habitats '*must not be adversely affected*', compared with the legislation which speaks of 'avoiding damage' and taking mitigating measures. Further, the report has included the requirement to protect habitat where there was '*recent or former populations*', which is an unduly onerous and unreasonable extension.
- C. The report (Page 6) refers to areas >50m up to 250m from breeding ponds. Most activity in these areas are cited as 'low impact'. The report, on page 6, suggests, in these cases, mitigation measures. However, the NP has used this evidence to classify large tracts of land

as being '*OTHER SITES OF NATURAL AND HISTORICAL ENVIRONMENT SIGNIFICANCE*' or '*Natural and semi-natural greenspace*'. This inference is misleading and incorrect.

- D. The report fails to take into account the more recent directional guidance issued by Natural England and DEFRA in their report: '*Proposed new policies for European Protected Species licensing Analysis of responses to the public consultation held between 25 February and 7 April 2016 December 2016*', which adopts a more strategic & holistic view of EPS, and in particular GCNs.

2. I object to the designation of 'Paddock, Long Clawson (MH01)' as a 'Natural and semi-natural greenspace' within 'Important open spaces, open areas, greens, roadside verges'. The inclusion of this land is frivolous, not appropriately fact-based and has not followed due process.

**I hereby formally request the deletion of the above designation of this land from the NP, and, if it is not deleted, I formally hereby request a Hearing with the Independent Examiner to discuss.**

**My objection is based on the following grounds:**

- A. NPPF guidelines clearly state that it is important to engage with any owners of the land in considering designations. I own this land, and I confirm that I was not specifically engaged in the discussions about, nor scoring of, my property.
- B. The scored evidence base of the land and the explanation behind it has not been made publicly available and is not on the MBC website, as is the case for 'Local Green Space' evaluation. Indeed, it appears that every effort has been made to slip this land designation through 'under the radar' without due process.
- C. The pre-ambule to '*COMMUNITY ACTION ENV 1: IMPORTANT OPEN AREAS*' states that '*Also included in this group are sites that are within or adjacent to the settlements and which are of significant value to their communities. Evidence for this value has been based on community consultation and fieldwork. Sites were required to score well in the inventory (20/32 or 62.5%), but not sufficiently so to be designated as a Local Green Space (24+/32 or 75%).*' The scoring of this land is clearly subjective and not impartial. I have scored the land using the same criteria and cannot get the score anywhere near the 20/32 threshold.

**3. I object to 'POLICY ENV 2: OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE' on the following grounds:**

- A. On the map '*Environment Fig. 4 - OTHER SITES OF NATURAL AND HISTORICAL ENVIRONMENT SIGNIFICANCE*', the land in Long Clawson between the land which has been designated as 'MH02' and the land which has been designated as 'MH01', there is a pond which contains the highest concentration of GCNs across all three parishes. The land has not been included as an '*OTHER SITES OF ENVIRONMENTAL (NATURAL AND HISTORICAL) SIGNIFICANCE*' although the land on either side of it has. This is quite clearly incorrect and undermines the veracity of this section.
- B. It appears that the designation of land within this section is partly based upon the report: '*Great Crested Newt Appraisal, Clawson Hose and Harby Neighbourhood Plan: Aron E and Cooper A 2016*', which fails to meet appropriate tests of independence and other criteria. See point 1. Above.

Yours faithfully,

  
Keith Tudor