

DRAFT CONCLUSIONS

1. Regrettably, I am unable to recommend that the draft Neighbourhood Plan be submitted to a Referendum at this stage. Further (and subject to any written representations being received – see below) I am minded to recommend that the proposal for the Neighbourhood Plan be refused.
2. The failure to comply with the SEA Directive and 2004 Regulations means that the Neighbourhood Plan does not comply with the “basic conditions”.
3. I have not been provided with sufficient information and reasoning to conclude that it would be lawful to make the Neighbourhood Plan under the Habitats Regulations. I have a power to request further information for the purpose of determining whether there would be an impact. This I would wish to do if the Plan could otherwise be lawfully made.
4. The wording of certain policies is not appropriate as they are inconsistent with national policy and guidance. In the completed draft Report I will suggest possible modifications that could overcome those deficiencies. However, this will not overcome the obstacles to adoption referred to in the previous two paragraphs.

Further representations

5. Accordingly, I propose to invite further representations from the Parish Council at this stage as to the following:
 - (a) Why no statement of reasons has been given for not providing an SEA, and whether a Regulation 9 decision has been or can be made by the Parish Council, and for it to provide the statutory statement of reasons for such decision;
 - (b) Adequate information as to the potential effect on European sites protected by the Habitats Directive;
 - (c) The termination date for the Neighbourhood Plan;
 - (d) What specific text is intended to constitute the design guidance to be incorporated into Policy H6 and why it is justified in light of the NPPF and other national policy guidance;
 - (e) What is intended by the final sentence of Policy H8 and whether it is necessary in light of the other more specific criteria in that policy.
 - (f) The areas to which policy ENV16 is intended to apply and the evidence base for the requirements in connection with monitoring of groundwater.
 - (g) Whether the requirements in Policy E1 are intended to be cumulative or alternative.
6. I also wish to invite the Environment Agency to provide a reasoned representation on the matters referred to in sub-paragraph (e) above (Policy ENV16).
7. If I were able to conclude that the Neighbourhood Plan could be lawfully adopted because the environmental assessment obligations were complied with, or could be

complied with without resubmission of the plan, I would then invite representations from interested parties as to my proposed modifications and the outstanding issues.

NB The delineation of the proposed development boundary seems to have caused much local concern. I would welcome comments from the Parish Council as to the reason why the proposed boundary line has been drawn in its current location.

Edward F
Cousins
Independent Examiner
Francis Taylor Building
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EC4Y 7BY

3rd November 2017



Waltham on the Wolds & Thorpe Arnold Parish Council

servicing our Parish Community

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Mr Edward F Cousins
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7 November 2017

Dear Mr Cousins,

Re: Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan: Draft Conclusions at Examination

Please find below the Parish Council's further representations, provided in response to the Draft Conclusions dated 3 November. For your convenience, we have reproduced those conclusions followed by our related representations, highlighted and in italics.

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1. Regrettably, I am unable to recommend that the draft Neighbourhood Plan be submitted to a Referendum at this stage. Further (and subject to any written representations being received – see below) I am minded to recommend that the proposal for the Neighbourhood Plan be refused.
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Further representations

5. Accordingly, I propose to invite further representations from the Parish Council at this stage as to the following:
 - (a) Why no statement of reasons has been given for not providing an SEA, and whether a Regulation 9 decision has been or can be made by the Parish Council, and for it to provide the statutory statement of reasons for such decision;

In fact, the SEA and HRA Screening was undertaken by MBC as confirmed in the Basic Condition Statement submitted with the Neighbourhood Plan. We understand that the Screening report was omitted from the available supporting information in error, but was uploaded to the MBC website immediately the error was made known. The Parish Council is very disappointed that the Examiner did not check this and enquire whether an SEA and HRA Screening had been undertaken prior to writing out to the Local Planning Authority and Qualifying Body recommending that the NP does not proceed to referendum.

- (b) Adequate information as to the potential effect on European sites protected by the Habitats Directive;

As for 5(a) above.

- (c) The termination date for the Neighbourhood Plan;

The front cover of the Submission version of the Neighbourhood Plan specifies that the plan period is 2017 – 2036. Therefore, the termination date is the last day of 2036, i.e. 31 December.

