



Submitted to
Ashby de la Zouch Town Council

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Appropriate Assessment: Ashby de la Zouch Neighbourhood Plan (2011 – 2031)

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1 Introduction

1.1 Background to the Project

- 1.1.1 AECOM was appointed by Ashby de la Zouch Town Council to assist the Council in undertaking a Habitats Regulations Assessment (HRA) of the Ashby de la Zouch Neighbourhood Plan (Pre Submission Consultation Draft) May 2016 (henceforth referred to as the Neighbourhood Plan or the 'Plan'). The objective of the assessment was to:
- identify any aspects of the Neighbourhood Plan that would cause an adverse effect on the integrity of Natura 2000 sites, otherwise known as European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and, as a matter of Government policy, Ramsar sites), either in isolation or in combination with other plans and projects; and'
 - to advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.1.2 North West Leicestershire District Council undertook an initial screening of the Neighbourhood Plan in May 2016 to determine if the Plan required a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), now replaced by the Conservation of Habitats and Species Regulations 2017. The report concluded that '*the Neighbourhood Plan may have an impact upon internationally designated sites and as such a further assessment is required.*' Consultation with Natural England concurred with the outcome of the Council's initial screening. This conclusion was driven by potential for impacts on the River Mease SAC, particularly regarding water quality from treated wastewater discharge. Since a screening assessment has already been undertaken by North West Leicestershire District Council, this report constitutes an appropriate assessment of the effects of the Neighbourhood Plan on the integrity of Natura 2000 sites.
- 1.1.3 The District Council adopted their Local Plan in November 2017. The policies within a Local Plan are 'material considerations' in determining planning applications. The over-arching strategic Local Plan includes a series of policies facilitating strategic district-wide protection of internationally important wildlife sites such as the River Mease Special Area of Conservation (SAC). The HRA of this Neighbourhood Plan has been undertaken with this fact and overarching policies as a key consideration.

1.2 Legislation

- 1.2.1 The need for Habitats Regulations Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2017. The ultimate aim of the Directive is to "*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*" (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.
- 1.2.2 The Habitats Directive applies the precautionary principle to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans and projects with predicted adverse impacts on European sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
- 1.2.3 In order to ascertain whether or not site integrity will be affected, a Habitats Regulations Assessment should be undertaken of the plan or project in question:

Box 1: The legislative basis for Appropriate Assessment**Habitats Directive 1992**

Article 6 (3) states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.”

Conservation of Habitats and Species Regulations 2017

The Regulations state that:

“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.

- 1.2.4 Over the years the phrase ‘Habitats Regulations Assessment’ has come into wide currency to describe the overall process set out in the Conservation of Habitats and Species Regulations from screening through to IROPI. This has arisen in order to distinguish the process from the individual stage described in the law as an ‘appropriate assessment’. Throughout this report we use the term Habitats Regulations Assessment for the overall process.

1.3 Scope of the Project

- 1.3.1 There is no pre-defined guidance that dictates the physical scope of a HRA of a Neighbourhood Plan. Therefore, in considering the physical scope of the assessment, we were guided primarily by the identified impact pathways rather than by arbitrary ‘zones’. Current guidance suggests that the following European sites be included in the scope of assessment:
- All sites within the Neighbourhood Plan area boundary; and
 - Other sites shown to be linked to development within the boundary through a known ‘pathway’.
- 1.3.2 Briefly defined, pathways are routes by which a change in activity within the Neighbourhood Plan area can lead to an effect upon a European site. In terms of the second category of European site listed above, guidance from the Department for Communities and Local Government states that the HRA should be ‘*proportionate to the geographical scope of the [plan policy]*’ and that ‘*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*’ (CLG, 2006, p.6). More recently, the Court of Appeal ¹ ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be ‘*achieved in practice*’ to satisfy that the proposed development would have no adverse effect, then this would suffice. This ruling has since been applied to a planning permission (rather than a Neighbourhood Plan document)². In this case the High Court ruled that for ‘*a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of the Habitats Regulations*’.
- 1.3.3 There are no European designated sites located within the area covered by the Ashby de la Zouch Neighbourhood Plan; however, the River Mease SAC is located approximately 400m south of the Neighbourhood Plan area. The location of the Neighbourhood Plan area and European designated sites are illustrated in Appendix A.
- 1.3.4 No other European designated sites are located within 20km of the Neighbourhood Plan area. The next

¹ No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015

² High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

closest European designated site is Ensor's Pool SAC located more than 23km from the Plan area. This SAC is designated for its population of white-clawed crayfish; however the waterbody is isolated from river systems³, and due to the distances involved does not require further consideration within this document. Cannock Chase SAC is located approximately 30km from the Plan area. This SAC is designated for its dry and wet heathland habitats⁴ and sensitive to increases in recreational pressure from new residential development within 15km of the SAC; however, due to the distances involved, this site does not require further consideration within this document. Following consultation with Natural England, due to the distances involved, the River Mease SAC is the only European designated site that requires consideration within this document.

1.4 This Report

- 1.4.1 Chapter 2 of this report explains the process by which the appropriate assessment has been carried out. Chapter 3 details the features for which the River Mease SAC is designated and identifies potential environmental vulnerabilities. Chapter 4 is an initial appropriate assessment of the policies within the Neighbourhood Plan, and identifies policies that have been identified for further consideration in the body of the report. Impact pathways and adverse effects on integrity resulting from the Neighbourhood Plan are discussed in Chapter 5, including recommended changes. In-combination assessment is undertaken in Chapter 6, with key findings of the original HRA summarised in Chapter 7: Conclusions. In July 2018 a new Chapter (Chapter 8) was added which discusses how the Neighbourhood Plan responded to the original HRA and documents the final conclusion regarding effects on European site integrity. Appendix A, Figure A1 illustrates the location of internationally designated sites in relation to the Ashby de la Zouch Neighbourhood Plan area. Appendix C indicates the consultation response to this report received from Natural England.

³ JNCC (2015) Natura 2000 – Standard Data Form. Ensor's Pool SAC

⁴ JNCC (2015) Natura 2000 – Standard Data Form. Cannock Chase SAC

2 Methodology

2.1 Introduction

2.1.1 The HRA has been carried out in the continuing absence of formal central Government guidance, although general EC guidance on HRA does exist⁵. The Department for Communities and Local Government released a consultation paper on the Appropriate Assessment of Plans in 2006⁶. As yet, no further formal guidance has emerged. However, Natural England has produced its own internal guidance⁷ as has the RSPB⁸. Both of these have been referred to alongside the guidance outlined in section 1.2 in undertaking this HRA. Figure 1 below outlines the stages of HRA according to current draft CLG guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no significant adverse effects remain.

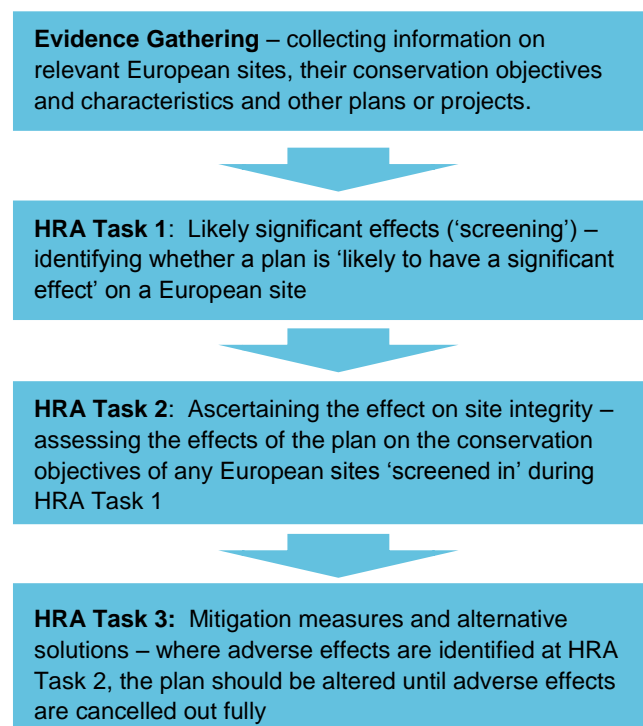


Figure 1: Four Stage Approach to Habitats Regulations Assessment. Source CLG, 2006.

⁵ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

⁶ CLG (2006) Planning for the Protection of European Sites, Consultation Paper

⁷ http://www.ukmpas.org/pdf/practical_guidance/HRGN1.pdf

⁸ Dodd A.M., Cleary B.E., Dawkins J.S., Byron H.J., Palframan L.J. and Williams G.M. (2007) *The Appropriate Assessment of Spatial Plans in England: a guide to why, when and how to do it*. The RSPB, Sandy.

