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Melton Local Plan - Habitats Regulations Assessment

Title	Technical Note – HRA of Proposed Focussed Changes
Project No	6515
Sender	Jon Taylor
Recipient(s)	Valerie Adams Melton Borough Council
Date	21/06/17

LUC has been commissioned to review the findings of the Habitats Regulations Assessment (HRA) of the emerging Melton Local Plan¹ in light of focussed changes currently proposed by the Council. This review aims to establish whether any individual or combination of the focussed changes could result in additional likely significant effects of the plan, or alter the conclusions of the Appropriate Assessment of the Pre-submission Draft Local Plan.

Focussed changes

It is understood that the focussed changes would modify the following policies:

- Policy SS2 - Development Strategy
- Policy SS3 – Sustainable Communities (unallocated sites)
- Policy SS4 - South Melton Mowbray Sustainable Neighbourhood
- Policy SS5 - Melton Mowbray North Sustainable Neighbourhood
- Policy C1(a) – Housing Allocations
- Policy C1(b) – Reserve Sites
- Policy C2 – Housing Mix
- Policy C4 - Affordable Housing Provision
- Policy C6 - Gypsies and Travellers
- Policy IN2 (this was previously titled IN1) - Transport & Strategic Transport Infrastructure
- Policy IN3 (this was previously titled IN2) - Infrastructure Contributions and Community Infrastructure Levy

An additional policy (IN1) in relation to transport infrastructure is also proposed to be included in the plan.

Implications for the screening assessment

The majority of the focussed changes are minor, and would not have any implications for the HRA screening assessment. However they would result in the screening in of the effects of one additional

¹ LUC (2016) Pre-submission Draft Melton Local Plan: Habitats Regulations Assessment (dated 05/10/16)
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policy (IN1) and screening out the effects of another (IN2) in relation to transport infrastructure; the implications of the focussed changes on the HRA screening assessment are provided in detail in Appendix 1.

Implications for the Appropriate Assessment

While a number of small allocations would be added / removed from the Pre-submission Draft Local Plan and the capacity and boundaries of others would be modified, the overall scale and distribution of growth remains broadly similar, and policies within the Local Plan which provide mitigating effects would not be affected by the focussed changes. While changes to the proposed distributor road are likely to have a significant effect on local traffic movements at Melton Mowbray, these will be much less pronounced on the wider road network and unlikely to be significant on relevant stretches near Rutland Water SPA/Ramsar, which are approximately 5km from the town. See Appendix 2 for details.

A review of local plans for neighbouring authorities has confirmed that the majority have not progressed since the previous Appropriate Assessment was carried out (October 2016), and no additional in-combination effects have been identified (see Appendix 3 for details).

All findings of the Appropriate Assessment of the Pre-submission Draft Local Plan therefore remain valid, and as such it may still be concluded that the Local Plan (included the focussed changes) would not have an adverse effect upon the integrity of the Natura 2000 network.



Appendix 1 – Implications for HRA Screening Assessment

Table 1 summarises the focussed changes to the plan currently proposed by the council based on recent correspondence from the council²³⁴⁵, and any implications for the screening assessment⁶.

Policy	Summary of focussed changes	Implications for HRA screening
SS2	In relation to the encouragement of small scale development over the plan period reference to supporting <i>development 'of 10 dwellings or less outside of the allocations in Service Centres, or 5 dwellings or less for the Rural Hubs'</i> removed. Sub-section relating to 'Small-scale Unallocated Development' which addressed development defined as ' <i>10 dwellings at Services Centres, 5 dwelling at Rural Hubs and 3 dwelling at Rural Settlements'</i> outside of allocated sites removed. The policy still requires that development at small unallocated sites accords with Policy SS3 which establishes the appropriate thresholds for such schemes.	<u>No change:</u> <u>Uncertain effects on Rutland Water SPA in relation to damage or loss of habitat (offsite), nonphysical disturbance (offsite) and air pollution.</u> <u>Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreation pressure.</u>
SS3	Minor wording changes and re-ordering of text.	<u>No change:</u> Uncertain effects on Rutland Water SPA in relation to damage or loss of habitat (offsite), nonphysical disturbance (offsite) and air pollution. Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreation pressure.
SS4	Reference to 20 minute frequency of buses to be deleted. Move the southern boundary of the sustainable neighbourhood to accord with the boundary of planning application ref. 16/00515/OUT In h1, replace reference to ' <i>37% of which should be affordable'</i> , with ' <i>at least 15% of which should be affordable'</i> , and take the subsequent, ' <i>subject to viability clause'</i> out.	<u>No change:</u> Uncertain effects on Rutland Water SPA and Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution. Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreation pressure.
SS5	Reference to 20 minute frequency of buses to be deleted.	<u>No change:</u> Uncertain effects on Rutland Water SPA and