- (d) What specific text is intended to constitute the design guidance to be incorporated into Policy H6 and why it is justified in light of the NPPF and other national policy guidance;

The design guidance is specifically referred to in the 22 bullet points immediately below the policy and above policy H7.

The justification comes from the NPPF. We consider that the policy is fit for purpose in general terms and will contribute towards the delivery of high-quality and distinctive development in the Plan area. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- (e) What is intended by the final sentence of Policy H8 and whether it is necessary in light of the other more specific criteria in that policy.

*The final bullet point of Policy H8 should read 'does **not** adversely impact ...'*

The reference to backland or tandem development is to specifically highlight and address an issue that is of concern locally and the subject of a Regulation 14 representation. It serves both to reinforce this and to make the intention of the policy clear for the Local Planning Authority.

- (f) The areas to which policy ENV16 is intended to apply and the evidence base for the requirements in connection with monitoring of groundwater.

The policy doesn't specify sites, but because of historical problems that have been experienced, calls for investigations to be undertaken as part of the planning application process. It is therefore intended to cover the village of Waltham only, to be triggered on planning application. Note below

that the Environment Agency supports this policy. The problem with high ground water is also acknowledged in the draft Local Plan.

- (g) Whether the requirements in Policy E1 are intended to be cumulative or alternative.

They are intended to be cumulative. Please add 'and' to the end of criterion a).

6. I also wish to invite the Environment Agency to provide a reasoned representation on the matters referred to in sub-paragraph (e) above (Policy ENV16).

Noted. However, the Environment Agency responded through Regulation 16 to policy ENV 16 and offered the view that the policy met European obligations, has regard for national planning policies, is in general conformity with Local Plan strategic policies and is compatible with adjoining Neighbourhood Plans.

7. If I were able to conclude that the Neighbourhood Plan could be lawfully adopted because the environmental assessment obligations were complied with, or could be complied with without resubmission of the plan, I would then invite representations from interested parties as to my proposed modifications and the outstanding issues.

We are happy to respond to further requests for clarification but would ask that questions be raised as quickly as possible as the Examination has already exceeded its agreed timescales.

NB The delineation of the proposed development boundary seems to have caused much local concern. I would welcome comments from the Parish Council as to the reason why the proposed boundary line has been drawn in its current location.

The concept of Limits to Development policy for both Waltham and Thorpe Arnold was first introduced at the second public consultation in April 2016. The actual figures used to illustrate the concept were illustrative at that stage. Those Limits were intended to include the curtilages of existing properties plus allow for reasonable future development. There was general agreement with the concept by those parishioners who responded to this proposed policy and no respondents disagreed with it.

The Limits for both villages were then refined to include, as far as we knew, all the existing properties and align the areas for development with the emerging Local Plan by including the allocated development sites from that Plan. Draft Policy S2 – Limits to Development was included in the Pre-submission Neighbourhood Plan with detailed maps defining those proposed limits

In accordance with the prescribed neighbourhood planning process, the Parish Council carried out a six-week Regulation 14 consultation with all Stakeholders and interested parties as described in Appendix C: Consultation Statement (part 2). The representations and responses are listed in that appendix. Mr David Lovegrove, on behalf of the Lovegrove family, responded to that Regulation 14 consultation as follows:

The limits to development show in figure 13 cuts back into the grounds of Cedarwood. The planning permission granted was for the area as shown on my sketch (supplied). We feel the line should be drawn as per the original granted application (the same as the neighbouring property – White Gable).

Mr Lovegrove is a member of the Neighbourhood Planning Group (but not the Parish Council). We independently substantiated this claim by checking the permitted application (ref 80/0393/6/924) and therefore made a minor change to the Limits to Development (LtDs) to include addition land in the southeast corner of Thorpe Arnold. This revision was included in the Submission version of the Neighbourhood Plan.

It is noted that a number of Regulation 16 representations have been submitted objecting to this particular change to the LtDs. However, no further planning evidence has been presented and we submit that this aspect of the LtDs for Thorpe Arnold should remain as shown in the Submission Neighbourhood Plan.

We have, however, requested 2 quite different changes to the LtDs for Thorpe Arnold to:

- a) Respond to a correct requested at Regulation 16 consultation and;*
- b) Bring the area of allocated development land (MBC ref THOR2) in line with the draft Melton Local Plan.*

These changes are described and illustrated in a separate document entitled Addendum to the Neighbourhood Plan.

