

**ADVICE TO NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**SHADOW HABITATS REGULATIONS ASSESSMENT  
TO INFORM THE HABITATS REGULATIONS ASSESSMENT OF THE  
LOCAL DEVELOPMENT PLAN BY  
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**



**DTA Ecology**

*...continuing the work of  
David Tyldesley & Associates*

**FINAL VERSION**

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## 1. Introduction

1.1. North West Leicestershire District Council (NWLDC) has prepared a new Local Plan for the District. This plan will set out a series of overarching objectives together with policies concerning where development will take place over the next 15 to 20 years and how such development might be delivered. The Council previously published a draft Core Strategy<sup>1</sup> where some of the proposed developments identified in this new Local Plan were first formally considered, and subject to extensive consultation.

1.2. This Local Plan consists of:

- Introductory text, including contextual information, a profile of North West Leicestershire and the issues facing the District (Chapters 1-4)
- A spatial vision for North West Leicestershire (para 4.5)
- A series of 15 overarching objectives which identify what the Local Plan is seeking to achieve (para 4.6)
- The *strategic* development policies (S1 – S3)
- The *design* development policies (D1 - D3)
- The *housing* development policies (H1 - H7)
- The *economic* development policies (Ec1 – Ec13)
- The *infrastructure and services* development policies (IF1 – IF7)
- The *environment* development policies (En1 – En6)
- The *historic environment* development policy (He1 - He2)
- The *climate change* development policies (Cc1 – Cc3)
- The *implementation and monitoring* development policy (IM1)

### *Habitats Regulations Assessment (HRA) of Local Plans generally*

1.3. NWLDC is a competent authority under the Conservation of Habitats and Species Regulations 2010<sup>2</sup> (as amended), commonly referred to as the Habitats Regulations. In accordance with Regulation 102 of those regulations, NWLDC must make an assessment of the implications of their Local Plan as a matter of law before it is adopted. This assessment is generally referred to as a ‘Habitats Regulations Assessment’ or ‘HRA’ and the regulations set out a clearly defined step-wise process which must be followed.

1.4. Under the regulations, HRA is required in respect of both ‘plans’ and ‘projects’. Where a project is subject to assessment, there is generally sufficient detailed *project specific* information against which to make a comprehensive assessment. A plan based assessment is different; in most cases a plan is a strategic level document setting out broad intentions and often lacking the project specific details which may not be developed until after the plan has been published.

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<sup>1</sup> Draft Core Strategy North West Leicestershire District Council 2012

<sup>2</sup> The Conservation of Habitats and Species Regulations 2010 SI No 490 (as amended)

Indeed, it is the plan itself which frequently steers the detail of the projects which it envisages. As such the HRA of a 'plan' is recognised to require a different approach to that of a 'project'.

- 1.5. In the case of the *EC v UK*<sup>3</sup> the European Court of Justice (the ECJ) required the UK Government to secure the assessment of Britain's land use plans under the provisions of the Habitats Directive. In that judgment the Advocate General, and the Court itself, recognised that although they considered Britain's land use plans could potentially have significant effects on European sites, despite the subsequent need for planning permission at 'project' level stage, the assessment of plans had to be tailored to the stage in plan making.
- 1.6. The Advocate General's opinion<sup>4</sup> which informed the judgment of the court acknowledged the difficulties associated with an assessment of a plan. In paragraph 49 of her opinion Advocate General Kokott stated that adverse effects:

*"...must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure"*

Consistently, in the UK High Court case of *Feeney*<sup>5</sup> the judge said:

*"Each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more. There does have to be an appropriate assessment at the Core Strategy stage, but such an assessment cannot do more than the level of detail of the strategy at that stage permits"*

- 1.7. In undertaking plan based HRAs, it is therefore important to get the balance right; too severe an approach may be excessive. It is important, even adopting a precautionary approach, not to assign a 'likely significant effect' to policies and proposals that could not, realistically, have such an effect, because of their general nature. It is important to apply the precautionary principle in the 'likely significant effect test' in the Regulations, but the European Commission in its own guidance on the application of the test<sup>6</sup>, accepts that policies in a plan that are no more than general policy statements or which express the general political will of an authority cannot be likely to have a significant effect on a site.
- 1.8. To include such policies or general proposals in a formal 'appropriate assessment' is likely to generate a considerable amount of abortive or unnecessary work. It could even lead to the

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<sup>3</sup> Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

<sup>4</sup> Opinion of advocate general Kokott, 9<sup>th</sup> June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

<sup>5</sup> Sean *Feeney* v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

<sup>6</sup> European Commission, 2000, *Managing Natura 2000 Sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC* section 4.3.2 at [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf)

plan failing the 'integrity test'. Not because, in practice, any policy or proposal might adversely affect the integrity of any European site, but because policies have been 'screened in' which generate no more than theoretical risks, or vague or hypothetical effects, and for which no meaningful assessment can be made at this stage, because no particular significant effect on any particular European site can actually be identified. Such an approach is not believed to be in the interests of the plan or the European sites. In the *Boggis* judgment<sup>7</sup>, the Court of Appeal ruled that there should be "*credible evidence that there was a real, rather than a hypothetical, risk*". What the assessment needs to concentrate on are those aspects of the plan that could, realistically, be likely to have a significant effect.

1.9. Too lenient a view however can be equally problematic. For example, in respect of proposed mitigation measures, the intention to simply rely on a general European 'site protection policy' in the eventual plan would not form a compliant basis for the HRA. Reliance on a general European site safeguard policy as the 'mitigation measure' in the HRA of this Local Plan is insufficient to resolve any tensions or conflicts in the Plan between site protection and policies or proposals which could significantly affect European sites. In the *EC v UK*, the ECJ found that it was the requirement to determine planning applications in accordance with the development plan (unless material considerations indicate otherwise) that made Britain's land use plans capable of significantly affecting European sites. Consequently, policies or proposals which could have a high potential for significant adverse effects on European sites should be removed from the plan, or policy-specific, or proposal-specific, mitigation measures must be introduced to the plan. This is in preference to a general protection policy which merely creates an internal conflict between plan policies, rather than avoiding the potentially significant effects. Any tension in the plan must be resolved in favour of protecting the European sites from harm which may be caused by the effects of the policies or proposals in the plan.

1.10. Consequently a general policy cannot form a mitigation measure in order for NWLDC to ascertain no adverse effects on the integrity of any European sites. A safeguard condition or policy qualifying a particular proposal in the plan would however be permissible, because it would refer to specific details of future particular development<sup>8</sup>. There is nothing wrong in adopting something in principle which may not happen in the future if the condition or qualification is not satisfied<sup>9</sup>. But this principle cannot be stretched so far that the condition or qualification is merely a general policy aspiring to protect all European sites from all and any effects of the plan.

### *Scope of this assessment*

1.11. This report is a *shadow* Habitats Regulations Assessment as required under regulation 102 of the Habitats Regulations. It is the responsibility of NWLDC as the competent authority to

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<sup>7</sup> Peter Charles *Boggis* and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

<sup>8</sup> *Feeney* paragraphs 88, 90 and 92

<sup>9</sup> *Feeney* paragraph 96

actually apply the specific legal tests and make the decisions which are required to be taken. This report sets out advice to NWLDC as to how a Habitats Regulations Assessment of the Local Plan might be completed. NWLDC, as the competent authority, are then able to adopt the conclusions and findings set out in this report, should they consider it appropriate to do so.

