

BLABY LOCAL PLAN DELIVERY DEVELOPMENT PLAN DOCUMENT: MAIN MODIFICATIONS

Habitats Regulations Assessment Addendum

September 2018



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Introduction

1. The Council submitted the Blaby Local Plan Delivery DPD to the Secretary of State for examination on 23 March 2018. A Habitat Regulations Assessment (HRA) Screening Report 2017 was submitted alongside the Delivery DPD.
2. The HRA Screening Report 2017 describes in detail the approach to how the HRA Screening was undertaken. The Habitat Regulations Assessment Addendum should be read alongside the HRA Screening Report 2017.
3. Following the Examination hearings, held between 31 July and 2 August 2018 and between 14 and 15 August 2018, a number of proposed Main Modifications have been prepared which are intended to make the Delivery DPD sound. These are published for consultation purposes. The proposed Main Modifications take into account the matters raised during the Examination.
4. The purpose of the Habitat Regulations Assessment Addendum is to consider whether the potential impacts of the proposed Main Modifications will result in significant negative effects on the European sites. Any Additional Modifications (such as factual or typographical errors) are not subject to HRA as they are unlikely to result in impacts that will result in significant negative effects to European sites.
5. In addition, Blaby District Council has reviewed its Habitat Regulation Assessment in light of the judgement of the European Court of Justice (ECJ) ruling 'People over Wind, Peter Sweetman v Coillte Teoranta'. Appendix A to this report sets out the review to the HRA screening assessment in light of the ECJ ruling.

Previous Habitat Regulations Assessment Work

6. The Delivery DPD (and previously named Site Allocation and Development Management Policies DPD) has been the subject of Habitats Regulations Assessment throughout its preparation. The following stages have been undertaken:
 - Habitats Regulations Assessment Screening - Blaby Local Plan Delivery DPD (Preferred Options) 2016
 - Habitats Regulations Assessment Screening Report - Blaby Local Plan Delivery DPD (Proposed Submission Version) 2017
 - Habitat Regulations Assessment Addendum 2018

Methodology

7. The HRA Screening Report 2017 submitted alongside the Delivery DPD describes in detail the approach to how the HRA Screening was undertaken. The Habitat Regulations Assessment Addendum should be read alongside the HRA Screening Report 2017.
8. The Schedule of Main Modifications is used as the starting point to assess whether the potential impacts will have significant negative effects on European sites. Each Main Modification relating to a policy has been reviewed to see whether the Main Modification would result in changes to the conclusions of the HRA Screening Report 2017.
9. Consideration has also been given as to whether there are any cumulative (or in combination) effects of the Delivery DPD with plans in neighbouring authorities and whether or not the likely cumulative effects are affected by the proposed Main Modifications.

Results

10. Table 1 sets out the proposed Main Modifications, the Council's reasons for proposing the change and a record of the assessment of each Main Modification against the potential impacts identified in the HRA and its implications.
11. In addition, the cumulative (or in combination) effects of neighbouring local plans have been considered. Since the HRA Screening Report 2017 was prepared, changes have taken place in the following neighbouring areas:

Harborough District Council – The Habitat Regulations Assessment 2017, submitted with Harborough Local Plan in March 2018, concluded that development in the Harborough Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects.

Borough of Oadby and Wigston - The Habitat Regulations Assessment 2017, submitted with the Borough of Oadby and Wigston Local Plan in January 2018, concluded that the Borough of Oadby and Wigston Local Plan is unlikely to lead to significant effects on any European sites, including Rutland Water SPA and Ramsar site. Further work is being undertaken in the light of the recent People over Wind judgement but the conclusion of this work was not available at the time of writing.

Rugby Borough Council – The Habitat Regulations Draft Screening Report 2018, prepared to accompany proposed Main Modifications, concluded that the Rugby Local Plan was not considered to have any Likely Significant Effects on any European Sites either alone or in combination with other plans or projects.

