

ADVICE TO NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

# Shadow Habitats Regulations Assessment of the partial Local Plan review (2019)

## *ADDENDUM – HRA UPDATE FOLLOWING PARTIAL REVIEW*

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# 1 Introduction

## 1.1 Background

- 1.1.1 The North West Leicestershire Local Plan was adopted on 21 November 2017. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2031. The Plan included a commitment to start a review of the plan within three months of the date of adoption. There are two main reasons why an immediate review was required:
- a) A shortage of employment land up to 2031 compared to what is needed (as identified in our [Housing and Economic Development Needs Assessment](#), or HEDNA)
  - b) The possible need to accommodate additional housing arising from unmet needs in Leicester city.
- 1.1.2 As such, North West Leicestershire District Council (NWLDC) is currently working on a partial review of the Local Plan. This report is an addendum to the *shadow* Habitats Regulations Assessment<sup>1</sup> (hereafter referred to as ‘the main HRA’) which has already been carried out in respect of the adopted version of the Plan, as required under the Habitats Regulations<sup>2</sup>.
- 1.1.3 The addendum is necessary to take account of subsequent changes to the plan being proposed through this partial review. Rather than re-writing the HRA, which would result in a duplication of assessment effort, an addendum to the main HRA has been produced. This addendum, when read alongside the June 2016 HRA provides a full audit trail to demonstrate that any changes which arise as a result of the partial review are compliant with the requirements of the Habitats Regulations. The addendum should therefore be read and interpreted alongside the main HRA document.
- 1.1.4 The partial review proposes a change to policy S1 and supporting text. This addendum is therefore concerned solely with the assessment of the implications of these changes within the context of the assessment requirements under the Habitats Regulations.

## 1.2 Context

- 1.2.1 It is the responsibility of NWLDC, as the competent authority, to undertake the formal assessment and to make the decisions which are required to be taken. They must decide whether to adopt the findings of this report for the purpose of their own assessment, or not.

## 1.3 Proposed revision to policy S1

- 1.3.1 The changes to policy S1 are set out in the partial review consultation document as shown in the text box overleaf. Changes which are proposed are shown as **bold** text and underlined. Whilst proposed deletions are shown as ~~striketrough~~ text.

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<sup>1</sup> Shadow Habitats Regulations Assessment to inform the HRA of the Local Development Plan by NWLDC, DTA Ecology, Final Version (dated 13<sup>th</sup> June 2016).

<sup>2</sup> The Conservation of Habitats and Species Regulations 2017 SI No 1012

### ***Proposed revisions to policy S1***

#### **Policy S1 – Future housing and economic development needs**

Over the plan period to 2031 provision will be made to meet the housing and employment land needs of the district as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (January 2017).

This means that:

- provision will be made for the development of a minimum of 9,620 dwellings (481 dwellings per annum) which is the Objectively Assessed Need (OAN) and Housing Requirement for the district;
- provision will be made for 66 hectares of land for employment purposes (B1, B2 and B8 of less than 9,000sq metres)
- Provision will also be made for 7,300sq metres for shopping purposes.

The Council will continue to work collaboratively with the Leicester & Leicestershire Housing Market Area (HMA) authorities to establish the scale and distribution of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of the inability of one or more authority to accommodate its own needs as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment. **This will be done through a Statement of Common Ground (SOCG) and the submission of a replacement Local Plan will take place within 18 months of the date at which the SOCG is agreed by all of the authorities.**

~~The District Council will commence a review of this Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) by the end of January 2018 or within 3 months of the adoption of this Local Plan (whichever is the later). The Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed to be out of date.~~

#### **Paragraph 5.8**

~~Policy S1 recognises that there is a need to undertake an early review of the Local Plan. This is because whilst the current total provision of employment land is about 291 hectares, there is a mismatch between the type of land identified as being required in the HEDNA and the actual provision. There is~~ At the time of the examination there was a shortfall of about 29 hectares when compared to the HEDNA requirement for Class B1, B2 and B8 of less than 9,000sq metres. This reflects the fact that the HEDNA was completed towards the end of the process of preparing this plan. In addition, it is apparent that not all of the other HMA authorities will be able to accommodate their housing needs within their boundaries. The Council is committed to working with the other HMA authorities to agree how and where this unmet need will be accommodated. It may, therefore, be necessary for additional provision to be made for housing (and/or employment) when this work is completed.

## 2 Screening of changes

### 2.1 Approach to screening of the changes identified as relevant to the HRA

- 2.1.1 As set out in para 1.20 of the main HRA, the HRA approach followed the guidance on the assessment of plans available through the Habitats Regulations Assessment Handbook<sup>3</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.
- 2.1.2 In screening the changes identified as potentially relevant to the HRA, the screening categories from section F.6.3 of the HRA Handbook have been applied and are listed below for ease of reference:
- 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. Plan-wide 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 which may have a significant effect on a site alone (screened in)
  - J. Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in combination
  - K. Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in combination test).
  - L. Policy or proposal which might be likely to have a significant effect in combination (screened in after the in combination test).
  - M. Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European site (screened in)
- 2.1.3 The findings of the screening are captured in table 2.1 below. The deleted text has no relevance to any European sites and all proposed new text has been screened out against category A as having no likely significant effect on any European site.

Table 2.1: Screening of the partial review changes		
Changes	Category	Justification
New wording on policy S1 <b><u>'This will be done through a Statement of Common Ground (SOCG) and the submission of a replacement Local Plan will take place within 18 months of the date at which the SOCG is agreed by all of the authorities.'</u></b>	A	A statement of policy
Deletion of text from policy S1 and para 5.8	G	No conceivable effect

<sup>3</sup> Tyldesley, D. and Chapman, C. (2013) *The Habitats Regulations Assessment Handbook*, September 2019 edition UK: DTA Publications Ltd (see [www.dtapublications.co.uk](http://www.dtapublications.co.uk))

## 2.2 The need for assessment in-combination with other plans and projects

2.2.1 All changes have been screened out and are assigned to a screening category which allows them to be recognised as unlikely to have a significant effects either alone or in-combination. With reference to the list of categories at 2.1.2 only category J would require further assessment of the potential for effects 'in combination'.

2.2.2 As such, no further assessment 'in combination' is required.

## 2.3 Overall Conclusion

2.3.1 It is therefore the conclusion of this HRA addendum that, the changes to the partial review of the Local Plan will have no likely significant effect on any European sites. The changes are restricted to the inclusion of a general statement of policy and the deletion of text which has no conceivable effect on any European sites. No further assessment work is required under the Habitats Regulations.