- 1.12. The scope of this assessment is unusual. Due to its strategic nature, in most cases a development 'plan' precedes and provides for subsequent 'project' level development. A plan would therefore normally be subject to assessment under the regulations *before* the development it provides for is considered for planning permission. In the case of the current Local Plan, it was preceded by a Core Strategy<sup>10</sup> which was drafted in 2012 but never fully adopted. However, much of the development provided for within the current Local Plan was initially proposed, and subject to preliminary assessment back in 2012.
- 1.13. Furthermore, since 2012, much of the development proposed in the Core Strategy has subsequently been applied for and either planning permission has been given or there is a 'resolution' to grant permission. To reflect this situation in respect of housing provision, the Local Plan refers to three types of provision which are identified as 'permissions' (policy H1), 'resolutions' (policy H2) or 'new allocations' (H3). Likewise, the employment provision within Ec1 are identified as 'permissions' (Ec1), whilst Ec2 allocations are 'new allocations'. Ec3 is different as it includes areas which have been fully developed as well as areas where most of the site has been developed but there remains provision for further development (with or without planning permission).
- 1.14. In addition, NWLDC has already undertaken earlier assessment effort under the Habitats Regulations in respect of earlier stages in the development of this Local Plan<sup>11</sup>. The outputs of this earlier HRA work have informed the ongoing development of the Plan and the earlier recommendations have been incorporated into the current version. It is therefore appropriate to recognise, in the interests of efficiency, and with a view to avoiding unnecessary duplication of assessment effort, that much of the work undertaken through the earlier HRA screening work will be directly relevant to the assessment now undertaken.
- 1.15. Of particular relevance to this HRA, the development provided for in policies H1, H2, Ec1 and to a certain extent Ec3 (those areas already subject to planning permission) have already been subject to assessment under the Habitats Regulations at the project stage, including consultation with Natural England as the statutory nature conservation body.
- 1.16. There is no requirement to re-assess such allocations under the provisions of the Regulations, where they have already been found to be acceptable by NWLDC as the competent authority, at a project level, in consultation with Natural England as the statutory nature conservation body. Natural England have indicated (in respect of the earlier June 2015 HRA) that they are in

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<sup>10</sup> Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd](#).

<sup>11</sup> Shadow HRA to inform the HRA of the Local Development Plan by NWLDC, DTA Ecology Ltd, June 2015.

agreement with this proposed approach<sup>12</sup> which is consistent both with the approach endorsed by the Defra guidance on competent authority co-ordination<sup>13</sup>, and Part C12 of the Habitats Regulations Assessment Handbook which states in Section C.12.1 that:

*'When considering an individual plan or project which only requires authorisation of one competent authority, that authority may recognise that there is another plan or project (whether or not undertaken, or authorised, by it or by another competent authority);... which is directly relevant to the assessment of the subject proposal. Under such a scenario, regulation 65 would not apply as a matter of law but a coordinated approach might nevertheless be beneficial. It would be good practice for the competent authority to 'adopt' the reasoning and conclusions of the earlier assessment where it can. That is to say, if the conditions in paragraph 6 of the Defra guidance are met.'*

1.17. The conditions in paragraph 6 of the Defra guidance referred to relate to the competent authority looking to adopt an earlier decision being satisfied that a) no material information has emerged that means that the reasoning, conclusion or assessment they are adopting has become out of date, and b) that the analysis underpinning the reasoning, conclusion or assessment they are adopting is sufficiently rigorous and robust.

**1.18. In the case of the development allocations provided within H1, H2 and Ec1, together with the development within Ec3 for which permission has been granted, it is the opinion of NWLDC as the competent authority that the conditions in paragraph 6 of the Defra guidance are met and that the earlier conclusions under the Habitats Regulations recorded as part of the individual project based assessments can be 'adopted' for the purpose of this HRA. All such development is considered to have no likely significant effect (either alone or in combination with other plans and projects) on any European site and the implications of development provided for within policies H1, H2 and Ec1 are not subject to further assessment. Ec3 is included within the scope of this HRA, but the assessment will only consider aspects of the policy which have not already been subject to assessment at a project level, on the basis of the justification set out above.**

1.19. In addition, where it is appropriate to do so, this updated HRA has adopted much of the reasoning and assessment effort undertaken in respect of the earlier June 2015 HRA work.

The scope of this HRA is therefore limited to:

- Introductory text, including contextual information, a profile of North West Leicestershire and the issues facing the District (Chapters 1-4)
- A spatial vision and 15 overarching objectives
- The *strategic* development policies (S1 – S3)
- The *design* development policies (D1 - D3)

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<sup>12</sup> Email from Natural England dated 18<sup>th</sup> May 2015

<sup>13</sup> Habitats Directive – Guidance on competent authority coordination under the Habitats Regulations, Defra (July 2012).

- The *housing* development policies (H3 - H7)
- The *economic* development policies (Ec2 – Ec13)
- The *infrastructure and services* development policies (IF1 – IF7)
- The *environment* development policies (En1 – En6)
- The *historic environment* development policy (He1 - He2)
- The *climate change* development policies (Cc1 – Cc3)
- The *implementation and monitoring* development policy (IM1)