Conclusions

12. This review of the HRA Screening assessment concluded that the overall findings of the HRA Screening Report 2017 remain robust. No significant adverse effects on European

level sites were identified as a result of the policies and proposals of the emerging Local Plan Delivery DPD. There was therefore no requirement for 'Appropriate Assessment'.

Table 1: Assessment of Main Modifications in relation to SA conclusions reported previously

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
MM1	N/A	NEW Policy/paras	<p><i>Add new policy and supporting text (after Section 4):</i></p> <p><u>Local Plan Review</u></p> <p><u>5.1 Blaby District lies within the Leicester and Leicestershire Housing Market Area. The Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) was published in January 2017. It sets out the long term objectively assessed need (OAN) for new housing in each of the local authority areas in the HMA up to 2036. The Council is also mindful that the introduction of the Standardised Methodology contained in the National Planning Policy Framework may have further implications for the OAN.</u></p> <p><u>5.2 In order to plan for the level of objectively assessed need identified, the local authorities in the Leicester and Leicestershire Housing market Area (HMA) area are working collaboratively to prepare the joint Leicester and Leicestershire Strategic Growth Plan. The Strategic Growth Plan is expected to be finalised by late 2018.</u></p> <p><u>5.3 The District Council will take account of the implications of the Strategic Growth Plan in its next Local Plan which is due to commence on adoption of the Delivery DPD as set out in its latest Local Development Scheme. Policy LP1 reflects this commitment.</u></p> <p><u>5.4 In addition, in the circumstances that the delivery of housing is significantly and persistently short of the expectation set out in the housing trajectory, a Local Plan</u></p>	To ensure the Delivery DPD is effective and the planning framework is up to date.	No change to HRA findings: The amended wording relates to a future Local Plan Review and does not affect the scale or location of development proposed in the Delivery DPD. The Local Plan review would be subject to its own Habitat Regulations Assessment.

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
			<p><u>Review will be commenced to identify alternative or additional development sites.</u></p> <p><u>Policy LPR1 LOCAL PLAN REVIEW</u></p> <p><u>The circumstances in which a new, full or part, Local Plan will commence (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) are specified as follows:</u></p> <ul style="list-style-type: none"> a) <u>The adoption by the Council of the Strategic Growth Plan and the Memorandum of Understanding, which proposes a quantity or spatial approach that is significantly different to that set out in the Local Plan, unless there is sufficient flexibility already provided for within the Plan; or,</u> b) <u>Changes occur within the HMA to the objectively assessed need for development or the spatial distribution of growth across the HMA, including Blaby, unless there is sufficient flexibility already provided for within the Plan; or,</u> c) <u>Where monitoring of targets against the housing trajectory identify significant and persistent shortfalls in the delivery of housing.</u> <p><u>The new, full or part, Local Plan will be commenced within 6 months of the occurrence of one of the above circumstances and should be submitted for examination within three years from the commencement of the review.</u></p> <p><i>Consequential amendments to create new section and renumber following sections.</i></p>		