² Email from Valerie Adams to Kieran Moroney dated 14/06/17

³ Melton Local Plan Working Group – Report to the Head of Regulatory Services: Site Assessment Updates and Suggested modifications to Site Allocations (Information to inform consideration of Policies C1, C1(A) and Appendix 1 of the Pre Submission Local Plan)

⁴ Email from Valerie Adams to Kieran Moroney dated 09/06/17

⁵ Melton Borough Council (July 2017) Draft Melton Local Plan Addendum Of Focused Changes

⁶ As set out in Appendix 4



Policy	Summary of focussed changes	Implications for HRA screening
	<p>The provision of a Melton Country Park Greenway to be deleted from Policy IN1 and incorporated into Policy SS5. Text to read as follows: <i>'The Melton Park Greenway – a series of measures that improve accessibility and the attractiveness of walking and cycling connections through the Melton Country Park to the town centre and other town attractors such as employment, education and retail.'</i></p> <p>Under 'Environment' new text be inserted as follows (italics): <i>'Protection and enhancement to the existing green infrastructure, local wildlife sites, wildlife corridors and, where appropriate, provide new corridors to create a coherent network of biodiversity and green infrastructure, providing links from existing green infrastructure to the countryside, specifically Melton Country Park, Scalford Brook and Welby Brook and the disused railway line.'</i></p> <p>Also under 'Environment', new text be inserted as follows (italics): <i>'Establish a protection zone between Melton Country Park and any future development. Development should respond to the local topography and utilise it to define the protection zone. This zone should also include the provision of an undeveloped area of land between part of the existing northern boundary of the park and the proposed distributor road.'</i></p> <p>In h1, replace reference to <i>'37% of which should be affordable'</i>, with <i>'at least 15% of which should be affordable'</i>, and take the subsequent, <i>'subject to viability clause'</i> out.</p>	<p>Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution. Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreational pressure.</p>
C1(a)	<p>Site Boundary Update - MEL2; MEL3; MEL6; ASF1; CROX2; HAR1; HAR3; HAR4; HOS1; LONG1; OLD1; STAT1; WYM1; EAST1; FRIS1; GADD1</p> <p>Potential Capacity Update - MEL3; MEL10; BOT1; BOT2; BOT3; BOT4; CROX1; CROX2; CROX3; HAR3; HAR4; HOS1; LONG3; OLD1; STAT1; WYM2; WYM3; ASFH1; FRIS1; FRIS2; FRIS3; THOR1</p> <p>Removal of sites - MEL6; MEL9; & MEL12; ASF3; BOT1; HAR3; HOS2; HOS3; LONG2; OLD2; GADD2</p> <p>New Sites included - MEL4; HAR3; extension to HOS1; HOS2; SCAL1; extension to STAT1;</p>	<p><u>No change:</u> Uncertain effects on Rutland Water SPA and Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution. Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreational pressure.</p>



