
MELTON BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN

REPRESENTATIONS BY MARRONS PLANNING ON BEHALF OF MR J SIMON

1. These representations have been made by Marrons Planning on behalf of Mr J Simon, and focus specifically on the proposed housing allocation of GADD2 (land north of Ashby Road/east of Church Lane, Gaddesby). The representations represent the views of a number of residents on Church Lane, who consider that the allocation is unsound.
2. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development (Planning and Compulsory Purchase Act 2004, section 39(2)). The National Planning Policy Framework (the Framework) makes clear that to this end, Local Plans should be consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development (paragraph 151). The presumption requires plan makers to have regard to whether any adverse impacts of meeting objectively assessed needs would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (paragraph 14). Within this context, it is our client's position that the allocation of GADD2 would not contribute towards sustainable development, for the reasons set out below.
3. GADD2 is located to the north of Ashby Road, Gaddesby. It forms part of a much wider site (8.6 hectares) which was submitted to the Council's SHLAA. The Council is proposing that around 2.2 hectares of this larger site is allocated for 30 dwellings, yet has not carried out a site assessment of the allocation site (the accompanying site assessment has assessed the 8.6ha site). The failure to properly assess the site clearly demonstrates that the proposed allocation is not based on robust evidence or been appropriately considered against alternative sites within the village or elsewhere in the Borough. This is a fundamental shortcoming in the preparation of the Local Plan which as a result means the allocation of the site is not 'justified' or consistent with national policy, as required by the Framework.

Visual Impact

4. In defining a site to provide 30 dwellings, the Council has drawn up arbitrary site boundaries without justification; these are not defined or contained by physical features, for example by a hedgerow or surrounding development. The site's northern and eastern boundaries are exposed,

meaning the proposed housing development is likely to have an adverse visual impact on the wider countryside, therefore, failing to meet the 'environmental' element of sustainable development set out in the Framework (the Council's assertion in the accompanying wider site assessment that the site is "well hidden" is considered to be inaccurate). Furthermore, the site is considered to be out of character with the surrounding development which extends along Ashby Road and Church Lane and is linear in nature. The likely adverse impact of the proposed allocation upon the character of the settlement and surrounding landscape has not been properly considered through the site assessment process.

Site Access

5. The accompanying wider site assessment confirms access will be taken off Ashby Road, but that further work is needed. Paragraph 32 of the Framework confirms that in highways terms, plans should take account of whether a safe and suitable access can be achieved for all people. The site's location opposite the primary school is a factor for consideration in determining whether this can be achieved. Without proper assessment there is little evidence to demonstrate how the site can be satisfactorily accessed and the impact this will have on the surrounding road network, including the primary school.

Heritage Impact

6. The site is situated within the setting of the Grade I Listed Church of St Luke. It is understood from local residents that this is considered to be the most important Church in the County from an archaeological perspective. The impact of development upon the Church's setting has not been properly assessed in the accompanying assessment for the wider site. Without having regard to this potential impact, the Plan has the potential to conflict with national policy. Paragraph 133 of the Framework states that where a proposed development will lead to substantial harm to a designated heritage asset it should be refused consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm of loss. Paragraph 134 of the Framework states that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. Without a robust heritage assessment, the public benefits balancing exercise cannot be undertaken and the presumption in favour of sustainable test cannot be properly applied.
7. It is also understood that there is ridge and furrow present on the site. This is not taken into account in the Council's wider site assessment, and the potential impacts upon this asset also need to be properly assessed to ensure that any potential allocation is consistent with national policy.

Flood Risk/Drainage

8. According to the Council's Interactive Map, part of the site is situated in Flood Zone 3b, meaning it is defined as the functional floodplain and comprises land where water has to flow or be stored in

times of flood. Development should therefore be directed away from this area. In the remainder of the site, it will need to be demonstrated that flood risk is not increased elsewhere (paragraph 103). It is understood from local residents that there may be an issue with draining foul waste from the site. Whilst at Appendix 1 of the Local Plan it is proposed that a policy requirement ensuring mitigation measures against flood risk are provided at GADD2, it is suggested that further investigation into surface water and foul drainage solutions is required before the Plan progresses any further. Without such investigation and supporting evidence it cannot be said that the allocation of the site has been properly justified in accordance with the requirements of the Framework.

Ecological Impact

9. The site is in close proximity to a number of Local Wildlife Sites (LWS), including the Gaddesby Brook. In Appendix 1 of the Local Plan, the Council is proposing a policy requirement “that there are no adverse impacts on the nearby LWS located in proximity of the eastern boundary.” With regards to biodiversity impacts, national policy states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible (paragraph 109 of the Framework) and that local planning authorities should set criteria based policies against which proposals for any development affecting protected wildlife sites will be judged (paragraph 113 of the Framework). It is understood that Gaddesby Brook contains white clawed crayfish which are protected species. In order to comply with national policy, further information about the likely ecological impact of the development of GADD2 needs to be provided so a judgement about suitability of the site for development can be made.

Soundness Tests

10. In order to be considered sound, the Local Plan should meet a number of tests. These tests are set out at paragraph 182 of the National Planning Policy Framework.
11. The Local Plan, with respect to its proposed allocation of GADD2, is considered to be unsound because it fails to meet these tests, as set out below:
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework
12. A large number of constraints to development have been identified with respect to the allocation of GADD2. It is not considered that a robust site assessment has been carried out by the Council, and without further technical information to support the allocation, the Local Plan should be considered unsound on the basis that it not justified or consistent with national policy.

13. It should also be noted that in the 2013 SHLAA, the Council concluded that GADD2 was not deliverable and not developable, yet the position in the 2016 SHLAA is that the site is both deliverable and developable (as set out in the paragraph below, the Council considers the site will come forward in the next 5 years). There have been no changes in circumstance in relation to GADD2 since the 2013 SHLAA to justify the change in assessment. The Council should not therefore rely on this piece of supporting evidence to support the allocation of GADD2 and the allocation should not be considered to be justified in line with the definition provided in the Framework.

14. The Plan is also considered to fail the 'effective' soundness test as it is not considered to be deliverable in its current form. The Council's 2016 SHLAA Assessment concludes that GADD2 is deliverable, i.e. that it will come forward in the next 5 years, and this is confirmed by the Council's Five Year Land Supply and Housing Trajectory Position (November 2016) which anticipates development starting onsite in 2021/22. GADD2 should not be regarded as deliverable in line with the definition provided at footnote 11 of the Framework. Whilst the site can be regarded as available, because of the lack of robust evidence relating to landscape, heritage, drainage, access and ecology it cannot be considered to "offer a suitable location for development now".

15. In view of the comments set out above, in order for the Local Plan to be considered 'sound' and meet the tests set out within the Framework, specifically in regard to Gaddesby, the proposed allocation GADD2 should be removed.