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
MM2	12-13	SA1/para 3.8	<p><i>Delete criteria c) of policy SA1 and amend supporting text:</i></p> <p>Land North of Hinckley Road, Kirby Muxloe</p> <p>3.8 The requirements for affordable housing and housing mix are set out in policies CS7 and CS8 of the adopted Core Strategy. Policy DMP8 also seeks a proportion of self-build and custom-build housing and Policy DMP9<u>11 also</u> seeks a proportion of accessible and adaptable homes.</p> <p>SITE ALLOCATIONS POLICY SA1 Land North of Hinckley Road, Kirby Muxloe</p> <p>Land will be allocated for a minimum of 750 dwellings, of which a minimum of 510 will be delivered during the plan period. The site's boundaries are set out on the Policies Map.</p> <p>The site should meet the following requirements:</p> <p>Housing</p> <p>a) Affordable housing 25% affordable homes in accordance with policy CS7 should be provided on the site. The affordable housing mix should be 80% Social / Affordable rent and 20% intermediate housing unless evidence indicates otherwise.</p> <p>b) A mix of housing A mix of housing to meet local needs in accordance with policy CS8 of the adopted Local Plan Core Strategy 2013</p> <p>c) Self build and custom build housing 5% of plots are serviced plots for sale to self-builders or custom builders in accordance with policy DMP8.</p>	To ensure the Delivery DPD is justified.	No change to HRA findings – The proposed modification does not alter the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
MM3	16-17	SA2/Paras 3.19 and 3.23	<p><i>Amend policy SA2 and supporting text:</i></p> <p>Gynsills Lane, Glenfield 3.19 The site secured outline planning permission for 37 houses subject to a section 106 legal agreement. The site is proposed to be allocated in the Local Plan to improve certainty should the current permission lapse. The site could deliver some 9 affordable houses and would be required to make contributions towards open space, education provision, library services and residential travel packs to encourage the use of sustainable transport.</p> <p>Ratby Lane / Desford Road, Kirby Muxloe 3.23 The site could accommodate some up to 52 houses. Access can be gained from Ratby Lane and Desford Road. The site could deliver some 13 affordable houses and would be required to make contributions towards open space, education provision, library services and residential travel packs to encourage the use of sustainable transport.</p> <p>SITE ALLOCATIONS POLICY SA2 Smaller Housing Sites in the Principal Urban Area</p> <p>Land will be allocated for housing at the following sites as set out on the Policies Map. The sites will be required to be developed in conformity with other policies contained within the Blaby Local Plan Core Strategy and Delivery Development Plan Documents. Specific requirements for each of the sites, in addition to these policies, are contained below:</p> <p>SA2.a Land rear of Gynsills Lane, Glenfield* Land will be allocated for 37 dwellings. The development should:</p>	<p>To ensure the Delivery DPD is justified and effective.</p> <p>The site at Gynsills Lane, Glenfield has planning permission for housing and is now under construction.</p>	<p><u>Deleted Policy SA2a:</u> No change to HRA findings: The site no longer forms part of the Delivery DPD but is under construction so the potential impacts are still relevant.</p> <p><u>Amended Policy SA2d:</u> No change to HRA findings – The proposed modification does not alter the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.</p>

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
			<p>a) Be accessed from Nursery Rise; b) Provide at least 9 affordable units in accordance with Core Strategy policy CS7; and c) Protect important trees on site.</p> <p>*Planning permission has been granted on the site subject to completion of a Section 106 legal agreement.</p> <p>SA2.ba Land at Grange Farm, Leicester Forest East</p> <p>Land will be allocated for 55 dwellings. The development should: a) Be accessed from Warden's Walk; b) Provide at least 13 affordable units in accordance with Core Strategy policy CS7; c) Retain the important trees and hedgerows along the northern boundary and fronting Baines Lane; and d) Provide design solutions and mitigation measures to protect important areas of biodiversity.</p> <p>SA2.eb Land at Webb Close, Leicester Forest East</p> <p>Land will be allocated for 21 dwellings. The development should: a) Be accessed from Webb Close; b) Provide at least 5 affordable units in accordance with Core Strategy policy CS7; and c) Retain and enhance hedgerows to connect to southern boundary.</p> <p>SA2.dc Land at Ratby Lane / Desford Road, Kirby Muxloe</p> <p>Land will be allocated for up to 52 dwellings.</p>		

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
			<p>The development should:</p> <p>a) Provide at least 13 affordable units in accordance with Core Strategy policy CS7; and</p> <p>b) Improve habitat to enhance diversity and connect to wider landscape, including retention of trees and hedgerows.</p>		
MM4	21	SA3	<p><i>Amend criteria g) of the policy SA3:</i></p> <p>SITE ALLOCATIONS POLICY SA3 Employment Site Allocation</p> <p>Heritage</p> <p>f) The design and layout of any proposal will seek to minimise any impact on designated and non-designated heritage assets. In particular, the design and layout of the site shall seek to retain the integrity of the alignment of the Fosse Way Roman Road by avoiding development (other than necessary access infrastructure) along its length. Opportunities to provide 'interpretation' and increase awareness of the asset will be encouraged.</p> <p>g) Archaeological evaluation shall be undertaken in accordance with a scheme to be agreed with the County Archaeologist prior to any development commencing on the site <u>determination so that the design and layout can respond to the importance of any associated features with the line of the Roman Road. Finds shall be treated in a manner proportionate to their significance.</u></p>	To ensure the Delivery DPD is effective.	No change to HRA findings – The proposed modification does not alter the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.
MM5	24	SA4/para 3.37	<p><i>Amend policy SA4 and supporting text:</i></p> <p>3.37 This policy seeks to identify broad locations that will be suitable for gypsy and traveller and travelling show people accommodation where there is a need for sites.</p>	To ensure the Delivery DPD is positively prepared and consistent with national policy.	No change to HRA findings – The proposed modification does not alter