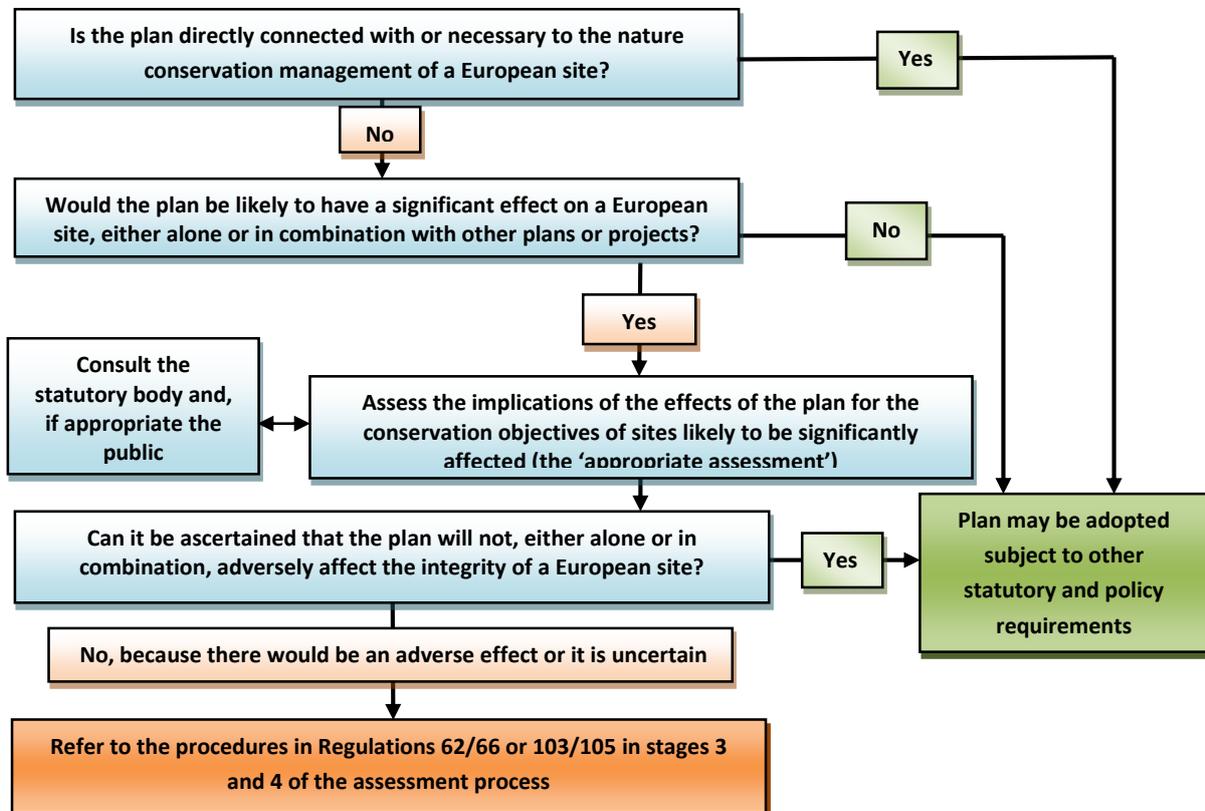
*The HRA approach*

1.20. This HRA follows the guidance set out in *The Habitats Regulations Assessment Handbook*<sup>14</sup>.

Current subscribers to the Handbook include Natural England and the Planning Inspectorate and the ‘Practical Guidance for the Assessment of Plans under the Regulations’ contained in Part F is considered to represent best practice as it is accepted by both these bodies as appropriate for their own staff to follow.

1.21. The process and method of assessment is summarised in the following three diagrams. Figure 1 illustrates the statutory procedures required by the regulations. Figure 2 is an outline of the four stage approach to the HRA of plans. Figure 3 illustrates how the HRA process is integrated into the plan making process.

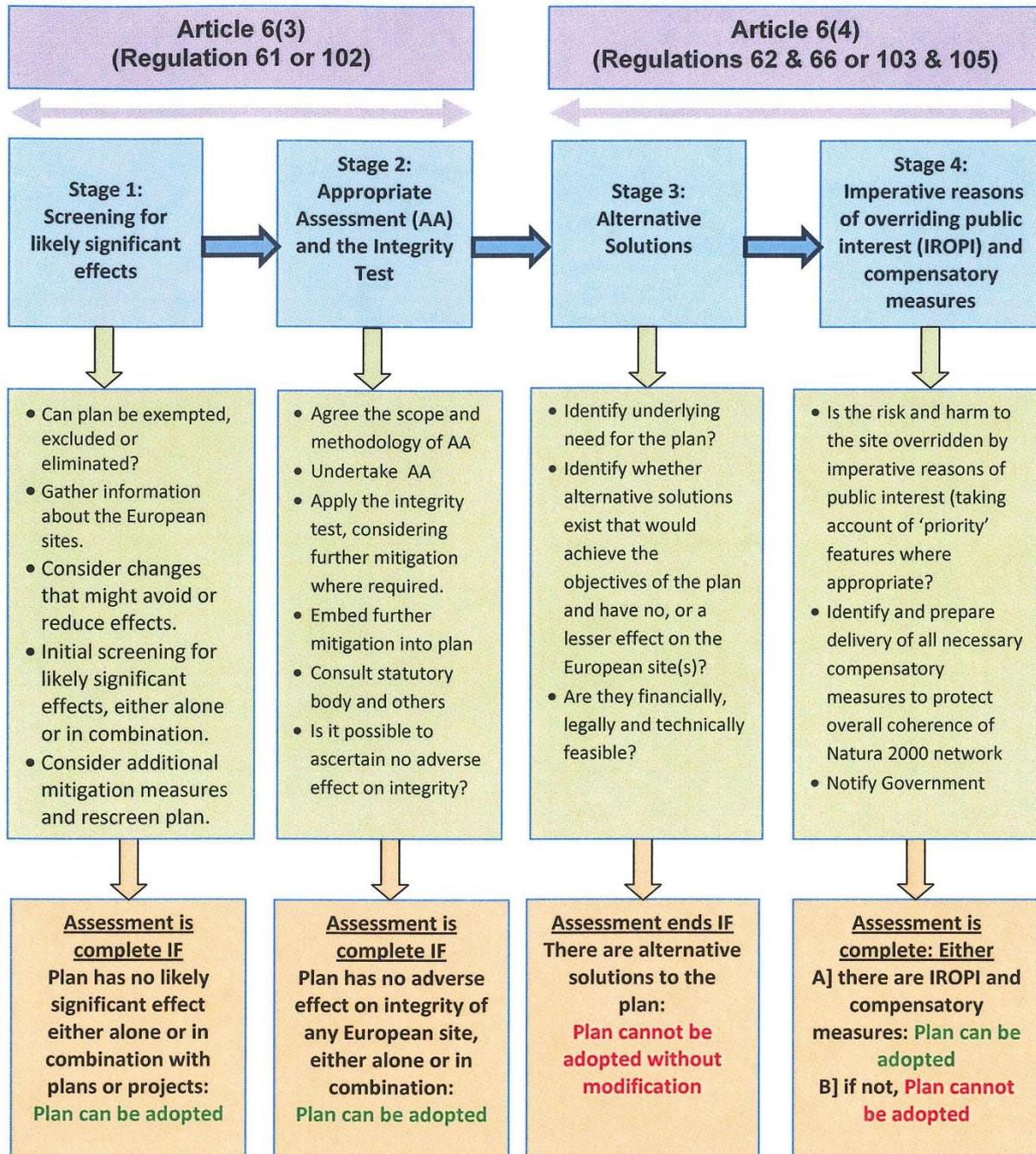
**Figure 1: Procedures required by regulations 61 and 102 of the Habitats Regulations**



