

WALTHAM ON THE WOLDS AND THORPE ARNOLD NEIGHBOURHOOD DEVELOPMENT PLAN

NOTE

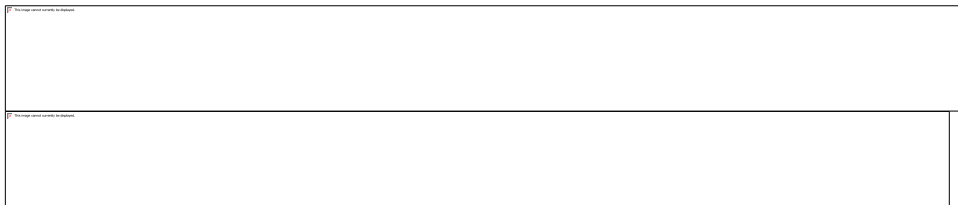
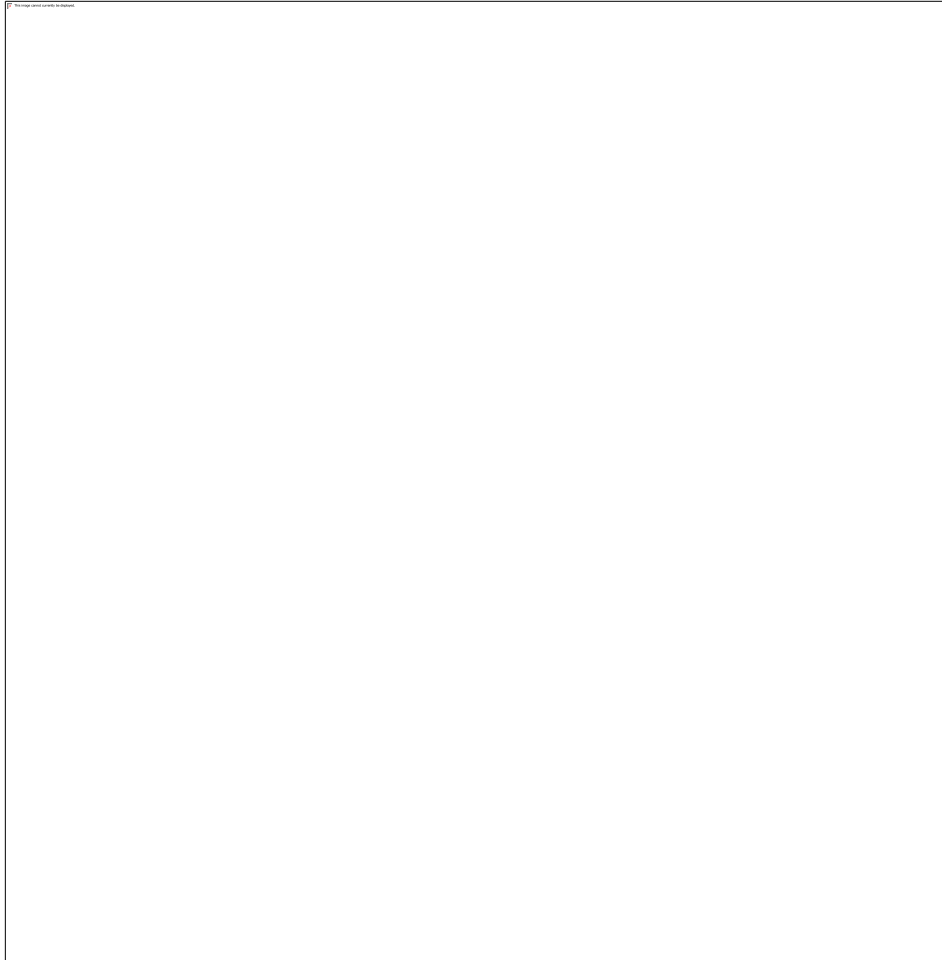
1. Following my Draft Conclusions dated 3rd November 2017, I have now been provided with several further relevant documents, including the SEA and HRA Screening Report undertaken by Melton Borough Council dated 23rd April 2017. Helpful comments have been made in response to my Draft Conclusions.
2. Unfortunately, I consider that SEA and HRA Screening Report is deficient in several respects.¹ As a consequence, although I can produce a draft Report in the near future, it is clear, in my judgment that more work is required to be done on the SEA and HRA Screening Report. My reasons are as follows:

SEA Report

3. Two points arise for consideration. First, the SEA Report states in terms on page 2 that it was prepared by Melton BC, and not by the neighbourhood body (the Parish Council) which prepared the NDP. However, as a matter of principle it is the Parish Council that is required to make a determination pursuant to Regulation 9 whether SEA is required.
4. Secondly, the reasoning contained in the SEA Report is, in my judgment, insufficiently focussed. At page 5 of the SEA Report under the heading “SEA Criterion” in answer to the question:
 5. *“Is the PP likely to have a significant effect on the environment?
No. This Neighbourhood Plan does not allocate sites. The policies within the plan are based predominantly around design, tenure, social improvements and improvements to the environment. It is therefore deemed that the Waltham and Thorpe Arnold Neighbourhood Development Plan will not have significant impact on the environment”*

It then continues:

¹ I have not been made aware whether the NDP was the subject of a Health Check before it was finally submitted, but there are typographical errors in the text which will be addressed in the draft Report.



6. This reasoning proceeds on a *non-sequitur*: that because it does not “*allocate*” sites, therefore it will not result in any increase in development. It also proceeds on the premise that it only “*adds restrictions*” and “*does not promote additional development*”.

7. To take **Policy S1** of the draft NDP as an example:

“Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development as identified in Figures 3 and 4 (overleaf) where they comply with the policies of this Neighbourhood Plan and subject to design and amenity considerations. Land outside the defined Limits to

Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies. Exceptions will be development essential to the operational requirements of agriculture and forestry, small-scale development for employment, recreation and tourism and any infrastructure requirements in relation to the Melton Mowbray Eastern Distributor Road.”

Thus, this phraseology *supports* development within the Limits to Development. It also supports (or at least, exempts from restriction under **Policy S1**) development essential to agricultural and forestry operations, small-scale employment/recreation/tourism development outside those limits, and the Distributor Road. On the face of it, this policy could lead to an increase in the development of the Parish.

8. **Policy H1** states:

‘Having regard to the number of dwellings already constructed plus existing sites with planning permission and allowing for allocated draft Local Plan sites within the Limits to Development, the Parish has exceeded its housing requirement over the Plan period. Therefore, until such a time as there is an increase in housing need across Melton Borough or unless there is a failure to deliver the existing commitments, further housing development in the Parish will be restricted to Windfall development in line with Policy H8.’

Policy H8 supports Windfall within the Limits to Development.

10. **Policy H1** cross-refers to allocations in the draft Local Plan and makes assumption that they will come forward. It therefore does envisage increased development, in combination with that Local Plan. No attempt has been made to estimate and quantify the extent of such additional development and to then evaluate whether its effects would be “significant”.

11. Further, at the present time, the Local Plan is out of date, and the new Local Plan is only at an emergent stage. This means that there can be no guarantee that it would be adopted in its current form, or at all. In the absence of site allocations, the NDP will support growth within the Limits by virtue of **Policies S1 and H8**. Even if sites were allocated, housing requirements in the Local Plan would be minimum

requirements/targets rather than maxima, and the NDP would support development in line with “housing need” within the Limits. The effect of the Distributor Road on traffic has not been demonstrably considered.

HRA Report

12. This suffers from the same flaws as the SEA element. There seems to be a lack of awareness of the fact that the NDP does support additional development. The Screening Report identifies recreational disturbance as a potential impact on the Rutland Water SPA which it says is 16 kilometres distance. However, there is no estimate of how additional development in this Parish, in combination with that planned and already existing in other parishes, would impact on the reservoir.
13. The other factor which does not appear to have been analysed by reference to the Parish is whether activities within the Parish that are supported by the plan (such as operations relating to agriculture, and the housing and other uses within the Limits to Development) would draw on the water stored in the reservoir (or abstract from groundwater that might affect the reservoir).
14. It may very well be that even assuming say 200 additional houses as a “*sensitivity test*” would have no significant impact, and that they do not draw their water from the reservoir. But the exercise needs to be broached, at least at a high level, with some intellectual rigour, and there seems to be no evidence to rule that out beyond reasonable doubt.

Other comments on the policy wording

15. The comments made in response to my Draft Conclusions are helpful on boundaries, and other points raised, and draft amendments are proposed which partly meet concerns already expressed. However, given the conclusion reached as to the current status of the SEA and HRA Screening Report, and other factors to which I have made reference in my Draft Conclusions, some of which have been addressed, it would seem to be premature for the NDP for the Examination to be concluded at this stage, and the final Report produced. However, I am willing to produce a draft Report in the near future which can be the subject of further discussion, if sought.

16. As a consequence, I cannot recommend that matters should proceed to a Referendum at this stage.

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