I trust that these representations answer in full the areas of concern listed in your Draft Conclusions and will lead to a positive conclusion to the examination process.

Yours sincerely,

Martin Lusty
Councillor, Waltham on the Wolds and Thorpe Arnold Parish Council and Secretary to the Neighbourhood Planning Group.

Addendum to the Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan (Submission Version, July 2017)

We wish to point out an error in Figure 3: Limits to Development, Thorpe Arnold. In the latest draft of the Melton Local Plan, the area of the allocated development site THOR2 was reduced in size (see Figure 1 below). We failed to reflect that in the Limits to Development figure, which included the much larger area of this site, as prescribed in a previous draft of the Local Plan.

Revised Limits to Development for Thorpe Arnold are illustrated in the Figure 2 overleaf and we request that the examiner approves this change for inclusion in the final version of our Neighbourhood Plan. Please note that we have also made a detailed change to include the garden of Ms Annabelle Meek in line with her Regulation 16 representation.

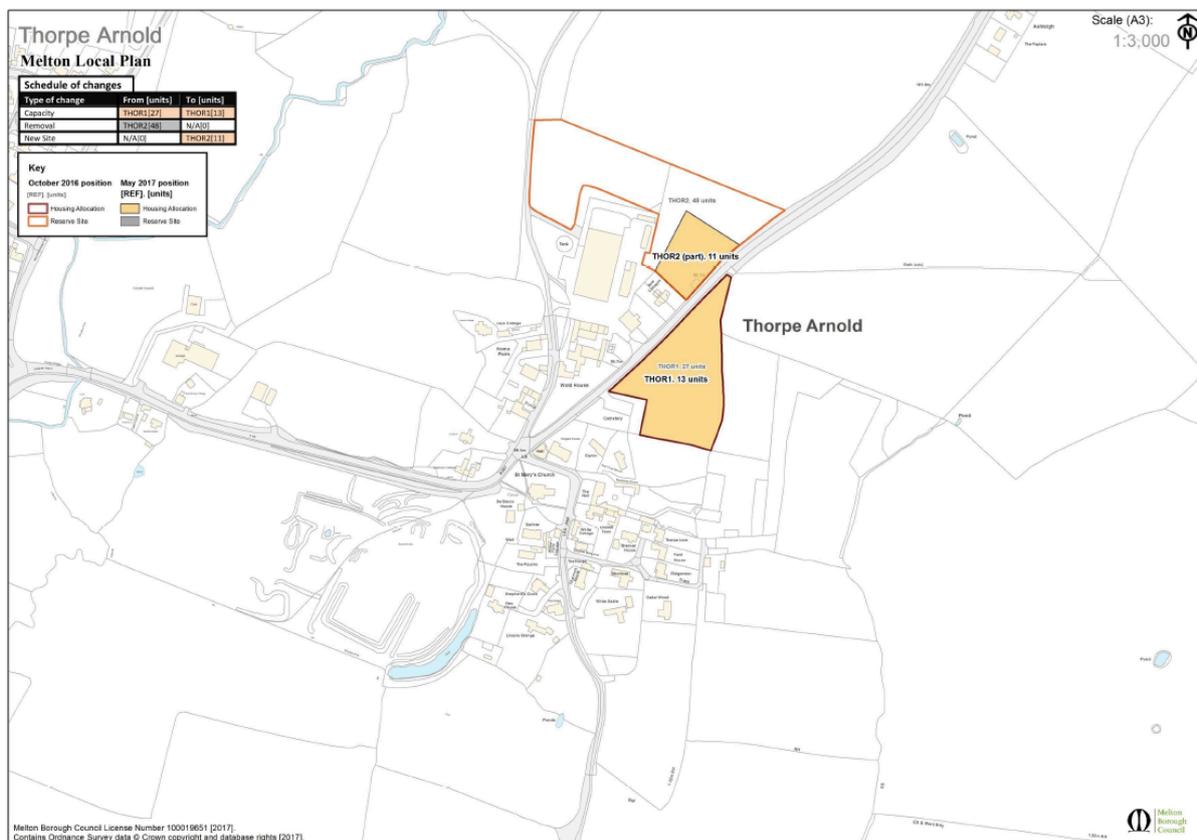


Figure 1: Housing site allocations extracted from Appendix 1 FC4 of Focused Changes to Melton Local Plan (July 2017)