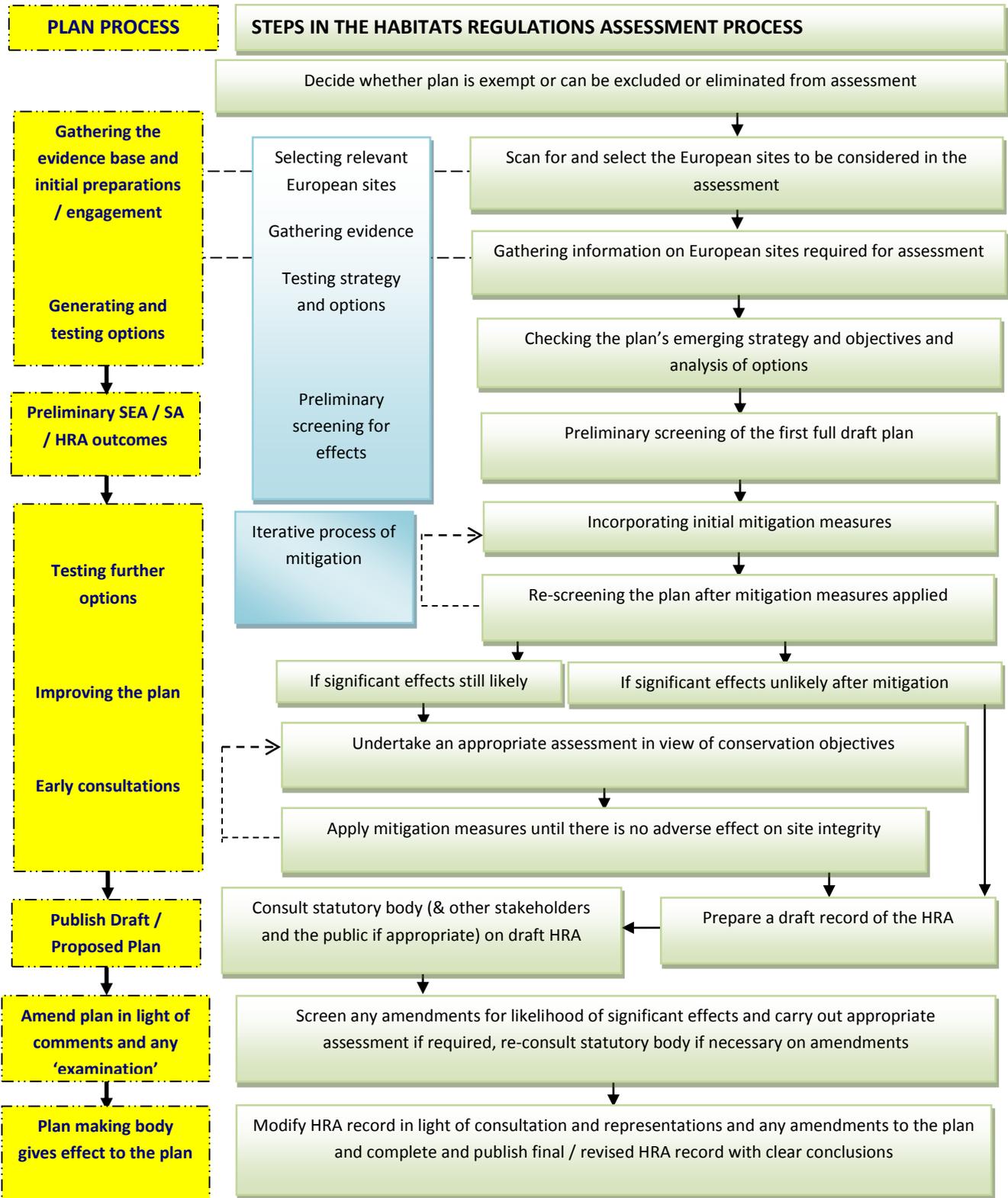
<sup>14</sup> Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd.](http://www.dta-publications.co.uk)

Figure 2

Outline of the four stage approach to the assessment of plans under the Habitats Regulations



**Figure 3: Relationship of steps in the Habitats Regulations Assessment with a typical plan making process**



## 2. Identification of European Sites potentially affected

2. The first preliminary step in the HRA process is to identify the European sites for which there is a credible risk from the Local Plan.

2.1. Figure 2.1 considers all the potential ways in which a generic ‘plan’ might potentially exert an influence over a European sites. This table is relevant to all ‘plans’ and is not specific to land use plans such as the Local Plan under consideration. Each potential impact mechanism is considered against the Local Plan for NWLDC. It should be noted that this step identifies where there is any *potential* threat of an impact which needs to be subject to some closer scrutiny.

### *European Sites potentially affected*

**Figure 2.1 Scanning and site selection list for sites that could *potentially* be affected by the plan**

Types of plan	Sites to scan for and check	Names of sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	River Mease SAC
2. Plans that could affect the aquatic environment	Sites upstream or downstream of the plan area in the case of river or estuary sites	River Mease SAC
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	None
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species	None
4. Plans that could affect the coast	Sites in the same coastal ‘cell’, or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan’s proposals or whether the species would be in or out of the site when they might be affected	River Mease SAC
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	Such European sites in the plan area	None (River Mease not sensitive to recreational pressure due to channel size and land ownership heavily restricting public access)

Types of plan	Sites to scan for and check	Names of sites selected
	Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	Cannock Chase SAC
	Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	None
7. Plans that would increase the amount of development	Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	None (water supply for development provided for within the plan is from beyond the Mease SAC catchment)
	Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	River Mease SAC
	Sites that could be affected by the provision of new or extended transport or other infrastructure	None
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	None (River Mease SAC not considered to be sensitive to the effects of air pollution)
8. Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	None
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	None

Types of plan	Sites to scan for and check	Names of sites selected
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	None
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	River Mease SAC
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	None
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	None
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	River Mease SAC
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	None
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	None

2.2. Figure 2.1 shows that the site which is most at risk from the Local Plan is the River Mease SAC. This is not surprising considering that this is the only European Site within the administrative boundary. Cannock Chase SAC has also been identified as *potentially* being sensitive to effects associated with increased recreational pressure. Other European sites are within a 40km radius of NWLDC, these sites are listed below for purpose of clarification.

- West Midland Mosses SAC (28km from nearest NWLDC boundary)
- Midlands Meres and Mosses Ramsar (28km from nearest NWLDC boundary)
- Pasturefields Salt Marsh SAC (31km from nearest NWLDC boundary)
- Ensor’s Pool SAC (18km from nearest NWLDC boundary)
- Rutland Water SPA/Ramsar (37km from NWLDC boundary)

2.3. In the absence of any hydraulic links in terms of water supply and the disposal of wastewater between the delivery of the policies contained within the Local Plan and these sites, all five sites are *eliminated*<sup>15</sup> from the need for further assessment. In all cases, in light of the distance from the administrative boundary, there are no conceivable impact mechanisms through which the Local Plan might present any credible risk of any adverse effects upon the integrity of these sites. **It is the conclusion of NWLDC therefore that there is no effect at all upon these sites. In the absence of there being any effect upon these sites, which might act in combination with the effects from other plans and projects there is no need to consider the potential for effects in combination. There is no likely significant effect either alone or in combination from the Local Plan upon any of these sites and they are screened out from further consideration.**

2.4. The effects which are considered to represent a credible risk to a European site, and which will be considered as part of the preliminary screening are summarised in table 2.1 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

*Table 2.1: Potential effects which require further consideration through the subsequent screening steps*

<sup>15</sup> Refer F.3.4 of Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd](http://www.dta-publications.co.uk/)

## European sites potentially affected

### River Mease SAC

2.5. The River Mease is designated as a Special Area of Conservation (SAC), the SAC incorporates the Gilwiskaw Brook downstream of Packington village and the River Mease from its confluence with the Gilwiskaw Brook to its confluence with the River Trent downstream of Croxhall (see figure 2.2 below). It is designated for its internationally important habitats and species, which are collectively referred to as its 'qualifying features'.