2.2 HRA Task 2 – Appropriate Assessment

- 2.2.1 North-West Leicestershire District Council had already undertaken an assessment of the likelihood of significant effects (HRA Task 1) in 2016 and determined that the potential for a likely significant effect did exist. On the basis of that assessment this report was commissioned. Since Task 1 of HRA had already been completed this report proceeds immediately to Task 2.
- 2.2.2 Where it is determined that a conclusion of ‘no likely significant effect’ cannot be drawn, the analysis proceeds to the next stage of HRA known as Appropriate Assessment. Case law has clarified that ‘Appropriate Assessment’ is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to appropriate assessment effects. This is a judgment to be made in each case although there is an implication that appropriate assessment should consider the issues in more detail than at the likely significant effects stage and recent case law has confirmed that mitigation measures can only be taken into account during appropriate assessment.
- 2.2.3 In evaluating effects on integrity, AECOM have relied on our professional judgement as well as the results of previous stakeholder consultation regarding development impacts on the European sites listed in paragraphs 1.3.3 and 1.3.4.
- 2.2.4 The level of detail in land use plans concerning developments that will be permitted under the plans will never be sufficient to make a detailed quantification of adverse effects. Therefore, we have again taken a precautionary approach (in the absence of more precise data) assuming as the default position that if an adverse effect cannot be confidently ruled out, avoidance or mitigation measures must be provided. This is in line with the Department for Communities and Local Government guidance that the level of detail of the assessment, whilst meeting the relevant requirements of the Habitats Regulations, should be ‘appropriate’ to the level of plan or project that it addresses (see Appendix B for a summary of this ‘tiering’ of assessment).

2.3 Other Plans and Projects That May Act In Combination

- 2.3.1 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question.
- 2.3.2 It is neither practical nor necessary to assess the ‘in combination’ effects of the Neighbourhood Plan within the context of all other plans and projects within North West Leicestershire (within which the Ashby de la Zouch Neighbourhood Plan area is located) and the surrounding authorities. For the purposes of this assessment, we have determined that, due to the nature of the identified impacts, the key other plans and projects with potential for in combination likely significant effects are those schemes that can result in changes to water quality within the River Mease SAC. For the purpose of this assessment, the following documents will be considered in combination with the Neighbourhood Plan as these provide for strategic levels of development within the River Mease catchment:
- North West Leicestershire District Local Plan (adopted November 2017)
 - South Derbyshire District Part 2011-2028 (adopted June 2016)
 - Lichfield District Local Plan Strategy 2008-2029 (adopted February 2015)
- 2.3.3 From reviewing the North West Leicestershire Local Plan the following policies could act in-combination with development in the Neighbourhood Plan, potentially resulting in likely significant effects upon the River Mease SAC:
- Policy S1 – Future housing and economic development needs - provides for 10,400 new dwellings over the plan period (to 2031). The Local Plan does not identify an exact quantum of residential development to be provided within the Neighbourhood Plan area.
 - The plan provides for approximately 15,000 new jobs during the Plan period throughout the

District, including the following residential site allocations within Ashby de la Zouch:

- H1d: Holywell Spring Farm, Burton Road Ashby de la Zouch for 400 dwellings
- H1e: Holywell Mill, Ashby de la Zouch for 44 dwellings
- H1f: Off Leicester Road, Ashby de la Zouch for 101 dwellings
- H1g: South of Burton road, Ashby de la Zouch for 275 dwellings
- H1h: Former depot Kilwardby Street, Ashby de la Zouch for 32 dwellings

2.3.4 There are other plans that are relevant to the 'in combination' assessment, and the following have all been taken into account in this assessment:

- Core Strategies/Local Plans and DPDs produced by local authorities surrounding the Neighbourhood Plan area;
- European Site Management and Access Management Plans where available.

2.3.5 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans which in themselves have minor impacts are not simply dismissed on that basis, but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan would otherwise be screened out because its individual contribution is inconsequential.

3 River Mease SAC

3.1 Introduction

3.1.1 The River Mease SAC is approximately 22ha in size and flows for approximately 25 km. It rises in North East Leicestershire, flowing westwards through the largely rural landscape of Derbyshire and Staffordshire to its confluence with the River Trent at Croxall. It forms an eastern tributary of the Trent and flows throughout its course across alluvial soils overlying bands of Sherwood Sandstone and Mercia Mudstone. Of special interest are the resident populations of two of the UK's smallest freshwater fish species, spined loach *Cobitis taenia* and bullhead *Cottus gobio*, which occur in association with a diverse freshwater fish community. As a relatively un-modified lowland river, the River Mease contains a diverse range of physical in-channel features, including riffles, pools, slacks, vegetated channel margins and bankside tree cover⁹.

3.2 Reasons for designation

3.2.1 The site is designated as an SAC for the following features:¹⁰

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and Callitricho-

⁹ Natural England (2000). SSSI Citation: River Mease SSSI

¹⁰ JNCC (2015). Natura 2000 – Standard Data Form: River Mease SAC

Batrachion vegetation

- Spined loach
- Bullhead,
- White-clawed crayfish *Austropotamobius pallipes*
- Otter *Lutra lutra*

3.3 Potential environmental vulnerabilities

- Water pollution including siltation
- Drainage
- Inappropriate weirs dams and other structures
- Invasive species
- Water abstraction
- Disturbance due to proximity

3.4 Conservation Objectives¹¹

3.4.1 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

3.4.2 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

¹¹ Natural England (2014) European Site Conservation Objectives for River Mease Special Area of Conservation Site Code: UK0030258

4 Appropriate Assessment of the Ashby de la Zouch Neighbourhood Plan

- 4.1.1 This section represent an initial assessment of each policy in the Neighbourhood Plan which is intended to identify those policies on which the remainder of the report must focus. Green shading in the final column (HRA implications) indicates that the policy/ has been deemed not to lead to adverse effects on

integrity of any European sites due to the absence of any mechanism for an adverse effect. Orange shading indicates that a pathway of impact potentially exists and further discussion is therefore required.

Table 1: Analysis of Neighbourhood Plan Policies

Policy	Policy description	HRA implications
POLICY S1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT	<p>When considering development proposals, the Plan will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and North West Leicestershire Local Plan. The Town Council will work proactively with developers to find solutions which mean that sustainable proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the Plan area.</p> <p>Planning applications or other land-use related decisions that accord with the policies in this Plan should be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies in the Neighbourhood Plan relevant to a planning application or other land-use related decision, the policies contained in the NPPF and North West Leicestershire Local Plan apply.</p>	<p>No HRA implications</p> <p>This policy provides for development in accordance with sustainable development in line with the NPPF and the North West Leicestershire Local Plan, the latter of which has been subject to HRA. By definition sustainable development will not result in any likely significant effects upon internationally designated sites. This policy does not identify any quantum, location or type of development. There are no impact pathways present.</p>
POLICY S2: LIMITS TO DEVELOPMENT	<p>Within the Limits to Development as identified in Figure 3, development proposals will be viewed positively where it is in accordance with the policies of this Neighbourhood Plan and relevant District and national planning policies and subject to accessibility, design and amenity considerations.</p>	<p>No HRA implications.</p> <p>This is a development management policy relating to the area identified within the Limits of Development identified in Figure 3 of the Plan. It does not identify any type or quantum of development. There are no impact pathways present.</p>
POLICY S3: DEVELOPMENT PROPOSALS OUTSIDE OF THE LIMITS TO DEVELOPMENT	<p>Development proposals in countryside locations outside the Limits to Development will only be supported in exceptional circumstances where in accordance with national and District wide planning policies and other policies in this Plan.</p> <p>In all cases, where development is considered acceptable, it will be required to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials.</p>	<p>No HRA implications.</p> <p>This is a development management policy relating to development proposals located outside of the Limits of Development identified in Figure 3 of the Plan (i.e. the countryside). It does not identify any exact location, type or quantum of development. There are no impact pathways present.</p>