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			<p>SITE ALLOCATIONS POLICY SA4 Broad Locations for Accommodating Gypsies and Travellers and Travelling Showpeople</p> <p>Where a need is identified, pProvision will be made for Gypsies and Travellers and Travelling Showpeople meeting the definition for planning purposes through a combination of the development management process and the Delivery DPD, taking into account the most up to date Gypsy and Traveller Accommodation Needs Assessment.</p> <p>Sites for new and extensions to existing Gypsy and Traveller and Travelling Showpeople sites will be located, in order of preference, at the following locations:</p> <ol style="list-style-type: none"> 1. Within the defined Settlement Boundaries, as set out on the Policies Map, of the Principal Urban Area of Leicester, Blaby, the Larger Central Villages, the Rural Centre and the Medium Central Villages; 2. Immediately adjoining defined Settlement Boundaries of the Principal Urban Area of Leicester, Blaby, the Larger Central Villages, the Rural Centre and the Medium Central Villages; 3. Within approximately three miles of the Settlement Boundary for the Principal Urban Area of Leicester, Blaby, the Larger Central Villages and the Rural Centre or within approximately two miles of the Settlement Boundary for the Medium Central Villages. <p>Accommodation for Gypsies and Travellers and Travelling Showpeople will not be supported in areas defined as Green Wedge or Areas of Separation.</p>		<p>the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.</p>

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			<p>In addition, the proposal will be supported unless it is:</p> <p>a) Contrary to other policies of the Local Plan, including CS9 Accommodation for Gypsies and Travellers;</p> <p>b) Within close proximity to major transport routes and/or air quality management areas <u>and/or</u> where <u>air quality or noise pollution</u> this could adversely affect the health <u>or living conditions</u> of the residents;</p> <p>c) Adversely affected by physical constraints such as flood risk;</p> <p>d) Demonstrated to cause adverse affects to protected areas, including wildlife and geology designations and scheduled ancient monuments; and</p> <p>e) Of a scale that causes overdevelopment in terms of the proposal or by extension to an existing site.</p> <p><u>The Council will undertake a review of the evidence base and work with the Leicester and Leicestershire local authorities to establish, if the review shows a requirement, the most appropriate and deliverable locations for additional transit provision. This information will inform the Local Plan Review.</u></p>		
MM6			<p><i>Amend policy DM4:</i></p> <p>DEVELOPMENT MANAGEMENT POLICY 4 Connection to Digital Infrastructure</p> <p>All new build major residential and commercial development must should be served by a fast, affordable and reliable broadband connection in line with the latest Government target. Developers will liaise with broadband infrastructure providers to ensure that a suitable connection is made.</p> <p>The broadband connection will need to be directly accessed from</p>	To ensure the Delivery DPD is effective.	No change to HRA findings: The wording is proposed to be amended for clarity and the changes do not affect the meaning of the policy. So there is no change to the impact on