#### Qualifying Features of the River Mease SAC

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

S1149. *Cobitis taenia*; Spined loach

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

2.6. Natural England has drawn up conservation objectives<sup>16</sup> for these features which are set out below:

#### Conservation Objectives for the River Mease SAC

**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

2.7. The Conservation objectives for the River Mease SAC state that they 'should be read in conjunction with the accompanying 'Supplementary Advice' document, which provides more detailed advice and

<sup>16</sup> <http://publications.naturalengland.org.uk/publication/6217720043405312?category=6071598712881152>

information to enable the application and achievement of the objectives set out above'. The supplementary advice for the River Mease SAC is available online<sup>17</sup>.

2.8. Further background information which is relevant to this assessment can be found in the Site Improvement Plan<sup>18</sup>. Site Improvement Plans (SIPs) have been developed for each European site in England as part of the Improvement Programme for England's Natura 2000 sites (IPENS). The River Mease SIP provides a high level overview of the issues (both current and predicted) affecting the condition of the qualifying features of the SAC, and outlines the priority measures required to *improve* the condition of these features.

2.9. The River Mease SIP therefore provides valuable information regarding pressures which are known to be currently affecting (or predicted to affect) the qualifying features for which the SAC has been designated. Any potential effects from this Local Plan which might contribute to or exacerbate these existing pressures will need to be carefully considered. The six main pressures identified in the SIP are as follows:

- a) Water Pollution
- b) Drainage
- c) Inappropriate weirs, dams and other structures
- d) Invasive species
- e) Siltation
- f) Water abstraction



Figure 2.2: Map showing the boundaries of the River Mease SAC and Cannock Chase SAC (source: NBN Gateway)

<sup>17</sup> <http://publications.naturalengland.org.uk/publication/6217720043405312?category=6071598712881152>

<sup>18</sup> Refer <http://publications.naturalengland.org.uk/publication/6640857448972288>

## Cannock Chase SAC

2.10. Cannock Chase is also designated as a special area of conservation (SAC) and is located to the west of Rugeley (see figure 2.2 above), the qualifying features for this site are as follows:

### Qualifying Features of Cannock Chase SAC

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

2.11. Natural England has drawn up conservation objectives<sup>19</sup> for these features which are set out below:

### Conservation Objectives for Cannock Chase SAC

**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
- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which qualifying natural habitats rely

2.12. As with the River Mease, the Conservation objectives for Cannock Chase SAC state that they '*should be read in conjunction with the accompanying 'Supplementary Advice' document, which provides more detailed advice and information to enable the application and achievement of the objectives set out above*'. Unfortunately, at the time of writing, the supplementary advice for Cannock Chase is yet to be published and cannot therefore be referred to in this HRA.

2.13. Further background information which is relevant to this assessment can be found in the corresponding Site Improvement Plan<sup>20</sup>. The SIP for Cannock Chase identifies seven main pressures affecting the site.

- a) Undergrazing
- b) Drainage
- c) Hydrological changes
- d) Disease
- e) Air pollution
- f) Wildfire / arson
- g) Invasive species

2.14. Whilst recreational pressure is not listed within the SIP for Cannock Chase SAC, the site is currently subject to an agreed strategic approach implemented through a 'SAC Partnership' involving a

<sup>19</sup> <http://publications.naturalengland.org.uk/publication/6687924741472256?category=5134123047845888>

<sup>20</sup> Refer <http://publications.naturalengland.org.uk/publication/4957799888977920>

coordinated approach across six local planning authorities. The Evidence base shows that development within 15km of the SAC boundary may have a significant impact on the site. By way of example Lichfield District Council, as the nearest of the planning authorities with responsibility for Cannock Chase to NWLDC, operate a strategic approach to mitigate for the impact of new residential development<sup>21</sup>. This interim guidance, agreed with Natural England, identifies a 15km zone of influence. The agreed approach states that:

*'All development that results in a net increase in dwellings within 15km of Cannock Chase SAC is likely to have an adverse impact upon the SAC and therefore suitable mitigation, proportionate to the significance of the effect, will be required in line with ongoing work by partner authorities to develop a Mitigation and Implementation strategy SPD...*

*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.'*

2.15. The development provided for within the NWLDC Local Plan all lies out-with the 15km zone of influence.

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<sup>21</sup> Cannock Chase SAC Interim Guidance to mitigate the impact of new residential development. Refer [http://www.lichfielddc.gov.uk/info/856/local\\_plan/1014/evidence\\_base/24](http://www.lichfielddc.gov.uk/info/856/local_plan/1014/evidence_base/24)

### 3. Screening the Objectives

3. Having identified the sites which might potentially be affected by aspects of the Local Plan, the first stage in the HRA process is commonly referred to as the 'screening' stage.
- 3.1. 'Screening' is not a term used in the Directive or Regulations but is widely used for convenience to describe the first step of the HRA process. The purpose of the screening stage is to consider each aspect of the plan and identify whether it is:
  - a) Exempt from the need for assessment (where a plan is directly connected with or necessary for the management of the European site concerned)
  - b) Excluded from the need for assessment (where a document under consideration is not a 'plan' within the context of the Habitats Regulations)
  - c) Eliminated from the need for assessment (where it is obvious from the beginning that there is no conceivable effect upon any European sites)
  - d) Subject to assessment and screened out from further consideration (that is the case where an aspect of the plan is considered not 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects')
  - e) Subject to assessment and screened in for further assessment (that is the case where an aspect of the plan is considered 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects')
- 3.2. For aspects of the plan which are subject to assessment, the screening test requires a decision to be made as to whether that aspect of the plan has a 'likely significant effect, either alone or in combination with other plans and projects', or not.
- 3.3. The Habitats Regulations Assessment Handbook contains further guidance regarding this practical interpretation of this step, with reference to case law and government guidance. Section C.7.1 sets out a series of principles relevant to the screening decision; key extracts are set out below:
  - *As a result of European case law in Waddenzee, irrespective of the normal English meaning of 'likely', in this statutory context a 'likely significant effect' is a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information. In this context it is permissible to ask whether a plan or project 'may have a significant effect'...(principle 3)*
  - *A significant effect is any effect that would undermine the conservation objectives for a European site... (principle 4)*
  - *An effect which would not be significant can properly be described as : as 'insignificant effect'; or a 'de minimis effect; or a 'trivial effect'; or as having 'no appreciable effect'; but it is important to bear in mind that, in this context, all the terms are synonymous and are being used to describe effects which would not undermine the conservation objectives'....(principle 8)*
  - *'Objective', in this context, means clear verifiable fact rather than subjective opinion. It will not normally be sufficient for an applicant merely to assert that the plan or project will not have an adverse effect on a site, nor will it be appropriate for a competent authority to rely*

*on reassurances based on supposition or speculation. On the other hand, there should be credible evidence to show that there is a real rather than a hypothetical risk of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment' (principle 11).*

3.4. The early sections of the Local Plan include introductory text and administrative text setting out a 'profile of North West Leicestershire' together with a table summarising the 'key issues'. This part of the plan 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.

Element of the plan	Assessment and reasoning	Screening conclusion
<b>Introduction and Profile of NW Leicestershire</b>	Administrative text	Screened out
<b>Key issues</b>	Administrative text	Screened out

3.5. The Local Plan then continues to set out 15 overarching objectives and a list of supporting policies. In accordance with the approach adopted for this assessment (refer 1.20-1.21 above) a list of 'screening categories' have been used to provide a rigorous and transparent approach to the screening process.