Policy	Policy description	HRA implications
POLICY S4: DESIGN – BUILDING DESIGN PRINCIPLES	<p>All new development including employment proposals, buildings of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles:</p> <ol style="list-style-type: none"> 1. New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area and where development is proposed in the area covered by the National Forest, and proposals should clearly show how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views; 2. New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment and of the Conservation Area; 3. Adequate off road parking should be provided and in the case of residential dwellings a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more, in accordance with Leicestershire County Council standards; 4. All new development should continue to reflect the character and historic context of existing developments within the Plan area. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context; 5. High quality broadband connectivity should be available; 6. Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Plan area should be sensitive to their distinctive character, materials and form; 7. Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient; 8. Development should be enhanced by biodiversity and landscaping with existing trees and hedges preserved whenever possible; 9. Where possible, enclosure of plots should be of native hedging, rural wooden fencing, or brick wall of rural design; 10. Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate; 11. Development should be avoided in areas of high flood risk and incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensuring appropriate provision for the storage of waste and recyclable materials; 12. Development should be of a similar density to properties in the immediate surrounding area; and 13. Housing proposals should demonstrate how the criteria identified within Building for Life 12 have been taken into account. 	<p>No HRA implications.</p> <p>This is a development management policy relating to the principles of build design. It does not identify and type, location or quantum of development.</p> <p>The provision of <i>'high quality broadband connectivity'</i> has potential to result in a reduction in need to travel, thus reducing contributions to atmospheric pollution.</p> <p>The provision of <i>'energy and water efficiency'... 'including the use of renewable and low carbon energy technology'</i> has potential to reduce the consumption and discharge of water, thus reducing the need for extraction and discharge of water into the hydrological cycle. The use of low carbon technology has potential to reduce contributions to atmospheric pollution.</p> <p>The provision for development to avoid <i>'areas of high flood risk and incorporate sustainable drainage systems'</i> also has potential to reduce impacts to the hydrological cycle.</p> <p>There are no impact pathways present.</p>
POLICY S5: PRIORITY TO BE GIVEN TO BROWNFIELD SITES	<p>Within the Limit to Development, development proposals for the redevelopment or change of use of redundant land or buildings should be prioritised above non-brownfield sites, provided it has limited environmental, amenity or ecological value</p>	<p>No HRA implications</p> <p>This is a development management policy giving priority to development of brownfield sites, provided it has limited amenity or ecological value.</p> <p>There are no impact pathways present.</p>

Policy	Policy description	HRA implications
POLICY S6: AREAS OF LOCAL SEPARATION	<p>To retain the physical and visual separation between Ashby de la Zouch and nearby villages, the open land between the built-up areas of Ashby de la Zouch and the villages of Shellbrook, Smisby, Blackfordby, Norris Hill, Boundary and Packington will be designated as Areas of Local Separation.</p> <p>Development proposals in the identified gaps between these areas should be located and designed to preserve the physical and functional separation of the villages from the built-up part of Ashby de la Zouch.</p>	<p>No HRA implications.</p> <p>This is a development management policy relating to the retention of gaps between settlements.</p> <p>There are no impact pathways present.</p>
POLICY H1: SUSTAINABLE HOUSING GROWTH	<p>The Neighbourhood Plan recognises the need to provide new housing to meet the identified needs of the Plan area and contribute to the District wide housing target. Having regard to homes already constructed and existing commitments, the remaining housing provision for the Plan area will be a target of a minimum of 2,050 houses over the period to 2031 which will be met by development on the land north of Ashby de la Zouch at Money Hill (including the former Arla dairy site and Woodcock Way) and windfall sites that come forward as the Neighbourhood Plan progresses.</p>	<p>Potential HRA implications.</p> <p>This policy provides for 2,050 new dwellings within the Plan area during the Plan period at land north of Ashby de la Zouch at Money Hill (including the former Arla dairy site and Woodstock Way), and windfall sites. Whilst it is noted that this policy provides for sustainable housing growth, which by definition should not result in adverse effects, potential impact pathways present include:</p> <ul style="list-style-type: none"> - Water pollution, and - Drainage

Policy	Policy description	HRA implications
POLICY H2: REQUIREMENT FOR MASTERPLAN	<p>The allocation at Policy H1 will be supported if the requirements listed in the draft Local Plan Policy H3 and relevant Neighbourhood Plan policies including Policy S4 'Building Design Principles' are provided, and, in conjunction with the Town Council:</p> <ul style="list-style-type: none"> a) A Spatial Masterplan is agreed incorporating urban design objectives and demonstrating connectivity with the surrounding area, including traffic movements; b) A Landscape Masterplan is agreed covering the use of green spaces; c) A Design Code is agreed to ensure the delivery of the urban design objectives and demonstrating consistency in design between all the developers on the site and across the different phases of development. Issues to be addressed within the Design Code include: <ul style="list-style-type: none"> The character, mix of uses and density of each phase, sub – phase or parcel identified on the Master Plan to incorporate: <ul style="list-style-type: none"> a. The phasing of the development; b. The layout of blocks and the structure of public spaces; c. The character and treatment of the perimeter planting to the development areas; d. The building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel; e. Demonstration of compliance with Policy H4 on Housing Mix; f. The street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture; g. The approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking to be provided to serve the proposed uses in line with Policy S4; h. The materials to be used within each phase and area of the development; i. The treatment of the hedge corridors and retained trees and local areas of play within each phase, sub phase or parcel and the planting of new trees as part of the National Forest; j. Measures to ensure the retention of rural footpaths through the built development and its enhancement for walkers; k. The measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site; l. Measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins; m. A satisfactory scheme to prevent flooding. n. An ecological survey is to be undertaken and its findings and recommendations adequately incorporated into the design. o. The stream corridor through the site is retained as natural public open space with a 10m buffer either side. This should be managed as open space, to ensure habitat continuity and to retain connectivity; p. A satisfactory scheme to provide walking connectivity to the town. 	<p>No HRA implications</p> <p>This is a development management policy relating to master planning requirements. It does not identify any location (this is provided in H1), type or quantum of development.</p> <p>There are no impact pathways present.</p>

Policy	Policy description	HRA implications
POLICY H3: WINDFALL SITES	<p>Development proposals for small infill and redevelopment sites for new housing within the defined Limits to Development as shown in Figure 3 will be sympathetically considered where they are in accordance with relevant policies in the Plan, especially S4 and relevant national and District wide policies.</p> <p>Small scale development proposals for infill and redevelopment sites will be supported where:</p> <ul style="list-style-type: none"> • It is within the Limits to Development); • It helps to meet the identified housing requirement for the Plan area • It respects the shape and form of the Plan area in order to maintain its distinctive character and enhance it where possible; • It is of an appropriate scale which reflects the size, character and level of service provision within the Plan area; • It retains existing important natural boundaries such as trees, hedges and streams; • It provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety.; • It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and • It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling. 	<p>No HRA implications.</p> <p>This is a development management policy relating to windfall sites. It does not identify any location or quantum (beyond 'small') of residential development.</p> <p>There are no impact pathways present.</p>
POLICY H4: HOUSING MIX	<p>In order to meet the future needs of the residents of the Plan area, new housing development proposals should:</p> <ol style="list-style-type: none"> a) Provide a range of housing suited to local need and appropriate to their location; b) Submit justification for the proposed housing mix in a report accompanying any planning application; c) Ensure that at least 60% of new market housing in developments of 5 or more shall comprise 2 and/or 3 bedroom properties; and d) Provide a balance of accommodation, including bungalows, which meets the needs of people of all ages, including older people, subject to monitoring and review. 	<p>No HRA implications</p> <p>This is a development management policy relating to housing mix. It does not identify any location or quantum of residential development.</p> <p>There are no impact pathways present.</p>