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			<p>the nearest exchange and suitable for easy access to enable future repair, replacement and upgrading.</p> <p>Exceptions may will be made to the above, where applicants have demonstrated through consultation with broadband infrastructure providers, that this would not be possible, practical or economically viable.</p>		European sites.
MM7	42-43	DM10/Paras 4.42, 4.45, 4.47, 4.49, 4.50, 4.51, 4.52 and 4.53	<p><i>Amend policy DM10 and supporting text:</i></p> <p>4.42 This policy requires a proportion of plots on large housing sites to be provided as serviced plots and to be marketed to self and custom builders <u>supports proposals for self and custom build housing in suitable locations.</u></p> <p>4.45 Serviced building plots are shovel-ready parcels of land with planning permission, laid out and ready for construction with access and utilities/services provided to the plot boundary.</p> <p>4.47 The Self-build and custom housebuilding register provides valuable information on the demand for self-build and custom housebuilding in Blaby District. It forms a key part of the evidence base of demand for this type of housing. The register shows that between 1st April 2016 and 1st April 2017 2018, 44 34 individuals were accepted for entry on the register for Blaby District. Of these, 5 13 individuals indicated that they had also applied to enter the registers for one or more nearby areas.</p> <p>4.49 From a development point of view, key issues with this market are associated with skills and risk: whilst there may be a notable number of people with an ‘interest’ in self-build, there is in some circumstances a significant financial outlay, risk and time-cost associated with self-build.</p>	To ensure the Delivery DPD is justified.	No change to HRA findings: The proposed modification does not alter the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.

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			<p>4.50 The HEDNA considers that most new delivery will be on small windfall sites but also recognises that there is some potential through policy to encourage developers of larger schemes to designate parts of these as plots available for self and custom build. However, it is likely to be difficult to demonstrate concrete evidence of demand at a local level, albeit those local authorities are required to maintain registers of those with an interest in doing so.</p> <p>4.51 Taking this information into account, the Council will seek to provide self and custom build plots by:</p> <ul style="list-style-type: none"> • Requiring developers to supply 5% of dwellings on sites over 100 dwellings as serviced plots Supporting proposals for self and custom build housing in suitable locations and to market those plots; • Investigating whether the Council has any land for self and custom build housing opportunities; • Making available details of sites with planning permission through the annually produced Residential Land Availability Report. <p>4.52 The policy requires a proportion of plots on large housing sites to be provided as serviced plots and to be marketed for self and custom builders. In order to ensure adequate plots are marketed, the policy sets out a minimum size. Analysis of those included on the Council's Self-build and Custom Housebuilding Register reveals that 50% require a plot size of 300sqm or above and 33% require plot size of between 150 and 300sqm. The minimum plot requirements reflect this in terms of the number of bedrooms.</p> <p>4.53 The marketing of the plots should include contact with</p>		

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			<p>people on the Council's Self-build and Custom Housebuilding Register and via the National Custom and Self-build Association (NaCSBA) portal or similar. The price of marketed plots must be made available at their market value or less.</p> <p>DEVELOPMENT MANAGEMENT POLICY 10 Self and Custom Build Housing</p> <p>Proposals for self and custom build housing will be supported in suitable locations. The Council will maintain a register of prospective self and custom house builders and have regard to the register in its decision making, plan making, housing and regeneration functions.</p> <p>Development proposals over 100 dwellings will require developers to supply 5% of a site's dwelling capacity as serviced plots for self and custom build housing unless the Self-build and Custom Housebuilding Register shows a lower level of demand. The plots will be provided in accordance with the following criteria:</p> <p>a) With at least outline planning permission;</p> <p>b) At least 5 dwellings in a single site location to be developed in accordance with an agreed design code submitted with the planning application;</p> <p>c) Self and custom build plots should be of a size at least equal to that of those for dwellings of 2, 3 and 4 bedrooms on the main development site. The split will be determined by the Council based on examination of the Self-build and Custom Housebuilding Register;</p> <p>d) Marketed plots will be made available at their market value or less; and</p> <p>e) Where it has been demonstrated that plots have been made available and marketed appropriately for at least 12 months and</p>		

