

ADVICE TO NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Shadow Habitats Regulations Assessment of the NWLDC Gypsy and Traveller Site Allocations Development Plan Document

AN ADDENDUM TO: Shadow HRA to inform the HRA of the
Local development Plan by North West Leicestershire District
Council (*Final version dated June 2016*)

STATUS: FINAL VERSION

BY
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1 Relevant background and introduction

1.1 Relevant background

- 1.1.1 North West Leicestershire District Council (NWLDC) submitted their Local Plan to the Secretary of State in October 2016. Policy H7 of the emerging local plan states that the accommodation needs of gypsies and travellers and travelling show people will be met through the production of a '*Gypsy and Traveller Site Allocations Development Plan Document*' (the DPD).
- 1.1.2 At the time of its original drafting policy H7 had anticipated a need for 68 'pitches', 20 'transit pitches' and 9 plots for show people. Following changes to the Government's definition of gypsies, travellers and travelling showpeople an updated Gypsy and Traveller Accommodation Needs Assessment was undertaken in 2017 which revised these accommodation needs.
- 1.1.3 The DPD has now been drafted to identify site allocations to meet these revised needs through 4 new policies. This DPD therefore builds on policy H7 and provides spatially relevant site allocations which, to date, have not been subject to assessment under the Habitats Regulations.

1.2 Scope of this assessment

- 1.2.1 This document forms an addendum to the June 2016 '*Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local Development Plan by North West Leicestershire District Council*'¹ (hereafter referred to as the June 2016 Shadow HRA). This current document is not a stand-alone report, it follows on from that earlier work and should be read in conjunction with it, as an addendum. Much of the introductory and explanatory sections of the earlier June 2016 Shadow HRA are relevant to this addendum but to avoid duplication of assessment effort they are not repeated here. Readers are referred back to this earlier report for relevant background and contextual information.
- 1.2.2 **This addendum is a full assessment under Regulation 102 of the Habitats Regulations of the Gypsy and Traveller Site Allocations Development Plan Document.**

¹ DTA Ecology *Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local Development Plan by North West Leicestershire District Council* (Final version dated June 2016)

2 Preliminary ‘checking’ of the Policy Options (DRAFT) Document

2.1 The HRA approach

- 2.1.1 As set out in the June 2016 Shadow HRA, this assessment will follow the guidance set out in *The Habitats Regulations Assessment Handbook*² (hereafter referred to as ‘The HRA Handbook’).
- 2.1.2 For the purpose of this addendum, the work in respect of Section 2 ‘*Identification of European Sites Potentially affected*’ remains valid for the purpose of this addendum. Two European Sites are potentially affected by the development provided for within the Local Plan as set out in table 2.1 of the June 2016 Shadow HRA (copied below).

European Site	Potential impact mechanism
River Mease SAC	Discharge of wastewater associated with new development
	Emissions to air, water or soil
	Disturbance effects from proximity of development
Cannock Chase SAC	Recreational pressure

- 2.1.3 Background information concerning these sites is provided within paragraphs 2.5-2.15 of the June 2016 Shadow HRA and is not repeated here. Readers are referred back to this earlier work to avoid unnecessary duplication.
- 2.1.4 The purpose of this addendum is to undertake a screening for likely significant effects upon the River Mease SAC and the Cannock Chase SAC that may arise from the DPD Document and the new policies contained therein.

2.2 Potential effects upon the River Mease SAC

- 2.2.1 As identified in Table 2.1 of the June 2016 Shadow HRA there are three potential impact mechanisms through which the development provided for within the DPD might affect the River Mease SAC. These are listed in table 4.1 below alongside the qualifying features of the SAC which are considered to be potentially sensitive to each effect:

Impacts mechanism	Qualifying features potentially affected
Discharge of wastewater	All
Disturbance associated with proximity of development	Otter
Emissions to air, water or soil	All

Table 3.1: Impact mechanism potentially affecting the River Mease SAC and qualifying features at risk

² Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, October 2017 edition UK: [DTA Publications Ltd.](#)

2.3 Potential effects upon Cannock Chase SAC

- 2.3.1 Cannock Chase SAC is considered to be sensitive to the effects of increased recreational pressure associated with new residential development. To this end, the site is currently subject to an agreed joint approach amongst local planning authorities whose administrative boundaries lie within 15km of the SAC. All development provided for by this Local Plan lies beyond this 15km radius but the interim guidance for Lichfield District Council (the closest neighbouring authority affected by the policy) goes onto state (emphasis added) *'Development proposals more than 15km from Cannock Chase SAC may be required to demonstrate that they will have no adverse effect on the integrity of the SAC'*.

3 Screening of the DPD

3.1 Screening the Introduction and the Leicester and Leicestershire Gypsy and Traveller’s Accommodation Needs Assessment

3.1.1 The early sections of the DPD include introductory text and relevant context with section 2 providing the background to the Leicester and Leicestershire Gypsy and Traveller’s Accommodation Needs Assessment work. This part of the DPD is factual and not proposing any change *per se*, these sections cannot conceivably have any effects on a European site and are screened out of further assessment

3.2 The screening categories

3.2.1 The next step in this screening work is to screen the policies GT1 to GT4. This addendum applies the same ‘screening categories’ as were used in the 2016 Shadow HRA.