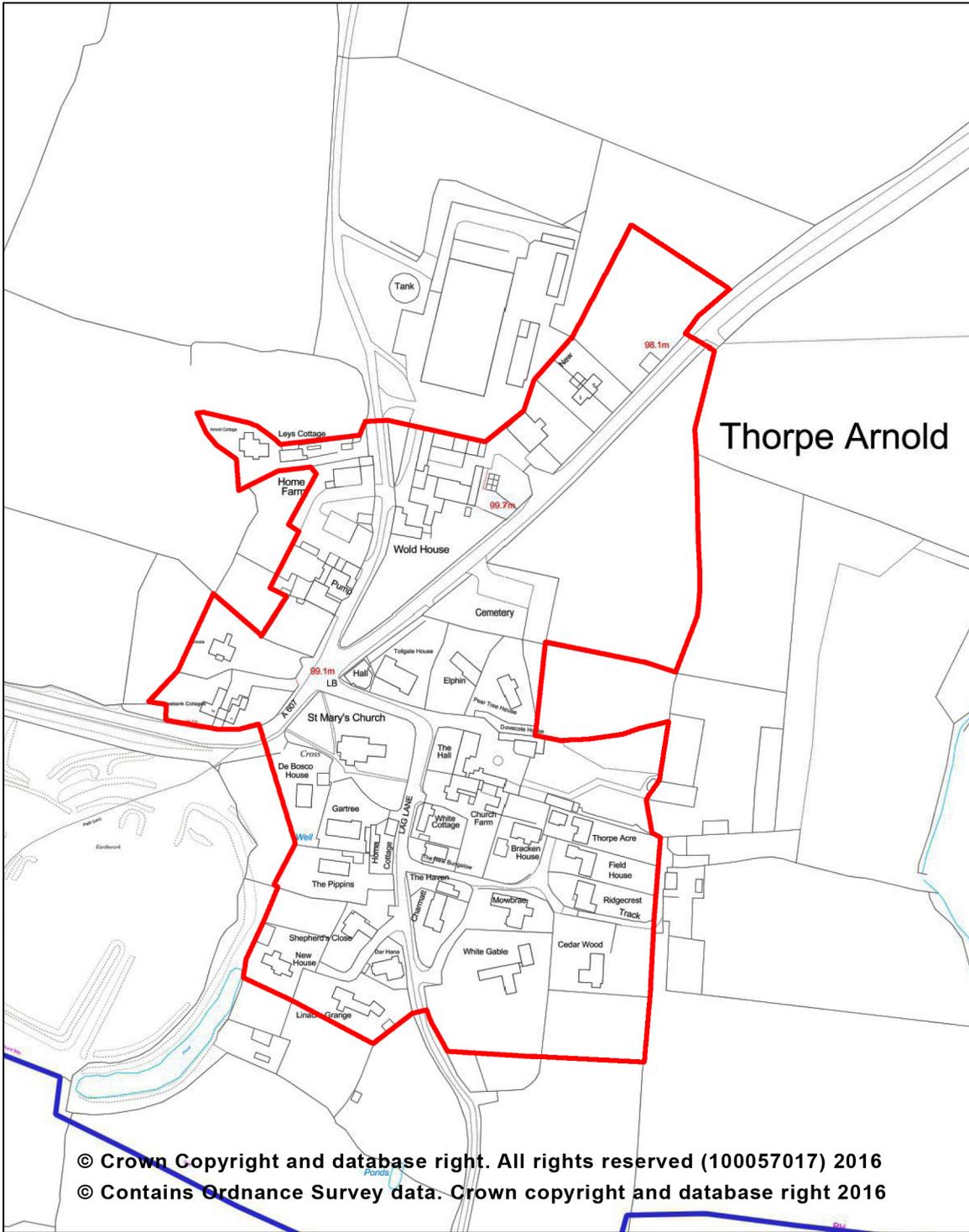


Figure 2: Revised Limits to Development for Thorpe Arnold