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			have not sold for self and custom build housing, the plot(s) may either remain on the open market or be built out by the developer.		
MM8	43	DM11/para 4.58	<p><i>Amend policy DM11 and supporting text:</i></p> <p>4.58 The information from the datasets shows that the optional building regulation M4(2) for accessible and adaptable homes is justified. The evidence points to a requirement of 15% of new homes to meet the building regulation M4(2) would be the minimum considered appropriate. Three options for the requirement for the optional building regulations M4(2) of 5%, 10% and 15% were tested for viability. The final figure takes account of the viability testing. For larger sites, over 35 20 dwellings, 5% of the dwellings will need to meet the higher building standard regulations (M4(2) for accessible and adaptable dwellings. This will apply to all tenures.</p> <p>DEVELOPMENT MANAGEMENT POLICY 11 Accessible and Adaptable Homes</p> <p>M4(2) Accessible and Adaptable Homes Development proposals for housing of 35 20 dwellings or more must meet the Building Regulations Standard M4(2) for 5% of the dwellings unless:</p> <p>a) site specific factors such as vulnerability to flooding, site topography, and other circumstances make a specific site less suitable for M4(2) compliant dwellings, particularly where step free access cannot be achieved or is not viable; and/or,</p> <p>b) <u>the applicant can demonstrate that the use of this Building Regulation Standard is not viable through an independent viability assessment to be submitted with the application.</u></p>	<p>To ensure the Delivery DPD is justified and effective.</p> <p>Following a review of the evidence base, the Council now considers that the policy should be applied to sites of 20 dwellings or more. The Local Plan Viability Study tested the optional Building Regulations Standard M4(2) on major development proposals (i.e. sites of 10 dwellings or more).</p> <p>The study states that the delivery of M4(2) compliant dwellings would be viable for sites (of 10 dwellings and above) where there</p>	<p>No change to HRA findings: The proposed modification does not alter the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.</p>

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				<p>is little in the way of abnormal costs expected.</p> <p>A threshold of 20 dwellings has been proposed as a 5% requirement for M4(2) compliant dwellings on schemes of 10 would only deliver 0.5 of a dwelling. To deliver a full M4(2) compliant at 5%, would need to on sites of 20 dwellings or more.</p> <p>Finally the policy also provides flexibility by taking into account potential viability issues on a case by case basis. These changes are considered necessary to make the policy both justified and effective.</p>	

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
MM9	46	DM12	<p><i>Amend policy DM12:</i></p> <p>DEVELOPMENT MANAGEMENT POLICY 12 Designated and Non-designated Heritage Assets</p> <p>Where a development proposal affects a heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas or other non-designated heritage assets, or the setting of such assets, the applicant will need to submit a heritage impact assessment to demonstrate:</p> <p>a) An understanding of the heritage asset and its significance; b) The impact of the development proposal on the heritage asset and its setting and the harm to the significance of the asset; c) How any harm will be outweighed by the substantial public benefits of the proposal; and d) How the proposal is consistent with the points (a) to (c), where appropriate, in Core Strategy Policy CS20.</p> <p><u>All new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported.</u></p> <p><u>All proposals affecting either a designated or non-designated heritage asset and/or its setting will need to submit a statement which includes the following:</u></p> <ul style="list-style-type: none"> • <u>a description of the heritage asset and its setting, proportionate to its significance;</u> • <u>a clear identification of the impacts of the development proposal on the heritage asset and its setting;</u> • <u>a clear justification as to why the impacts could be considered acceptable; and</u> 	To ensure the Delivery DPD is consistent with national policy.	No change to HRA findings – The proposed modification does not alter the overall scale or location of growth set out in the Delivery DPD and so there is no change to the impact on European sites.

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			<ul style="list-style-type: none"> <u>demonstrate how the proposal is consistent with Core Strategy Policy CS20</u> <p><u>The Council will consider the submitted information having regard to the importance of the heritage asset(s) as follows:</u></p> <p><u>Designated heritage assets</u> <u>Designated heritage assets and their settings (including Listed Buildings, Scheduled Monuments and Conservation Areas) will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.</u></p> <p><u>Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified the scale of harm will be weighed against the public benefits of the proposal.</u></p> <p><u>Non-designated heritage assets</u> <u>A balanced consideration will be applied to proposals which may impact non-designated heritage assets. Proposals will be supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss, having regard to the significance of the heritage asset.</u></p>		
MM10	48	DM13	<p><i>Amend policy DM13:</i></p> <p>DEVELOPMENT MANAGEMENT POLICY 13 Land Contamination and Pollution</p> <p>Development proposals will be required to clearly demonstrate</p>	To ensure the Delivery DPD is effective.	No change to HRA findings: The wording is proposed to be amended for clarity and the