Policy	Policy description	HRA implications
POLICY H5: AFFORDABLE HOUSING	<p>To support the provision of mixed, sustainable communities and meet an identified need within the community:</p> <p>a) At least 30% of homes on developments comprising 5 or more dwellings shall be high quality affordable homes. Only in highly exceptional circumstances will commuted sums be acceptable and any such commuted sums shall be used to provide suitable affordable housing in Ashby de la Zouch;</p> <p>b) At least 40% of the affordable homes provided shall be 1 bedroom properties; and</p> <p>c) Development housing proposals will be expected to contribute to the provision of affordable homes that are suited to the needs of older people and those with disabilities.</p> <p>Where possible, affordable housing within the Plan area shall be allocated to eligible households with an Ashby connection defined as follows:</p> <p>a) Was born in Ashby de la Zouch or;</p> <p>b) Presently reside in the plan area and has, immediately prior to occupation, been lawfully and ordinarily resident within the plan area for a continuous period of not less than twelve months; or</p> <p>c) Was ordinarily resident within Ashby de la Zouch for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing; or</p> <p>d) Is presently employed or self-employed on a full time basis in Ashby de la Zouch and whose main occupation has been in Ashby de la Zouch for a continuous period of not less than twelve months immediately prior to occupation; or</p> <p>f) Has a need to move to Ashby de la Zouch to be close to a relative or other person in order to provide or receive significant amounts of care and support.</p> <p>e) Has a close family member who is lawfully and ordinarily resident within Ashby de la Zouch and who has been lawfully and ordinarily resident within the Plan area for a continuous period of not less than three years immediately prior to occupation and for the purposes of this clause a “close family member” shall mean a mother, father, brother or sister.</p> <p>Only where no households can be found that meet any of the above criteria shall affordable housing within the Plan area be allocated to otherwise eligible households from the wider District.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to provision of affordable housing. It does not identify any location or quantum of residential development.</p> <p>There are no impact pathways present.</p>
POLICY H6: PROMOTING SELF-BUILD	<p>Development proposals for self-build or custom build schemes will be viewed positively.</p> <p>Individuals who wish to purchase a self-build plot must:</p> <p>a) Demonstrate that they have a local connection (definition as per Policy H5); and can demonstrate that they intend to live in the property once it is complete.</p> <p>Plots may be sold to individuals without a local connection if a lack of local need has been demonstrated. This will be deemed to be the case if the plot has been on the open market at a fair market price for more than 6 months without being sold.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to the promotion of self-build housing. It does not identify any location or quantum of residential development.</p> <p>There are no impact pathways present.</p>
POLICY E1: MAIN EMPLOYMENT AREA	<p>Ashby Business Park, Ivanhoe Business Park, Flagstaff Industrial Estate, Smisby Road Industrial Estate, Nottingham Road Industrial Estate, and the former Lounge disposal point Development site will be protected as key employment areas. These areas will be safeguarded for employment generating uses within the B1, B2 and B8 Use Class Order except where: - Notwithstanding previous permissions for B1 and B2 uses commensurate with a high quality Business Park environment, allow some B8 development on land at Ashby Business Park, on those parts of the site not adjoining the A42 or A511 and; the other use (a) is small scale or ancillary to the employment use, or (b) maximises job outputs and is compatible with the character and function of the area and with other nearby uses and policies in this Plan and the Local Plan.</p>	<p>Potential HRA implications</p> <p>This is a development management policy relating to main employment areas. It provides for regeneration of existing business areas, which <u>could</u> result in a net increase in job opportunities. Whilst broad locations are identified, the extent and type of development is not identified.</p> <p>As such, the following impact pathways are present:</p> <ul style="list-style-type: none"> - Water pollution, and - Drainage

Policy	Policy description	HRA implications
POLICY E2: OTHER EMPLOYMENT LAND AND BUILDINGS	Development proposals for the redevelopment or change of use of other land or buildings in employment use to non-employment uses will not be supported, unless it can be shown that the land or building is no longer suitable and/or viable for employment use, and has been actively marketed at a reasonable price for at least six months.	No HRA implications This is a development management policy relating to other employment land and buildings. It does not identify any type, location or extent of development. There are no impact pathways present.
POLICY E3: SMALL AND START UP BUSINESSES	Development proposals for new or the expansion of existing small businesses will be supported where it will not generate unacceptable noise, fumes and smells, and would not adversely affect the amenity of residents and/or adjoining uses, the transport network or the character of the area in which it would be sited. The Plan will encourage developments and initiatives, which support small and start-up businesses	No HRA implications This is a development management policy relating to small and start-up business. It does not identify any type, location or extent of development. There are no impact pathways present.
POLICY E4: CONNECTING LOCAL PEOPLE TO THE NEW JOB OPPORTUNITIES	Employment generating development proposals should consider how they can help create employment and business opportunities within the Plan area to meet local needs by: a) Seeking that major employment related developments include the provision of education and training aimed at local people; b) Promoting employment, training and purchasing opportunities and initiatives that develop the skills, employment and trading opportunities for local people and businesses; c) Providing safe and attractive transport links, especially by foot, cycle and public transport such as through Travel Plans and enhanced bus provision with the main employment areas in and near to the Plan area; and d) Developing links between the business community and education providers.	No HRA implications This is a development management policy relating to connecting people to new job opportunities. It does not identify any type, location or extent of development. It contains positive policy text providing for safe and active transport links including by foot, cycle and public transport. This has potential to reduce atmospheric pollution. There are no impact pathways present.
POLICY TC1: TOWN CENTRE USES	Ashby de la Zouch is and will remain a primary retail, leisure and service Town Centre. Development proposals for uses such as retail, leisure, commercial, office, tourism, cultural, and community development appropriate to a Town Centre (as defined on the Town Centre map) , will be supported where they: a) Are of a scale appropriate to the character of Ashby de la Zouch and the role and function of its Town Centre; b) Conserve, and where possible, enhance the character and distinctiveness of Ashby de la Zouch in terms of design; c) Protect, and where possible, enhance its built and historic assets, and its wider setting; and d) Do not lead to an overconcentration of a particular use such as hot food takeaways. No more than 10% of the total commercial units are to be occupied by hot food take away uses and no more than two of these uses should be located adjacent to each other; and e) Generally do not have an adverse impact on crime and anti-social behaviour and the amenities of residents and visitors to the Town Centre. Any proposals for retail development outside the defined Town Centre will be subject to the sequential test and impact assessment in accordance with paragraphs 24-27 of the NPPF. Development proposals for other uses within the Town Centre will be resisted.	No HRA implications This is a development management policy relating to town centre uses. Whilst any increase in employment facilities has potential to result in increase in water use and effluent discharges, this policy does not identify any type, location or extent of development. There are no impact pathways present.
POLICY TC2: PRIMARY SHOPPING AREA	The Neighbourhood Plan designates a Primary Shopping Frontage, as shown on Figure 4, and in those frontages it will: i. support proposals for new retail (A1) development in new or existing frontages, particularly within 'Mews' style courtyards; and ii. resist proposals for the change of use of an existing retail (A1) premises in the Primary Shopping Frontage to any other use where that change of use results in either a cluster of non-retail uses or retail (A1) use no longer being predominant.	No HRA implications This is a development management policy relating to primary shopping areas. This policy does not identify any type, location or extent of development. There are no impact pathways present.

Policy	Policy description	HRA implications
POLICY TC3: SHOP FRONTAGES	<p>Development proposals to alter or replace existing shopfronts, create new shopfronts or to alter the frontages within the defined Town Centre will be supported where they:</p> <p>a) Conserve and enhance the special qualities and significance of the building and area; and</p> <p>b) Relate well to their context in terms of design, scale, material and colour.</p> <p>Development proposals that remove, replace or substantially harm shop fronts or the frontages of buildings by poor or indifferent design will not be supported.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to shop frontages. This policy does not identify any type, location or extent of development.</p> <p>There are no impact pathways present.</p>
POLICY TC4: RESIDENTIAL DEVELOPMENT	<p>Proposals to develop upper floor of premises within the Town Centre for residential use will be supported subject to access, parking, design and amenity considerations and within the Primary Shopping Area, it would not result in the loss of, or adversely, affect an existing retail use.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to residential development on the upper floor within the Town Centre. Whilst there is potential for new residential development to result in increased water pollution from sewage outputs, this policy does not identify any type, location or extent of development.</p> <p>There are no impact pathways present.</p>
POLICY TC5: TOURISM	<p>Development proposals for tourism facilities outside the Primary Shopping Area will be viewed sympathetically within the limits of development. Tourism developments outside the limits of development will be considered if in accordance with relevant District and national planning policies.</p> <p>The loss of tourism facilities will not be supported unless they are no longer viable or alternative provision is made available.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to tourism facilities outside of the Primary Shopping Area. Whilst there is potential for new tourism development to result in increased sewage output, this policy does not identify any type, location or extent of development.</p> <p>There are no impact pathways present.</p>
POLICY TC6: LEGIBLE SIGNAGE	<p>The ‘de-cluttering’ and provision of corporate, clear and attractive signage will be supported.</p> <p>‘Swan neck’ external lighting or the use of internal illumination (either of the whole sign or of the lettering) will not be permitted.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to legibility of signage.</p> <p>There are no impact pathways present.</p>
POLICY T1: SUSTAINABLE DEVELOPMENT	<p>Development proposals must demonstrate that the traffic generation and parking impact created by the proposal does not result in an unacceptable direct or cumulative adverse impact on congestion or road and pedestrian safety.</p>	<p>No HRA implications.</p> <p>This is a development management policy relating to sustainable development. By definition, sustainable development would not result in likely significant effects upon internationally designated sites. This policy does not identify any quantum, location or type of development.</p> <p>There are no impact pathways present.</p>
POLICY T2: TRAVEL PLANS	<p>The Plan will promote and encourage a comprehensive programme of Travel Plans, including School Travel Plans, employer Travel Plans and new housing development Travel Plans. Development proposals, which the Highway Authority considers would generate a significant amount of travel, will be expected to be supported by a Travel Plan that is tailored to the specific needs of that development and the wider needs of the Plan area including where appropriate a reduction in Town Centre traffic.</p>	<p>No HRA implications.</p> <p>This is a development management policy providing for promotion and encouragement of travel plans. It does not provide for any location or extent of development or scheme.</p> <p>There are no impact pathways present.</p>
POLICY T3: SAFER ROUTES TO SCHOOLS SCHEMES	<p>The Plan will encourage ‘Safe routes to schools’ schemes and similar initiatives wherever possible and appropriate. Development proposals for a new school or a significant expansion in an existing school’s capacity should be accompanied by a Safer Routes to Schools Scheme or similar.</p>	<p>No HRA implications</p> <p>This is a development management policy relating to safe routes to school schemes. No detail of extent, or location of schemes are identified.</p> <p>There are no impact pathways present.</p>