Policy	Summary of focussed changes	Implications for HRA screening
	GADD3; GREA1 THOR2 Re-numbering - MEL7 (previously MEL3); MEL3 (previously MEL4); MEL10 (previously MEL5); MEL5 (previously MEL7); MEL6 (previously MEL8); MEL8 (previously MEL10); MEL9 (previously MEL11); BOT1 (previously BOT2); BOT2 (previously BOT3); BOT3 (previously BOT4); BOT4 (previously BOT5); HAR3 (previously HAR6 Reserve); HAR4 (previously HAR4 & HAR5); GADD2 (previously GADD3)	
	Changes to policy text to include further mitigation relating to the historic environment but no change site boundaries or capacities – ASF2; SOM1; STAT2	No change: No Likely Significant Effects.
C1(b)	Site Boundary Update – None Potential Capacity Update – OLD2 Removal of sites – HAR6 Reserve; THOR2 Reserve; FRIS4 Reserve New Sites included – HAR5 Reserve; STAT3 Reserve Re-numbering – OLD2 Reserve (previously OLD3 Reserve); MEL11 Reserve (Previously MEL13 Reserve)	<u>No change:</u> Uncertain effects on Rutland Water SPA and Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution. Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreational pressure.
C2	Last clause relating to wheelchair accessible dwellings – replace ‘ <i>will be required</i> ’ with ‘ <i>will be encouraged</i> ’	<u>No change:</u> No Likely Significant Effects.
C4	Reduce the number of affordable dwellings to be provided during the plan period from 1,775 to 1,300. The percentage of affordable housing to be provided will vary according to location (value areas).	<u>No change:</u> No Likely Significant Effects.
C6	Include sentence: ‘ <i>The most recent GTAA will be used to identify pitch and plot requirements and where a need is found, steps will be taken to deliver sites.</i> ’	<u>No change:</u> Uncertain effects on Rutland Water SPA and Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution. Uncertain effects on Rutland Water SPA and Ramsar site and Grimsthorpe SAC in relation to increased recreational pressure.
IN1	New policy: ‘ <i>The Borough Council will work with Leicestershire County Council, landowners,</i>	<u>Screening assessment:</u> The proposals would require improvement to the road network and potentially generate



Policy	Summary of focussed changes	Implications for HRA screening
	<p><i>developers and others to deliver a transport strategy for Melton Mowbray. The MMTS will comprise the following key components, to be funded and delivered by private developers and the public sector:</i></p> <p><i>(a) A Melton Mowbray Distributor Road (MMDR) from the A606 Nottingham Road to the A607 Leicester Road around the east of the town, in accordance with the broad design standards and requirements outlined in paragraph 8.3.17, for which a 'corridor of investigation' is shown on the Policies Map; and</i></p> <p><i>(b) A package of complementary measures, including enhanced pedestrian, cycling and public transport facilities and access to the town centre and the other main local journey attractors from the southern and northern urban extensions.</i></p> <p><i>If development is proposed within the corridor shown on the Policies Map, it will be permitted provided that it has been demonstrated to the satisfaction of the Local Highway Authority that it would not prejudice the ability to deliver the MMDR as a whole.</i></p> <p><i>Where necessary, the Council and/or the Local Highway Authority will use its compulsory purchase powers to deliver section(s) of the MMDR.</i></p> <p><i>Where a transport assessment indicates that development will add to the cumulative traffic and other transport problems of Melton Mowbray, a financial or in kind contribution will be sought towards delivery of the MMDR and/or complementary measures proposed through the wider MMTS, including appropriate mitigation necessary to reduce local traffic impacts whilst the MMDR is incomplete.</i></p> <p><i>The Borough Council will also work with other bodies to explore opportunities to enhance the public realm in and around Melton Mowbray town centre arising from the development of the Strategy.'</i></p>	<p>additional traffic.</p> <p>The policy could have uncertain effects on Rutland Water SPA and Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution.</p>
IN2	<p>The provision of a Melton Country Park Greenway should be deleted from Policy IN1 (now IN2) and incorporated into Policy SS5</p> <p>Reference for requirement 'to contribute to</p>	<p><u>Change:</u></p> <p>No Likely Significant Effects.</p> <p>This policy previously included proposals for two section of distributor road (north and</p>



Policy	Summary of focussed changes	Implications for HRA screening
	<i>transport improvements in line with appropriate evidence</i> removed. Delete the section on Melton Mowbray (now replaced by new policy IN1)	south), which gave rise to uncertain effects on Rutland Water SPA and Ramsar in relation to damage or loss of habitat (offsite), non-physical disturbance (offsite) and air pollution. The proposed focussed changes of the policy would delete references to the distributor road, therefore this policy would no longer have any Likely Significant Effects.
IN3	Replace reference to ' <i>Eastern Distributor Road</i> ' with reference to ' <i>the Melton Mowbray Transport Strategy and its key component, the Melton Mowbray Distributor Road</i> '.	<u>No change:</u> No Likely Significant Effects.



Appendix 2 – Implications for Appropriate Assessment

Rutland Water SPA/Ramsar site

Physical disturbance/loss of habitat (offsite) and non-physical disturbance (offsite)

These effects were considered with regards to the three proposed allocations at Asfordby, as the settlement closest to an area of functionally linked land (Priory Water), however it was concluded in the HRA of the Pre-Submission Draft Local Plan that the proposals would not have an adverse effect due to the scale and location of proposed development at the settlement.