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			<p>that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.</p> <p>For the following circumstances, development proposals will be supported where it is they are accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas:</p> <p>a) Land that is (or has the potential to be) subject to land contamination or land stability issues;</p> <p>b) Close to an aquifer or surface water feature that may result in groundwater or surface water pollution;</p> <p>c) Close to or within an air quality management area or key transport corridors that may be affected by air quality;</p> <p>d) Close to a source of noise or light pollution and/or the proposal may be a source of noise or light pollution;</p> <p>e) Soils of high environmental value, including best and most versatile agricultural land.</p>		changes do not affect the meaning of the policy. So there is no change to the impact on European sites.
MM11	51	DM15/Para 8.87	<p><i>Amend policy DM15 and supporting text:</i></p> <p>4.87 The Minerals Safeguarding Areas will be defined by Leicestershire County Council in the emerging Minerals and Waste Local Plan. Detailed policies for Minerals Safeguarding Areas are set out in the Minerals and Waste Local Plan. To enable Policy DM15 is included to help developers to understand the general locations where these policies will apply, the Minerals Safeguarding Areas will set out on the Policies Map when the details are available. Leicestershire County Council has published areas for mineral safeguarding as part of work on the emerging Minerals and Waste Local Plan.</p>	To ensure the Delivery DPD is consistent with national policy.	No change to HRA findings: The wording is proposed to be amended for clarity and the changes do not affect the meaning of the policy. So there is no change to the impact on European sites.

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			<p>DEVELOPMENT MANAGEMENT POLICY 15 Minerals Safeguarding Areas</p> <p>Development will not be supported in locations where it would sterilise or prejudice the viable extraction of mineral reserves as <u>proposals in areas identified for mineral safeguarding will need to ensure that mineral resources of national or local significance are not needlessly sterilised by non-mineral development. The policy approach is</u> set out in the Minerals and Waste Local Plan. The locations will be set out on the Policies Map <u>minerals safeguarding areas are set out in the Minerals and Waste Local Plan</u> and include: a) Land in Soar <u>and Sence</u> Valleys; b) Land in the vicinity of Croft Quarry.</p>		
MM12	61	Monitoring Framework Policy CS1	<p><i>Amend the Policy to include reference to Policy LPR1 Local Plan Review.</i></p> <p><i>Amend the Target for Policy CS1 – Strategy for locating new development:</i> By 31 March 2021: a) 6,495 <u>6,029</u> houses in the District b) 2,472 <u>2,362</u> houses in the PUA c) 3,723 <u>3,667</u> houses in the non-PUA</p> <p>By 31 March 2026: a) 8,486 <u>8,568</u> houses in the District b) 4,646 <u>4,635</u> houses in the PUA c) 3,870 <u>3,933</u> houses in the non-PUA</p>	To provide Policy LPR1 Local Plan Review with a link to the Monitoring Framework. To update targets to reflect residential land availability data and Housing Trajectory at 1 April 2018	No change to HRA findings – This is a factual change and does not reflect a change to any policy.
MM13	63	Monitoring Framework Policy CS5	<p><i>Amend the target for Policy CS5 – Housing Distribution and New Housing land Allocations SA2:</i> Number of new houses completed on small site housing land</p>	To update targets to reflect residential land availability	No change to HRA findings – This is a factual