Policy	Policy description	HRA implications
POLICY T4: WALKING AND CYCLING	Development proposals that result in the loss of, or have a significant adverse effect on, the existing network of footpaths, footways and cycle ways will not be supported.	No HRA implications. This is a positive development management policy relating to the retention of the walking and cycle network. These forms of transport can help reduce atmospheric pollution. There are no impact pathways present.
POLICY T5: NATIONAL FOREST RAILWAY LINE	Proposals that threaten the integrity of the National Forest line and its infrastructure for potential re-use for passenger services will not be supported. However, should the line completely cease being used for rail purposes the Plan supports its re-use as a footpath, cycleway or for some form of public transport .	No HRA implications A development management policy that provides for the protection of the integrity of the National Forest railway line. If the line ceases to be used for rail purposes, this policy supports the use of the line as a footpath, cycleway or for some form of public transport. There are no impact pathways present.
POLICY T6: CAR PARKING	Development proposals that result in the loss of, or adversely affect, car parking provision will not be supported unless where (i) it can be clearly demonstrated that the loss of parking will not have an adverse effect on parking provision and road safety in the nearby area; or (ii) adequate and convenient replacement car parking provision will be provided on the site or nearby.	No HRA implications This is a development management policy relating to car parking. There are no impact pathways present.
POLICY ELWB 1: OPEN SPACES	There will be a strong presumption against development proposals that would result in the loss of, or have an adverse effect on, an open space which is important for its recreation, amenity or bio-diversity value. Such proposals will also be considered in accordance with other policies in this Plan and relevant national and District planning policies.	No HRA implication This is a positive development management policy relating to the retention of open spaces. There are no impact pathways present.
POLICY ELWB 2: LOCAL GREEN SPACES	The following Open Spaces have been identified as being particularly special to the community and the Plan designates them as Local Green Spaces: Allotments, Wilfred Gardens; Ashby Cemetery, Kilwardby Street; Memorial Field, Prior Park Road; Bullen’s Field, Prior Park Road; Bath Grounds, Station Road; Hood Park; The former Grammar School playing field on land adjacent to Prior Park Road; Western Park; Westfield Recreation Ground; and Willesley Recreation Ground. Development proposals that would result in the loss of, or have an adverse effect on, an identified Local Green Space, shown in figure 5, will only be permitted in very exceptional circumstances and will be considered in accordance with other policies in this Plan and relevant national and District planning policies.	No HRA implication This is a development management policy relating to the retention of specific local green spaces. There are no impact pathways present.
POLICY ELWB 3: OPEN SPACE, SPORT AND RECREATION PROVISION IN NEW HOUSING DEVELOPMENT	The Plan supports the District planning policy that all major housing developments will be required to include adequate open space, sport and recreational provision as an integral part of the development. It is important that this includes a mix of provision specifically to meet identified local needs in the Plan area. Priority should be given to meeting the needs of all age groups, including cross age provision such as outdoor fitness facilities.	No HRA implication This is a positive development management policy relating to the provision of adequate open space, sport and recreational provision as an integral part of the development. There are no impact pathways present.
POLICY ELWB 4: ALLOTMENT PROVISION IN NEW DEVELOPMENTS	Appropriate and suitable allotment provision will be required to be incorporated into new housing developments of fifty or more homes either through direct provision or via an equivalent commuted sum.	No HRA implications This is a development management policy relating to allotment provision in new development. There are no impact pathways present.

Policy	Policy description	HRA implications
POLICY ELWB 5: BIODIVERSITY	Development proposals should not harm the network of important local biodiversity features and habitats. New development proposals will be expected to maintain and, wherever possible enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines).	No HRA implications. This is a positive development management policy relating to biodiversity. It is noted that this policy refers to 'important local biodiversity features and habitats', although there is no mention of international designated wildlife sites. It is recommended that reference to this is included within this policy to provide a level of protection for internationally designated wildlife sites to ensure no likely significant effects result upon the River Mease SAC. There are no impact pathways present.
POLICY ELWB 6: TREES AND HEDGES	Opportunities to enhance the coverage of trees and hedges, including in partnership with the National Forest Company, will be encouraged. Development proposals that may involve the loss of, or adversely affect, trees and hedges should be accompanied by a survey that establishes the health, longevity, and arboricultural, ecological and amenity value of any affected trees. Where this survey identifies hedges or trees of arboricultural, ecological or amenity value the proposal should be designed to retain these and they should be adequately protected during construction works. Development proposals that may damage or result in the loss of trees and hedges of good arboricultural, ecological or amenity value will not normally be permitted, and in those special circumstances where they are permitted will be expected to provide appropriate and suitable replacement tree or hedges of at least an equivalent arboricultural value.	No HRA implications This is a development management policy relating to trees and hedges. There are no impact pathways present.
POLICY ELWB 7: LISTED BUILDINGS	Development proposals that may adversely affect a Listed Building or its setting will be required to conserve and enhance the character, integrity and setting of that building or structure in accordance with District and national planning policy.	No HRA implications This is a development management policy relating to listed buildings. There are no impact pathways present.
POLICY ELWB 8: ASHBY DE LA ZOUCH CONSERVATION AREA	Development proposals will be expected to conserve and enhance the character, integrity and setting of Ashby de la Zouch Conservation Area in accordance with the approved Conservation Area Appraisal and national and District planning policies.	No HRA implications This is a development management policy relating to Ashby de la Zouch conservation area. There are no impact pathways present.
POLICY ELWB 9: BUILDINGS AND STRUCTURES OF LOCAL HERITAGE INTEREST	The Town Council and the Ashby de la Zouch Civic Society in consultation with the District Council and other bodies will maintain an agreed schedule of 'non-nationally designated' assets of local architectural or historic interest. Development proposals that affect a building, structure or its setting identified on this list will be required to conserve and enhance the character and the setting of that building or structure.	No HRA implications This is a development management policy relating to heritage buildings and structures. There are no impact pathways present.
POLICY ELWB 10: AREAS OF ARCHAEOLOGICAL INTEREST	All development proposals are required to consider their impact upon archaeology. Where a development proposal may adversely affect a recorded archaeological site, developers or their agents should seek guidance at the pre-application stage and where necessary to engage in discussions about what material should be submitted with a planning application in any 'Heritage Statement'.	No HRA implications This is a development management policy relating to areas of archaeological interest. There are no impact pathways present.
POLICY ELWB 11: IMPORTANT COMMUNITY FACILITIES	Development proposals that result in the loss of, or have a significant adverse effect on, an important community facility will not be permitted unless it can be demonstrated that it is no longer required by the community and/or continued use is no longer viable and the site has been actively marketed for over a year.	No HRA implications This is a development management policy relating to the retention of important community facilities. There are no impact pathways present.
POLICY ELWB 12: NEW COMMUNITY FACILITIES	Development proposals that will enhance the provision of community buildings, including medical facilities, will be viewed positively where it can be clearly demonstrated that it meets an identified local need and is subject to accessibility, design and amenity considerations.	No HRA implications This is a development management policy relating to the provision of new community facilities. There are no impact pathways present.

Policy	Policy description	HRA implications
POLICY ELWB 13: ASSETS OF COMMUNITY VALUE	Development proposals that will result in either the loss of a designated Asset of Community Value or in significant harm to a designated Asset of Community Value will not normally be permitted unless in special circumstances such as where the Asset is replaced by equivalent or better provision in terms of quantity and quality in an equally suitable location or it can be clearly demonstrated that it is unviable or no longer needed by the community.	No HRA implications This is a development management policy relating to the protection of assets of community value. There are no impact pathways present.
POLICY ELWB 14: NEW ARTS/COMMUNITY CENTRE	The development of an appropriately located new Arts/Community Centre will be viewed sympathetically.	No HRA implications This is a development management policy relating to a new arts and community centre. There are no impact pathways present.
POLICY ELWB15: EDUCATION	Where it is considered that a development proposal will have a demonstrable and significant impact on education provision in the Plan area this will be required to provide adequate financial contributions to provide sufficient good educational provision for the additional demand it generates.	No HRA implications This is a development management policy relating to education. There are no impact pathways present.
POLICY DC1: COMMUNITY INFRASTRUCTURE	The Town Council, working with the District Council and other relevant organisations, will prioritise developer contributions on a case-by-case basis related to achieving optimal 'community benefit' from the opportunities available for each development and having regard for the priorities listed above.	No HRA implications This is a development management policy relating to the provision of community infrastructure. There are no impact pathways present.