The focussed changes would result in a reduction in the capacity of the closest of the three sites (ASF1) and the removal of another (ASF3), therefore the effects of the Local Plan would arguably be reduced as a result and the conclusion of the Appropriate Assessment remains valid.

Disturbance from recreation

These effects were considered in the HRA of the Pre-Submission Draft Local Plan with regards to the total number of houses proposed in the plan (6,125). It concluded this would not have an adverse effect due to the mitigating effects of other policies in the plan and favourable management at Rutland Water, and referred to the conclusions of the HRA for the Anglian Water Resources Management Plan.

The focussed changes do not affect the mitigating policies within the Local Plan and will not significantly change the overall housing numbers, therefore the conclusion of the Appropriate Assessment remains valid.

Air pollution

These effects were considered in the HRA of the Pre-Submission Draft Local Plan with regards to the general scale and spatial distribution of residential development likely to generate traffic on two specific stretches of road which run within 200m of the Rutland Water SPA/Ramsar, namely the A606 from Oakham towards Stamford and the A6003 from Oakham towards Corby. The Appropriate Assessment concluded that the Pre-submission Draft Local Plan would not have an adverse effect on the basis of the distance from Melton to Rutland Water and the anticipated patterns of traffic dispersal away from the town.

The distributor road, which was referred to in the Pre-submission Draft Local Plan, but is now clarified in the focussed changes through IN1, would extend from the A606 at Potter's Hill running to the north, east and south of the town to the A607 at Eye Kettleby. Two stretches of the distributor road would be incorporated into the South Melton Mowbray Sustainable Neighbourhood (Policy SS4) and the Melton Mowbray North Sustainable Neighbourhood (Policy SS5), and the remainder of the distributor road would link the two following a route around the east of Melton Mowbray. Any changes in traffic (compared to the references to the distributor road in the Pre-submission Draft Local Plan) are unlikely to be significant on the wider road network, including the two stretches of road closest to Rutland Water SPA/Ramsar. The focussed changes would also not significantly alter either the general scale or spatial distribution of development proposed in the Local Plan, and as such it is considered that the conclusion of the Appropriate Assessment with regards to air pollution remains valid.



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Grimsthorpe SAC

Disturbance from recreation

These effects were considered in the HRA of the Pre-Submission Draft Local Plan with regards to the general scale of residential development in the Pre-submission Draft Local Plan as a whole, and it was concluded that it would not have an adverse effect on the basis of the mitigating effects of certain policies within the Pre-submission Draft Local Plan and the lack of threats identified in the Site Improvement Plan for the site.

Given that the general scale of development proposed in the focussed changes to the Pre-submission Draft Local Plan remains broadly the same, and that those other mitigating policies remain unaffected by the focused changes, it is considered that the conclusion of the Appropriate Assessment remains valid.



Appendix 3 – Changes to in-combination effects

The following neighbouring authorities were identified as relevant for identifying potential in-combination effects as part of the original HRA of the Pre-Submission Draft Local Plan⁷. That work has now been reviewed in order to identify any relevant local plan documents or HRA work which has been published since the previous Appropriate Assessment was carried out (October 2016), which might identified further in-combination effects.

Rushcliffe Borough Council

- Rushcliffe Local Plan Part 2 – Issues and Options consultation carried out in Feb/March 2017.
- No HRA work carried out to date - no in-combination effects to consider.

Newark and Sherwood District Council

- Plan review of the Newark and Sherwood Core Strategy (adopted 2011) and Allocations and Development Management DPD (adopted 2013) – preferred options consultation Jan/Feb 2017.
- The HRA screening identified Likely Significant Effects on two sites; Birkland and Bilhaugh SAC and Sherwood Forest ppSPA. Neither of these would be affected by the Melton Local Plan, therefore there are no in-combination effects to consider.

South Kesteven

- No further updates to the local plan - no in-combination effects to consider

Rutland County Council

- No further updates to the local plan - no in-combination effects to consider

Harborough District Council

- No further updates to the local plan - no in-combination effects to consider

Charnwood Borough Council

- No further updates to the local plan - no in-combination effects to consider

⁷ As set out in Appendix 3
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