3.6. 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).

**3.7. The 15 objectives were screened against these categories and all were screened out of the need for further assessment under category A.**

## 4. Preliminary screening of the policies

4. The next step in the screening process is to consider the individual policies which fall within the scope of this HRA (refer para 1.19 above). **Each policy has been screened against the screening categories set out above and detailed policy based conclusions are provided in appendix 1.** In many cases the justification included in appendix 1 is sufficient in its own right; in some cases however the justification recorded in appendix 1 requires further explanation. Paras 4.1-4.25 below seek to set out this further detail in respect of the potential impacts associated with the discharge of wastewater, proximity effects, emissions, and recreational impacts (Cannock Chase SAC only).

### Potential effects upon the River Mease SAC

- 4.1. As identified in Table 2.1 above there are three potential impact mechanisms through which the development provided for within the Local Plan 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 4.1: Impact mechanism potentially affecting the River Mease SAC and qualifying features at risk

#### Discharge of wastewater

- 4.2. In view of the conservation objectives for the River Mease SAC, and with reference to the main pressures identified in the Site Improvement Plan (refer para 2.8 above) the potential effects on water quality associated with the discharge of wastewater from new development could represent a credible risk to the SAC.
- 4.3. As set out in 1.11-1.19 above the scope of this HRA is limited to the effects associated with 'new allocations' only (policies H3 and Ec2 in particular).
- 4.4. The River Mease SAC currently exceeds the appropriate water quality targets for phosphorous and the effects of water quality are considered to be the pressure of highest priority within the Site Improvement Plan. Discharge from sewage treatment works is a major contributor of phosphorous to the river and the proposed new development connecting to wastewater treatment works that discharges into the catchment of the River Mease would add further phosphorous, potentially exacerbating this existing pressure.

- 4.5. The phosphorous issue has been subject to a high degree of scrutiny over recent years and a long term Water Quality Management Plan (sometimes referred to as the Nutrient Management Plan) was finalised in June 2011. The primary purpose of the WQMP is *'to reduce the levels of phosphorous within the river, to enable the Conservation Objectives for the SAC to be met and an adverse effect upon the SAC avoided'*. The primary objective of the plan is *'that the combined actions will result in a reduction in phosphate in the River Mease to no more than 0.06mg/l, and this will be achieved by 2027.'*<sup>22</sup>
- 4.6. One of the agreed actions of the WQMP was to establish a developer contributions scheme (DCS)<sup>23</sup> to facilitate the delivery of new development within the catchment. The first development window (referred to as DCS1) was finalised in October 2012. More recently a second development window (DCS2) has been approved by the Programme Board. Sections A-C of the DCS documents provide relevant background explaining the scope of the DCS and the basis upon which the developer contributions are required. There is no need to repeat these sections within this report; readers wanting to get a better understanding are referred to the original document and its supporting appendix which can be viewed from the web link provided in the footnote below.
- 4.7. The important aspect of the DCS which is of particular relevance to this HRA is that the contributions secured fund a programme of measures aimed to offset the effects of new development such that development has no net effect on phosphorous levels within the SAC. In this way the DCS acts as an avoidance measure and development which contributes to the scheme can be regarded as compliant with the requirements of the Habitats Regulations. This approach is agreed by Natural England (as the statutory nature conservation agency under the Habitats Regulations) and the Environment Agency (as the competent authority responsible for ensuring that sewage treatment works discharge consents are compliant with the Habitats Regulations).
- 4.8. The fact that the DCS avoids any effect (rather than merely reducing an effect) is important as this means that development which contributes to the DCS does not need to be considered *in combination* with other plans and projects. Adding the effects of other plans and projects would not make the effects of such development either more *likely* or more *significant* because the development has no effect at all<sup>24</sup> and cannot contribute to an effect in combination with other plans and projects.
- 4.9. If the 'new' development provided for in H3, Ec2 (and to a certain extent Ec3) can be accommodated within the currently agreed DCS approach then it would be possible, on the basis of the avoidance measures to be delivered through the DCS, to conclude that such development will have no likely significant effect (either alone or in combination) on the River Mease SAC.
- 4.10. The need for DCS2 to facilitate the delivery of development provided for within the Local Plan was recognised as part of the earlier June 2015 HRA assessment work. The recent approval of DCS2 by

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<sup>22</sup> River Mease SAC Water Quality (Phosphate) Management Plan, version 1, dated 27<sup>th</sup> June 2011.

<sup>23</sup> See

[http://www.nwleics.gov.uk/pages/developments\\_within\\_the\\_catchment\\_area\\_of\\_the\\_river\\_mease\\_special\\_area\\_of\\_conservation](http://www.nwleics.gov.uk/pages/developments_within_the_catchment_area_of_the_river_mease_special_area_of_conservation)

<sup>24</sup> Refer section C.7.1 (principle 10) in *The Habitats Regulations Assessment Handbook*.

the Programme Board is therefore of central importance. Section E.4 of DCS2 refers to an important change since DCS1. Following recent discussions between Natural England, the Environment Agency and Severn Trent Water a recently agreed position in respect of the most effective long term solution to meet the conservation objectives for the River Mease SAC has been reached. The following statement has been issued:

*Severn Trent, Environment Agency and Natural England have assessed the options to meet the SAC conservation objectives in relation to flow and phosphate, and agree that pumping sewage effluent from Packington and Measham sewage works out of the Mease catchment is the most effective long term solution.*

*The primary reason to move flow out of the River Mease catchment would be to ensure the SAC flow targets are met. In addition this will also remove phosphate for which the River Mease is currently failing to meet the SAC target.*

*All parties are committed to working together to progress the development of an appropriate scheme with a view to it being included in the next round of the asset management planning process for scrutiny within the 2019 Periodic Review.*

*It is fully accepted by all parties that implementation of such a solution will take time and would be subject to appropriate scrutiny by OFWAT in respect of the necessary investment costs by Severn Trent Water being passed onto their customers.*

- 4.11. Upon implementation, this agreement in respect of pumping flows from Packington and Measham out of catchment will provide an immediate solution to the impacts upon the River Mease SAC from wastewater associated with development connecting to these works. As such, of the development provided for within the Local Plan, the development provided for within H3(a) (beyond the 600 dwellings for which permission has already been granted and which is provided for within the DCS1) is phased for delivery towards the end of the plan period, following the implementation of the scheme to pump flows out of catchment (anticipated for delivery by 2025). **Any such development can be screened out as having no likely significant effect under category G; there will be no conceivable effect upon the River Mease SAC.**
- 4.12. **All remaining residential development provided for by the Local Plan can be accommodated within DCS2. The measures delivered through the collection of developer contributions will ensure that development has no effect at all on the River Mease SAC. As such, assessment in combination is not necessary.**
- 4.13. All Development provided for within policies Ec2 and Ec3 is also included within the DCS approach. **The measures delivered through the collection of developer contributions will ensure that policies Ec2 and Ec3 have no effect at all on the River Mease SAC. As such, assessment in combination is not necessary**
- 4.14. Consequently, all development provided for within the Local Plan, which will connect to a sewage treatment works which discharges into the Mease catchment can be accommodated within the DCS approach. Impacts on the River Mease SAC from wastewater disposal can therefore be excluded on

the basis of the objective information available through the DCS approach. Further information is provided within the DCS2 document itself and the supporting appendix (refer footnote 21).