4.1.2 Having established that policies H1 and E1 need to be the main focus of the appropriate assessment, these are discussed in more detail in the following chapter.

5 Appropriate Assessment for River Mease SAC

5.1 Water pollution including siltation

- 5.1.1 The Water Cycle Study (WCS) undertaken on behalf of North West Leicestershire District Council to support the preparation of its Core Strategy in 2012 identified that the River Mease SSSI, which covers a similar extent to the SAC, was in 'Unfavourable No Change' condition. The reasons for this were due to elevated nutrient levels found within the river, in particular phosphorous. Further to this, the River Mease was failing its Water Framework Directive objective due to these elevated phosphorous levels which have potential to impact upon both floral and faunal communities within the SAC. Both bullhead and spined loach are susceptible to both episodic and chronic organic pollution. Episodic pollution causes direct mortalities whilst chronic pollution affects substrate condition through the build-up of sediment oxygen demand and excessive microbial populations. If the organic content of the substrate becomes too high, reduced oxygen availability near the sediment/water interface may lead to enhanced egg and juvenile mortality.
- 5.1.2 Effluent from Ashby de la Zouch is processed at the Packington Wastewater Treatment Works (WwTW), and Packington WwTW is considered to be the largest point source contributor to phosphorous levels within the River Mease¹².
- 5.1.3 Any new residential or employment development in Ashby de la Zouch as a result of the Neighbourhood Plan (or within the wider Mease catchment) has potential to result in increased levels of nutrients entering the River Mease SAC even if the concentration of nutrients in effluent is kept at current levels, thus exacerbating the existing problem. While the level of development in the Neighbourhood Plan is modest in itself, this will operate cumulatively with all other existing and future development connected to Packington WwTW.
- 5.1.4 The following Neighbourhood Plan policies have potential to provide for new residential and employment development, thus linking the Neighbourhood Plan to this impact pathway:
- Policy H1: Sustainable Housing Growth
 - Policy E1: Main Employment Area
- 5.1.5 Policy ELWB 5: Biodiversity of the Neighbourhood Plan does contain text that provides some level of protection to biodiversity:
- 'Development proposals should not harm the network of important local biodiversity features and habitats'*
- 5.1.6 **However, it is the author's opinion that this policy would benefit from a specific reference to the River Mease SAC to ensure that the need to avoid an adverse effect on integrity of the SAC is understood to be a major element of the application of this policy.**
- 5.1.7 The overarching Local Plan for North West Leicestershire contains an overarching policy to provide protection to internationally designated sites from impact pathways such as water pollution stemming from strategic development across the district. The Neighbourhood Plan must be in general conformity with the Local Plan. The Local Plan acknowledges that there is a wider strategic problem with water

¹² Environment Agency (2011) River Mease SAC Water Quality (Phosphate) Water Quality Management Plan

quality within the River Mease SAC as a result of effluent discharge into the watercourse, and includes the following policy text to address it:

'Policy En2: River Mease Special Area of Conservation

(1) The Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease Special Area of Conservation.

(2) In order to achieve this, new development within the River Mease catchment will be allowed where:

(a) There is sufficient headroom capacity available at the Wastewater Treatment Works to which it is proposed that flows from the development will go; and

(b) The proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in the Developer Contributions Scheme.

(3) In the event that there is no headroom capacity available at the appropriate wastewater treatment works, or exceptionally where as part of the development it is proposed to use a non-mains drainage solution for the disposal of foul water and this is supported by the Environment Agency, development will only be allowed where it can be demonstrated that the proposed development, on its own and cumulatively with other development, will not have an adverse impact, directly or indirectly, upon the integrity of the river Mease Special Area of Conservation.'

5.1.8 The policy therefore establishes a 'brake' on the pace of development, ensuring that development is only granted permission if there is a high degree of certainty that the infrastructure required to treat its effluent without an adverse effect on the SAC exists, or will exist at the time of occupation/operation. This is the only practical method available to most local planning authorities given that they have no responsibility for discharge consenting of treated wastewater.

5.1.9 Further, Local Plan Policy H3: Housing provision: new allocations states that '*no more than 600 dwellings will be allowed to be built until provision is made for pumping wastewater from the sewage treatment works at Packington out of the river Mease catchment*', thus providing protection from further reduction in water quality.

5.1.10 Underlying these policies is the fact that North West Leicestershire District Council, South Derbyshire District Council and Lichfield District Council, have been working in partnership with the River Mease Programme Board¹³ to prepare the River Mease SAC Water Quality Management Plan: Developer Contribution Scheme 2 (June 2016) document¹⁴ in line with the River Mease SAC Water Quality (Phosphate) Management Plan (WQMP) (2011)¹⁵. These documents provide for a strategic approach to improve the water quality within the River Mease SAC.

5.1.11 To provide maximum certainty of protection to the River Mease SAC and clarity for developers bringing forward sites in the Neighbourhood Plan area, it is recommended that similar text to Policy En2 and H3 of the emerging Local Plan is included within the Neighbourhood Plan itself.

5.2 Drainage

5.2.1 Inappropriate drainage regimes have potential to impact upon rivers with floating vegetation often dominated by water-crowfoots such as those of the River Mease SAC. Water inputs from a variety of sources such as drains, fields under drainage, and other discharges such as sewage treatment works and roads within the River Mease catchment have potential to affect the naturalised flow patterns, resulting in the river becoming more 'flashy', with water levels rising and falling more quickly. The Neighbourhood Plan has potential to result in an increase of discharge from sources such as sewage

¹³ The River Mease Programme Board comprises of: The Environment Agency, Natural England, Severn Trent Water, North West Leicestershire District Council, South Derbyshire District Council & Lichfield District Council

¹⁴ http://www.nwleics.gov.uk/files/documents/river_mease_developer_contribution_scheme_2_dcs2_june_2016/1005%20DCS2%20June%202016%20FINAL%20FOR%20APPROVAL.pdf [accessed 14/10/2016]

¹⁵ <http://www.rivermease.co.uk/wp-content/uploads/2015/04/River-Mease-WQMP.pdf> [accessed 14/10/2016]

treatment works and increased runoff as a result of development resulting in less permeable surfaces. As such, this impact pathway is considered further later in this report.

5.2.2 The following policies have potential to link to the Neighbourhood Plan via this impact pathway:

- Policy H1: Sustainable Housing Growth
- Policy E1: Main Employment Area

5.2.3 The Neighbourhood Plan contains the following policy that acknowledges the need for sustainable drainage systems. This has potential to ensure that no likely significant effects result from changes to drainage as a result of new development. This is as follows:

'Policy S4: Design – Building Design Principles

All new development including employment proposals, buildings of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles:...

...11. Development should be avoided in areas of high flood risk and incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensuring appropriate provision for the storage of waste and recyclable materials;...'

5.2.4 The North West Leicestershire Local Plan contains overarching policy that provides for sustainable drainage systems as follows:

'Policy Cc3: Sustainable Drainage Systems

(1) When assessing development proposals where it is necessary to manage surface water drainage, Sustainable Drainage Systems (SuDS) should be incorporated into developments in accordance with national and local standards unless it can be clearly demonstrated;

a) That SuDS are not technically, operationally or financially deliverable or viable and that surface water drainage issues from the development can be alternatively mitigated; or

b) That the SuDS schemes will itself adversely affect the environment of safety.

(2) Where appropriate, every effort should be made to link SuDS into wider initiative to enhance green infrastructure, improve water quality and benefit wildlife or contribute to the provision of the ecosystem service.

(3) Arrangements in accordance with national policy will need to be put in place for the management and maintenance of the SuDS over the whole period during which they are needed.'

5.2.5 In addition to the safeguard contained in Local Plan policy (with which the Neighbourhood Plan must in in general conformity), it is recommended that similar text is included within the Neighbourhood Plan.

5.3 Inappropriate weirs dams and other structures

5.3.1 It is not within the remit of the Neighbourhood Plan to provide for any new river structures such as weirs and dams. As such there is no link with the Neighbourhood Plan and this impact pathway can be dismissed from further consideration.