3.2.2 The screening categories are as follows:

- A. General statement of policy / general aspiration (screened out).
- B. Policy listing general criteria for testing the acceptability / sustainability of proposals (screened out).
- C. Proposal referred to but not proposed by the plan (screened out).
- D. Environmental protection / site safeguarding policy (screened out).
- E. Policies or proposals which steer change in such a way as to protect European sites from adverse effects (screened out).
- F. Policy that cannot lead to development or other change (screened out).
- G. Policy or proposal that could not have any conceivable effect on a site (screened out).
- H. Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out).
- I. Policy or proposal with a likely significant effect on a site alone (screened in)
- J. Policy or proposal with an effect on a site but not likely to be significant alone, so need to check for likely significant effects in combination
- K. Policy or proposal not likely to have a significant effect either alone or in combination (screened out after the in combination test).
- L. Policy or proposal likely to have a significant effect in combination (screened in after the in combination test).

3.3 Screening policies GT1 – GT4

3.3.1 Each policy has been screened against the criteria listed at 3.2 above.

Plan Policy	Screening Conclusion	Justification
GT1 Permanent Gypsy and Traveller Site Allocation at	Screened out (no likely significant effect either alone or in combination)	Category G: This policy provides for 6 permanent pitches on land which already benefits from planning permission for such use dated 2011. This provision falls out-with the catchment of the River Mease so effects associated with the disposal of wastewater can therefore be excluded. The site is located some 4km from the River Mease SAC and there are no

Plan Policy	Screening Conclusion	Justification
Old Ashby Road, Sinope.		<p>conceivable risks from disturbance to otter or other emissions to air water or soil.</p> <p>The site is beyond the Cannock Chase 15km zone and 6 pitches will have no meaningful influence over recreational pressure.</p>
GT2 Gypsy and Traveller Transit Sites	Screened out (no likely significant effect either alone or in combination)	<p>Category G: The policy identifies a preferred 'managed approach' to the provision of transit sites which does not involve any specific allocations. This position will be reviewed again in 2020 and, if a need is identified, the land to the east of Nottingham Road in Ashby has been identified.</p> <p>Should it ever come forward, this provision falls within the catchment of the River Mease but policy GT4 specifies that all development which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2 of the Local Plan and the River Mease Developer Contributions Scheme so effects associated with the disposal of wastewater can therefore be excluded. The site is located some 3.3km from the River Mease SAC and there are no conceivable risks from disturbance to otter or other emissions to air water or soil.</p> <p>The site is beyond the Cannock Chase 15km zone and 12 pitches will have no meaningful influence over recreational pressure.</p>
GT3 Travelling Showpeople Site Allocations	Screened out (no likely significant effect either alone or in combination)	<p>Category G: This policy provides the intensification of existing, suitable Travelling Showpeople Sites. There are 7 existing sites, six of which are located in the Coalville/Castle Donnington areas. All six of these sites are out-with the catchment of the River Mease so effects associated with the disposal of wastewater can therefore be excluded. They are likewise all located at least 4km from the River Mease SAC and there are no conceivable risks from disturbance to otter or other emissions to air, water or soil.</p> <p>The 7th site is located at a disused mine site between Chapel Street and Coronation Lane. This site is located 700m from the River Mease SAC and falls within the catchment of the River Mease but policy GT4 specifies that all development which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2 of the Local Plan and the River Mease Developer Contributions Scheme so effects associated with the disposal of wastewater can therefore be excluded. The land between the site and the river is under private ownership meaning there is no public access down to the river itself. There is no hydraulic continuity between the site and the River Mease SAC meaning there are no</p>

Plan Policy	Screening Conclusion	Justification
		<p>conceivable risks from disturbance to otter or other emissions to air, water or soil.</p> <p>3.73 hectares of land at the former Measham Mine site has also been allocated to provide up to 20 plots. This site is located 500m from the Gilwiskaw Brook which forms part of the River Mease SAC. Again here effects associated with the disposal of wastewater can be excluded through the GT4 link to the Local Plan and the Developer Contributions Scheme, and the land between the site and the brook is under private ownership. There is no public access down to the Brook itself and no hydraulic continuity between the site and the River Mease SAC meaning there are no conceivable risks from disturbance to otter or other emissions to air, water or soil.</p> <p>All the existing and proposed sites are beyond the Cannock Chase 15km zone and 20 plots will have no meaningful influence over recreational pressure.</p>
GT4 Detailed Planning Considerations	Screened out (no likely significant effect either alone or in combination)	Category B: This policy sets out general criteria for testing the acceptability/sustainability of proposals and cannot impact upon the SAC.

3.4 Conclusions

3.4.1 The DPD is screened out of the need for further assessment. The policies would have no conceivable effect on any European sites at all. The DPD does not need to be subject to assessment ‘in-combination with other plans and projects’ as it has no ‘effect’ which might realistically combines with residual effects from other plans and projects.

3.4.2 No further assessment under the Habitats Regulations is required.

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