#### *Disturbance associated with proximity*

4.15. Disturbance associated with proximity of development is relevant to the qualifying species *Lutra lutra* (otter). Otters are naturally shy creatures and a proximity of human activity to their natural habitat will result in disturbance. A recent integrated assessment of the River Mease<sup>25</sup> indicates that the majority of the watercourse is used by otters. The risk from disturbance associated with proximity would only be relevant to development allocations which are adjacent to the river, or which would lead to increased levels of public access.

4.16. In addition to the new development provided through policies H3 and Ec2, policy Ec3 includes the 'primary employment areas'. Most of these are already built out or subject to existing planning permission (and hence not within the scope of this HRA). However whilst there is outline planning permission in respect of 2.52ha of land within the Ashby Business Park and 4ha of land within the Ivanhoe Business Park (both in Ashby de la Zouch) the permissions pre-date the designation of the SAC. As a result, in spite of benefitting from outline planning permission, these allocations have not yet been subject to prior assessment under the Habitats Regulations and need to be included within the scope of this HRA.

4.17. The development provided for in H3, Ec2 and that within Ec3 which requires further assessment is located at:

- a) 'Land north of Ashby de la Zouch' (H3a)
- b) 'land off Ashby road / Leicester Road, Measham' (H3c)
- c) 'Land North of Ashby de la Zouch' (Ec2)
- d) Ashby Business Park, Nottingham Road (south), Ashby de la Zouch. (Ec3)
- e) Ivanhoe Business Park, Smisby Road, Ashby de la Zouch (Ec3)

4.18. Sites (a-e) are all located at least 1.5km away from the SAC and it is reasonable to conclude, in terms of disturbance associated with proximity, these sites will have no effect at all upon the qualifying features of the River Mease SAC, effects in combination can also therefore be excluded. With reference to disturbance effects associated with proximity, **it is the conclusion of NWLDC that policies H3, Ec2, and the allocation within the Ashby and Ivanhoe Business Parks in Ec3 will have no likely significant effect on the River Mease SAC in respect of disturbance (either alone or in combination with other plans and projects).**

#### *Emissions to air, water or soil.*

4.19. As set out above, in addition to the new development provided through policies H3 and Ec2, policy Ec3 includes the 'primary employment areas', some of which have not yet been subject to prior assessment under the Regulations and need to be considered. The development provided for in H3, Ec2 and that within Ec3 which requires further assessment is as listed in (a-e) in para 4.17 above.

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<sup>25</sup> Integrated Assessment of the River Mease SSSI, Final Report March 2014. JBA Consulting.

4.20. Sites (a-e) are located at least 1.5km away from the SAC, and it is reasonable to assume that standard controls regarding emissions to air, soil and water (including during construction) will be sufficient to ensure protection of the SAC. It is therefore the view of NWLDC that, in terms of emissions to air, soil or water **policies H3, Ec2 and the allocations at Ashby Business Park and Ivanhoe Business Park in Ec3 will have no likely significant effect on the River Mease SAC in respect of emissions (either alone or in combination with other plans and projects).**

### Potential effects upon Cannock Chase SAC

4.21. 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'*

4.22. The closest boundary of NWLDC is just beyond this 15km radius; as a result the potential effects of development provided for within policy H3 have been subject to further scrutiny, to ensure that it will not result in a disproportionately large increase in residents just beyond the 15km zone. The development within policy H3 would be located entirely within Ashby de la Zouch and Measham which are located 35km and 32km respectively from nearest boundary of Cannock Chase SAC. On the basis of this distance being significantly beyond the 15km radius proposed in the interim guidance, it is the view of NWLDC that, with regards recreational pressure, the effects from development provided for within policy H3 within the Cannock Chase SAC, will be insignificant.

4.23. Nevertheless there is a *hypothetical* risk that the effects, although insignificant 'alone' might contribute to the effects from other plans and projects and act in an in combination manner. However, in accordance with policy 8 of section C.8.1 in the Habitats Regulations Assessment Handbook<sup>26</sup> it should be noted that in such a circumstance as that being considered *'the generally restrictive nature of local planning or other regulatory or policy context... might lead to a conclusion that the risk of the subject proposal contributing to a significant adverse effect in combination is hypothetical rather than realistic. Where this is the case, cumulative effects are taken into account and excluded on the basis of lack of credibility'*. It is the view of NWLDC, in light of the restrictions already placed upon development within 15km of the SAC, and with regards to this principle, NWLDC can conclude, in terms of disturbance associated with recreational pressure that **policy H3 will have no likely significant effect on Cannock Chase SAC (either alone or in combination with other plans and projects).** In light of the protection afforded to the SAC through the

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<sup>26</sup> Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd](#).

implementation of the interim guidance for development within 15km, effects ‘in combination’ are excluded on the basis of a lack of credibility.

*Summary of preliminary screening decisions*

4.24. Appendix 1 provides further details regarding the preliminary screening decisions for each policy and a summary of the screening decisions is provided in table 4.2 below:

<b>Table 4.2: Summary of preliminary screening decisions</b>	
<b>Screening decision and category</b>	<b>Policies</b>
Policies screened out of further assessment	
Category A (General statement of policy)	S1, Ec13, IF2, IF3, IF4, IM1.
Category B (General criteria for testing acceptability of proposals)	D1, D2, D3, H4, H6, Ec5, Ec6, Ec9, Ec10, Ec11, Ec12, IF1, IF7, En3, En4, En5, He2, Cc1, Cc2, Cc3.
Category C (Proposal referred to but not proposed by the plan)	IF6.
Category D (Environmental protection policy)	En1, En6, He1.
Category E (European site protection policy)	En2.
Category G (no conceivable effect on a European site)	Ec4, Ec7, Ec8, IF4.
Category H (effects cannot undermine the conservation objectives)	S2, H3, H5, H7, Ec2, Ec3, Ec8, IF5.

*Overall Screening Conclusion*

**4.25. It is the conclusion of NWLDC that the Local Plan will have no likely significant effects, either alone or in combination with other plans and projects, upon any European sites. An appropriate assessment is not required.**

**Dr Caroline Chapman MCIEM (Director)**

DTA Ecology Ltd

13<sup>th</sup> June 2016

## Appendix 1: Preliminary screening conclusions

Plan Policy	Screening Conclusion	Justification
S1 Future housing and economic development needs	Screened out (no likely significant effect either alone or in combination)	Category A: This policy does provide for change but effects on any given European site cannot be identified because the proposal is too general. The effects of the housing are better assessed in the later housing and economic policies.
S2 Settlement Hierarchy	Screened in (likely to have a significant effect alone)	Category H: This policy steers development towards Ashby as a 'key service centre' and other locations where development will discharge wastewater to the River Mease SAC catchment with associated effects upon water quality within the SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC so the policy cannot undermine the conservation objective.
S3 Countryside	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site. The policy does makes reference to development provided for in other policies and the effects of those policies are assessed separately. Policy En2 will be relevant to any development within the countryside which discharges to the Mease catchment.
D1 Design of new development	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
D2 Amenity	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
D3 Telecommunications	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
H1 Housing provision: planning permissions	N/A	Beyond scope of this assessment. Earlier project level screening conclusion can be adopted.