5.4 Invasive species

5.4.1 White-clawed crayfish are threatened by the introduction of non-native species of crayfish such as the North American signal crayfish *Pacifastacus leniusculus*. The non-native crayfish have been farmed in Britain since the 1970's, shortly after their introduction, crayfish plague broke out resulting in a large loss of native crayfish in British rivers. Non-native crayfish are known to harbour and transmit the virus. Crayfish plague can be introduced into a waterbody not only by entry of non-native crayfish but also by water, fish or equipment that has been in contact with the non-native crayfish. Further non-native crayfish erode river banks, thus increasing levels of siltation in the watercourse. Other non-native species that are considered a threat to the integrity of the SAC are Himalayan balsam and Japanese knotweed.

5.4.2 It is highly unlikely that the Neighbourhood Plan will exacerbate this problem as much of the River Mease has restricted access due to private land ownership, thus restricting public access. As such there

is no link with the Neighbourhood Plan and this impact pathway can be dismissed from further consideration.

5.5 Water abstraction

- 5.5.1 Whilst new residential and employment development is likely to result in an increased need for water supply, water supply from within North West Leicestershire is not sourced from within the Mease catchment. As such there is no link with the Neighbourhood Plan and this impact pathway can be dismissed from further consideration.

5.6 Disturbance due to proximity

- 5.6.1 Otters are semi-aquatic mammals, mainly living along river ways. Otters are usually shy and solitary creatures that are usually active between dusk and during the night. This impact pathway is of relevance where a development is proposed in proximity to the SAC or if a plan provides for increased public access to the river. Due to the proximity of Ashby de la Zouch to the SAC, this impact pathway is considered further later in this report. However, from review of Neighbourhood Plan policies within Table 1, there are no policies that could link with the River Mease SAC via this impact pathway. As such, this impact pathway can be dismissed and a conclusion of no adverse effect on integrity be drawn.

6 In Combination Assessment

- 6.1.1 Impact pathways that have potential to link to the Neighbourhood Plan and to act in-combination with other projects or plans are as follows:
- Water pollution including siltation
 - Drainage
- 6.1.2 As well as North West Leicestershire, The River Mease SAC flows through the districts of South Derbyshire District and Lichfield District. As such it is these other Plans that will be considered in combination with the Neighbourhood Plan as follows:
- South Derbyshire District Local Plan Part 1 2011-2028 (adopted June 2016)
 - Lichfield District Local Plan Strategy 2008-2029 (adopted February 2015)
 - North West Leicestershire District Local Plan (adopted November 2017)
- 6.1.3 The South Derbyshire Local Plan was subject to HRA in March 2014¹⁶. The River Mease runs through rural areas within this district. The Local Plan does not provide for any new development within the wider catchment of the River Mease SAC, and as such impact pathways linking the Local Plan to the River Mease SAC can be dismissed in-combination with the other projects or plans and a conclusion of no adverse effects on integrity drawn.
- 6.1.4 The Lichfield District Local Plan Strategy was subject to HRA in May 2012¹⁷, and updated with an addendum in January 2014¹⁸. Similar to South Derbyshire, the River Mease runs through a generally rural landscape within Lichfield. The HRA of the Plan identified that whilst the Plan does provide for a level of development within the wider River Mease catchment, the Plan also provides suitable policy to provide protection against adverse effects upon the SAC in combination with other projects or plans.
- 6.1.5 From reviewing the North West Leicestershire Proposed Publication Local Plan it contains policies that could act in-combination with the Neighbourhood Plan, resulting in effects upon the River Mease SAC via the provision of new dwellings and employment within the River Mease catchment. However, as noted in Sections 5.1 and 5.2, the Plan contains suitable policy to ensure that in practice adverse effects on integrity would not arise, even in combination with other projects and plans.

¹⁶ [http://www.south-derbys.gov.uk/Images/Habitats%20Regulations%20Screening%20Report%20\(Current\)_tcm21-270445.pdf](http://www.south-derbys.gov.uk/Images/Habitats%20Regulations%20Screening%20Report%20(Current)_tcm21-270445.pdf) [accessed 14/01/2016]

¹⁷ <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Local-Plan-documents/Downloads/Habitat-Regulations-Assessment/Habitat-regulations-assessment-2012.pdf> [accessed 14/01/2016]

¹⁸ <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Local-Plan-documents/Downloads/Habitat-Regulations-Assessment/Habitat-regulations-assessment-addendum-2014.pdf> [accessed 14/10/2016]

7 Conclusions of the original Appropriate Assessment

- 7.1.1 Two policies (Policy H1: Sustainable Housing Growth, and Policy E1: Main Employment Area) were initially identified in this report, as they could have adverse effects upon the River Mease SAC via the following impact pathways: Water pollution including siltation, and drainage.
- 7.1.2 Further investigation was undertaken and an appropriate assessment (Chapter 5) was conducted of these two policies, which took account of overarching policy initiatives in the overarching Local Plan and active measures being delivered by the district councils around the River Mease SAC..
- 7.1.3 Recommendations were made for amendments to the Neighbourhood Plan policies in order to be able to conclude no likely significant effects on designated sites. These are as follows:

7.2 Policy ELWB 5: Biodiversity

- 7.2.1 Policy ELWB 5: Biodiversity of the Neighbourhood Plan contains text that provides some level of protection to biodiversity with the following text:
- 'Development proposals should not harm the network of important local biodiversity features and habitats'*
- 7.2.2 **However, it is the author's opinion that this policy would benefit from a specific reference to the River Mease SAC to ensure that the need to avoid an adverse effect on integrity of the SAC is understood to be a major element of the application of this policy.**
- 7.2.3 **Moreover, to provide maximum certainty of protection to the River Mease SAC and clarity for developers bringing forward sites in the Neighbourhood Plan area, it is also recommended that similar text to Policy En2 of the adopted Local Plan is included within the Neighbourhood Plan itself.**

7.3 Water pollution including siltation

- 7.3.1 The North West Leicestershire Local Plan acknowledges that there is a wider strategic issue with water quality within the River Mease SAC catchment as a result of effluent discharge into the watercourse, and includes the following policy text to provide suitable protection of the SAC:
- 'Policy En2: River Mease Special Area of Conservation*
- (1) The Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the river Mease Special Area of Conservation.*
- (2) In order to achieve this, new development within the River Mease catchment will be allowed where:*
- (a) There is sufficient headroom capacity available at the Wastewater Treatment Works to which it is proposed that flows from the development will go; and*
- (b) The proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in the Developer Contributions Scheme.*
- (3) In the event that there is no headroom capacity available at the appropriate wastewater treatment works, or exceptionally where as part of the development it is proposed to use a non-mains drainage solution for the disposal of foul water and this is supported by the Environment Agency, development will only be allowed where it can be demonstrated that the proposed development, on its own and cumulatively with other development, will not have an adverse impact, directly or indirectly, upon the integrity of the river Mease Special Area of Conservation.'*
- 7.3.2 North West Leicestershire District Council, South Derbyshire District Council and Lichfield District Council, have been working in partnership with the River Mease Programme Board¹⁹ to prepare the River Mease SAC Water Quality Management Plan: Developer Contribution Scheme 2 (June 2016)

¹⁹ The River Mease Programme Board comprises of: The Environment Agency, Natural England, Severn Trent Water, North West Leicestershire District Council, South Derbyshire District Council & Lichfield District Council

document²⁰ in line with the River Mease SAC Water Quality (Phosphate) Management Plan (WQMP) (2011)²¹. These documents provide for a strategic approach to improve the water quality within the River Mease SAC.

7.3.3 For added security, it is recommended that similar text to En2: River Mease Special Area of Conservation is included within the Neighbourhood Plan.

7.3.4 Further to this, to ensure that adverse effects do not occur as a result of the Neighbourhood Plan, development may require to be phased in line with the provision of capacity to treat wastewater to a suitable level.

7.4 Drainage

7.4.1 The Neighbourhood Plan contains the following policy that acknowledges the need for sustainable drainage systems. This has potential to ensure that no adverse effects result from changes to drainage as a result of new development. This is as follows:

'Policy S4: Design – Building Design Principles

All new development including employment proposals, buildings of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles:...

...11. Development should be avoided in areas of high flood risk and incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensuring appropriate provision for the storage of waste and recyclable materials;...'

7.4.2 The North West Leicestershire Local Plan contains overarching policy that provides for sustainable drainage systems as follows:

'Policy Cc3: Sustainable Drainage Systems

(1) When assessing development proposals where it is necessary to manage surface water drainage, Sustainable Drainage Systems (SuDS) should be incorporated into developments in accordance with national and local standards unless it can be clearly demonstrated;

a) That SuDS are not technically, operationally or financially deliverable or viable and that surface water drainage issues from the development can be alternatively mitigated; or

b) That the SuDS schemes will itself adversely affect the environment of safety.

(2) Where appropriate, every effort should be made to link SuDS into wider initiative to enhance green infrastructure, improve water quality and benefit wildlife or contribute to the provision of the ecosystem service.

(3) Arrangements in accordance with national policy will need to be put in place for the management and maintenance of the SuDS over the whole period during which they are needed.'

7.4.3 To provide further security, it is recommended that similar text to En2: River Mease Special Area of Conservation is included within the Neighbourhood Plan.

7.4.4 Moreover, to ensure that adverse effects do not occur as a result of the Neighbourhood Plan, development may require to be phased in line with the provision of capacity to treat wastewater to a suitable level.

7.4.5 With these changes made, and taking into account the context of the protective policies in the Local Plan and the active initiatives being undertaken by the River Mease district councils to protect the SAC, it is considered that a conclusion of no adverse effects on integrity (alone or in combination) can be drawn.

²⁰http://www.nwleics.gov.uk/files/documents/river_mease_developer_contribution_scheme_2_dcs2_june_2016/1005%20DCS2%20June%202016%20FINAL%20FOR%20APPROVAL.pdf [accessed 14/10/2016]

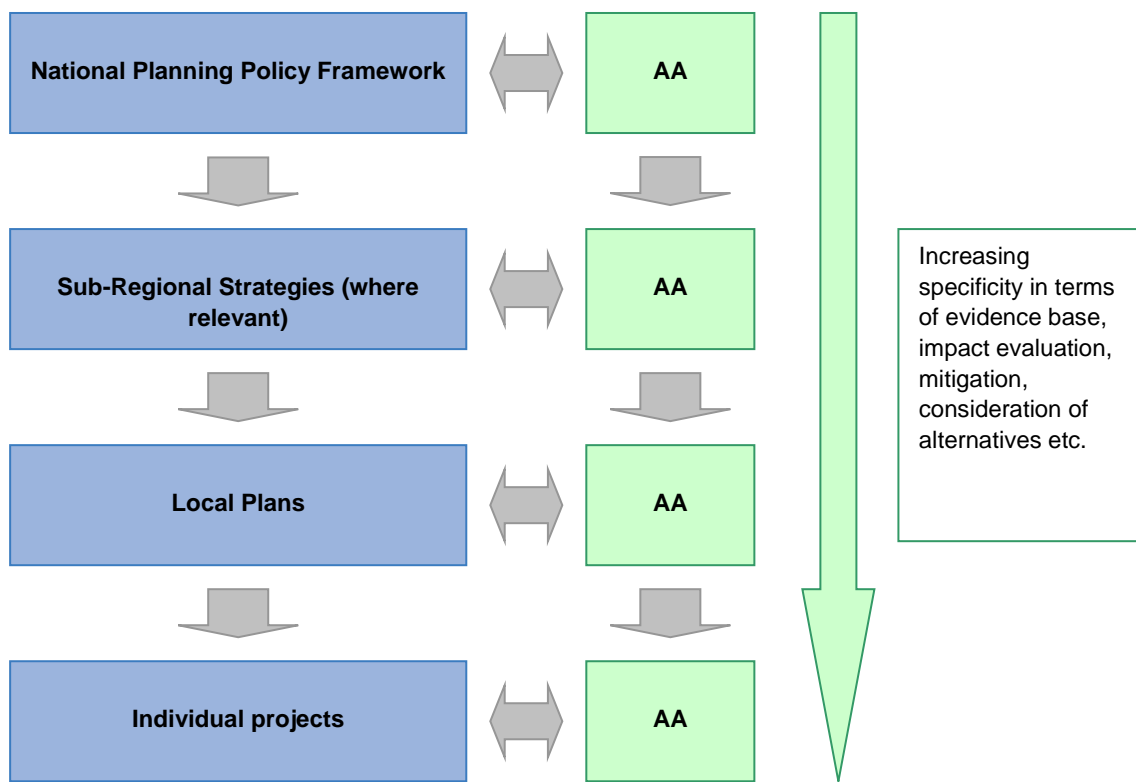
²¹<http://www.rivermease.co.uk/wp-content/uploads/2015/04/River-Mease-WQMP.pdf> [accessed 14/10/2016]

8 Appropriate Assessment update for final Neighbourhood Plan

- 8.1.1 In July 2018 the final Neighbourhood Plan was supplied to AECOM for assessment. In this Chapter the previous assessment and conclusions are revisited to confirm whether the final Neighbourhood Plan would a) create any adverse effects that were not previously identified and b) addresses the recommendations made in this report.
- 8.1.2 Following a review of the final Neighbourhood Plan, none of the changes to policies will introduce any adverse effects that were not already identified in the original HRA report. As was identified in the original HRA report two policies (Policy H1: Sustainable Housing Growth, and Policy E1: Main Employment Area) have the potential for adverse effects upon the River Mease SAC via the following impact pathways: Water pollution including siltation, and drainage.
- 8.1.3 However, there has been a significant addition to Policy S4. Point 11 of that policy now states that *'Development within the [wastewater catchment of the] River Mease SAC will need to demonstrate that there is sufficient headroom capacity available at the Wastewater Treatment Works to which it is proposed that flows from the development will go, and that the proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in the Developer Contribution Scheme. In the event that there is no headroom capacity available at the appropriate wastewater treatment works, or exceptionally where as part of the development it is proposed to use a non-mains drainage solution for the disposal of foul water and this is supported by the Environment Agency, development will only be allowed where it can be demonstrated that the proposed development, on its own and cumulatively with other development, will not have an adverse impact, directly or indirectly, upon the integrity of the river Mease SAC. Development will be phased in line with the provision of capacity to treat wastewater to a suitable level.* This addresses the recommendations made in sections 7.3 and 7.4 of the original HRA.
- 8.1.4 To support this, page 30 of the final Neighbourhood Plan includes the following text: *'Development in Ashby will be shaped by the policies within the Neighbourhood Plan and the Local Plan once adopted, taking into account the restrictions on development imposed by the River Mease Water Quality Management Plan and reflected in the Publication version of the Local Plan Policy En2 River Mease Special Area of Conservation'*. Text reflecting the importance of the River Mease SAC is also included on pages 70 and 71, which includes reference to the strategic approach being taken to protect the SAC from increased treated sewage effluent discharge. Similarly, Policy H2 now includes the following stipulation: *'Issues to be addressed within the Design Code include... The character, mix of uses and density of each phase, sub – phase or parcel identified on the Master Plan to incorporate:... a) The phasing of the development, taking into account, where appropriate, the need to provide water quality improvements through developer contributions to ensure that there will be no adverse impact, directly or indirectly, on the integrity of the River Mease Special Area of Conservation'*.
- 8.1.5 Policy NE4 (Nature Conservation) contains the following text making specific reference to protection of the River Mease SAC: *'The Plan supports Policy En2 River Mease Special Area of Conservation in the Publication Version of the Local Plan which commits the District Council to work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease and sets out measures to achieve this'*. This change addresses the recommendation in Section 7.2 of the original HRA, which related to what was then called Policy ELWB5 (Biodiversity).
- 8.1.6 It can therefore be confirmed that the recommendations made in the original HRA have been addressed. It can therefore be concluded that the Ashby de la Zouch Neighbourhood Plan will not result in any adverse effect on the integrity of the River Mease SAC either alone or in combination with other plans and projects.

Appendix A. Figures

Appendix B. 'Tiering' in Habitats Regulations Assessment



Appendix C. Consultation Response from Natural England

From: Mahoney, Sean (NE) [<mailto:Sean.Mahoney@naturalengland.org.uk>]

Sent: 09 December 2016 05:59

To: Riley, James D (Basingstoke)

Subject: RE: Ashby de la Zouch Neighbourhood Plan HRA

Our Ref: 202258

Dear James

Planning Consultation: Ashby de la Zouch Neighbourhood Plan 2011-31 - Habitats Regulations Assessment (HRA)

Thank you for your consultation below.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the Habitats Regulations Assessment (HRA) for the Ashby de la Zouch Neighbourhood Plan and considers that the scope of the report, its methodology and conclusions meet the requirements of the Habitats Directive and associated guidance. The likely significant effects of the Neighbourhood Plan on the River Mease Special Area of Conservation (SAC) have been assessed in detail and potential impacts mitigated with additional environmental policies to protect the River Mease SAC from the impacts of development.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this email only please contact me on 0300 060 0571. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Kind Regards
Sean Mahoney
Lead Adviser
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