H2 Housing provision: resolutions	N/A	Beyond scope of this assessment. Earlier project level screening conclusion can be adopted.
H3 Housing provision: new allocations	Screened in (likely to have a significant effect alone)	Category H: This policy steers new development towards two locations in Ashby, with a third possible site in Measham (should policy H2m not be delivered). All such development will discharge wastewater to the River Mease SAC catchment with associated effects upon water quality within the SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC and the requirement for the phasing of development until flows from the Packington STW are pumped out of catchment. As such, the policy cannot undermine the conservation objective.
H4 Affordable housing requirements	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
H5 Rural exception sites for affordable housing	Screened in (likely to have a significant effect alone)	Category H: This policy steers new development towards unnamed rural locations It is reasonable to assume some such development will take place in locations which would discharge wastewater to the River Mease SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC so the policy cannot undermine the conservation objective.
H6 House types and mix	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
H7 Provision for gypsies and travellers and travelling showpeople	Screened in (likely to have a significant effect alone)	Category H: This policy steers new gypsy and traveller development towards unnamed locations. It is reasonable to assume some such development will take place in locations which would discharge wastewater to the River Mease SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC so the policy cannot undermine the conservation objective.
Ec1 Employment provision: permissions	N/A	Beyond scope of this assessment. Earlier project level screening conclusion can be adopted. By way of clarification any reference to the East Midlands Gateway development can equally be screened out under category C as a proposal referred to but not proposed by the plan

Ec2 Employment allocations: new allocations	Screened in (likely to have a significant effect alone)	Category H: This policy steers new employment provision to Ashby de la Zouche. All such development will discharge wastewater to the River Mease SAC catchment with associated effects upon water quality within the SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC so the policy cannot undermine the conservation objective.
Ec3 Existing employment areas	Screened in (likely to have a significant effect alone)	Category H: This policy seeks to protect existing employment areas from non –employment uses. A proportion of such development will discharge wastewater to the River Mease SAC catchment with associated effects upon water quality within the SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC so the policy cannot undermine the conservation objective.
Ec4 East Midlands Airport	Screened out (no likely significant effect either alone or in combination)	Category G: this policy makes provision for change within the East Midlands Airport but the change would have no conceivable effect upon any European site because there is no causal connection between the proposed development and any qualifying features of a European site.
Ec5 East Midlands Airport Safeguarding	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Ec6 East Midlands Airport Public Safety Zone	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Ec7 Donington Park	Screened out (no likely significant effect either alone or in combination)	Category G: this policy makes provision for change within the Donington Park racetrack area but the change would have no conceivable effect upon any European site because there is no causal connection between the proposed development and any qualifying features of a European site.
Ec8 Town and Local Centres: Hierarchy and Management of Development	Screened out (no likely significant effect either alone or in combination)	Category G/H: this policy makes specific provision for change within Coalville Town Centre but the change would have no conceivable effect upon any European site because there is no causal connection between the proposed development and any qualifying features of a European site. Policy En2 will be relevant to any development which discharges to the Mease catchment so such development cannot undermine the conservation objective.

Ec9 Town and Local Centres: Thresholds for impact assessment	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Ec10 Town and Local Centres: Primary Shopping Areas – Non shopping uses	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Ec11 Town and Local Centres: Primary Shopping Areas – Hot food takeaway balance	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Ec12 Local Centres	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Ec13 Tourism development	Screened out (no likely significant effect either alone or in combination)	Category A: This policy does provide for potential change but effects on any given European site cannot be identified because the proposal is too general.
IF1 Development and Infrastructure	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
IF2 Community and Cultural Facilities	Screened out (no likely significant effect either alone or in combination)	Category A: This policy does provide for potential change but effects on any given European site cannot be identified because the proposal is a general expression of policy.
IF3 Open Space, Sport and Recreation facilities	Screened out (no likely significant effect either alone or in combination)	Category A: This policy does provide for potential change but effects on any given European site cannot be identified because the proposal is a general expression of policy.
IF4 Transport Infrastructure and new development	Screened out (no likely significant effect either alone or in combination)	Category A and G: This policy IS4 (a-c) does provide for potential change but effects on any given European site cannot be identified because the proposal is a general expression of policy. IS4(d-e) makes provision for change regarding to specified road improvements but the

		scheme is located approx. 3km from the SAC and would have no conceivable effect upon any European site because there is no credible risk between the proposed development and any qualifying features of a European site.
IF5 Leicester to Burton rail line	Screened in (likely to have a significant effect alone)	Category H: This policy refers to the provision of stations at appropriate locations, including 'ancillary facilities' which would likely include toilets. Such development might discharge wastewater to the River Mease SAC catchment with associated effects upon water quality within the SAC. However the supporting text makes clear reference to policy En2 in respect of potential effects upon the River Mease SAC so the policy cannot undermine the conservation objective.
IF6 Ashby Canal	Screened out (no likely significant effect either alone or in combination)	Category C: This policy refers to a specific proposal concerned with the restoration of the Ashby Canal. The reconstruction work from Snarestone to Measham has already been consented through the Leicestershire County Council(Ashby de la Zouche Canal Extension) order 2005 No. 2786. It is therefore a proposal referred to but not proposed by this Plan and was considered separately by the Secretary of State when making the Order. Any further consents required will themselves be subject to assessment under the Habitats Regulations and cannot be assessed in a meaningful manner at this stage.
IF7 Parking provision and new development	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
En1 Nature Conservation	Screened out (no likely significant effect either alone or in combination)	Category D: The purpose of this policy is to protect and conserve the natural environment. The measures proposed within the policy will not be likely to have any adverse effects upon European sites.
En2 River Mease Special Area of Conservation	Screened out (no likely significant effect either alone or in combination)	Category E: The purpose of this policy is to steer changes in such a way as to specifically protect the River Mease SAC. The measures proposed within the policy will not be likely to have any adverse effects upon European sites.
En3 The National Forest	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.

En4 Charnwood Forest Regional Park	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
En5 Areas of Separation Policy	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
En6 Land and Air Quality	Screened out (no likely significant effect either alone or in combination)	Category D: The purpose of this policy is to protect the natural environment. The measures proposed within the policy will not be likely to have any adverse effects upon European sites.
He1 Conservation and enhancement of NW Leicestershire's historic environment	Screened out (no likely significant effect either alone or in combination)	Category D: The purpose of this policy is to protect the historic environment. The measures proposed within the policy will not be likely to have any adverse effects upon European sites.
He2 Shopfront design	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Cc1 Renewable Energy	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Cc2 Flood Risk	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
Cc3 Sustainable Urban Drainage	Screened out (no likely significant effect either alone or in combination)	Category B: This policy establishes a general policy designed to test proposals in the plan for their general acceptability. The policy cannot have any effect on a European Site.
IM1 Implementation and Monitoring	Screened out (no likely significant effect either alone or in combination)	Category A: This is a general expression of policy.