Ref	Page	Policy/Paragraph	Main Modification	Reason	Change to HRA findings
		Policy SA2	allocations SA2 by: a) 31 March 2023 – 37 0 houses b) 31 March 2028 – 465 128 houses c) 31 March 2029 – 0 128 houses	data and Housing Trajectory at 1 April 2018	change and does not reflect a change to any policy.
MM14	64	Monitoring Framework Policy CS7	<i>Amend the Target for Policy CS7 – Affordable housing:</i> Number of affordable houses in the District by: a) 31 March 2016 – 696 dwellings b) 31 March 2021 – 4,242 1,201 dwellings c) 31 March 2026 – 4,726 1,766 dwellings d) 31 March 2019 – 1,960 dwellings	To update targets to reflect residential land availability data and Housing Trajectory at 1 April 2018	No change to HRA findings – This is a factual change and does not reflect a change to any policy.
MM15	68	Monitoring Framework Policy DM8	<i>Amend the Policy reference from Policy DM8 to Policy DM10.</i> <i>Delete the second Indicator:</i> Number of serviced plots of land offered by the landowner or developer for self- and custom-build housing, and the number subsequently developed	To correct error and to reflect amendments to Policy DM10	No change to HRA findings – The change reflects the amendment to Policy DM15 which is considered separately above.
MM16	70	Updated Housing Trajectory	See Appendix 1 for updated trajectory	To update the Housing Trajectory to 1 April 2018	No change to HRA findings – This is a factual change and does not reflect a change to any policy.

Appendix A – HRA review in light of ECJ ruling

Habitat Regulation Assessment (HRA) update

Blaby District Council has reviewed its Habitat Regulation Assessment in light of the judgement of the European Court of Justice (ECJ) ruling ‘People over Wind, Peter Sweetman v Coillte Teoranta’.

In summary, the ECJ judgement ruled that ‘mitigation measures’ should be assessed within the framework of ‘Appropriate Assessment’ and that it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

The Habitat Regulation Assessment screening report produced by Blaby District Council as part of the Local Plan examination was submitted prior to the ECJ judgement. As a result, Blaby District Council has reviewed its screening assessment.

It is acknowledged that the HRA screening report refers to measures that are operated by Anglian Water in respect of Rutland water and by Nuneaton & Bedworth Borough Council in respect of Ensor’s Pool. This reflects the current situation and additional mitigation is not proposed by the plan. The HRA concludes, in section 7, that a full Appropriate Assessment is not required. Part of the conclusions refer to:

“.....management measures already in place to adequately mitigate against any potential impacts resulting from an increase in visitors to Rutland Water / Ensor’s Pool arising from the amount of new housing and other development proposed in the District”

An assessment has subsequently been made to understand the impacts of the Council’s emerging Local Plan in the absence of the mitigation measures operated by Anglian Water (for Rutland water) and Nuneaton & Bedworth Borough Council. The assessment considered the impact areas that were identified in the HRA (November 2017):

The impacts of the proposed policies on each of the European level sites, in the absence of on-site mitigation measures, was assessed in terms of:

- Water quality as a result of run-off / pollution and downstream effects as a result of hydrological connectivity;
- Ecological links (such as migratory birds or mobile species);
- Air pollution (caused by increased traffic movements or provision of polluting employment or other uses);
- Increased Recreational activity at European sites, such as physical damage by trampling, noise & visual presence, by walking, driving, fishing etc. For example, does the plan result in any increase in visitor numbers to Rutland Water; or
- Renewable Energy developments can disturb migration patterns and potentially harm protected birds.

The assessment looked at whether there would be any material change in the potential impact on each of the European sites when considered in the context of no on site mitigation. The assessment considered the change from the previous HRA and whether these would be positive, negative, neutral or unknown.

Other considerations

- The emerging plan is not proposing any uplift in development above that considered in the adopted Core Strategy which was subject to HRA screening and concluded no significant adverse impacts on Natura 2000 sites.
- The distance separation of some 30 miles by road¹ and journey times of 58 minutes between the proposed allocations in the plan and the nearest Natura 2000 site which is a visitor attraction (Rutland Water) suggests that visitor numbers would be modest.
- Ensor's pool and the River Mease SAC are not vulnerable to recreational pressures.
- Other visitor attractions that are more accessible to Leicester Forest East and the PUA include Bradgate Park, Charnwood Forest and Fosse Meadows. In particular, visitor attractions that incorporate water bodies that are more accessible include: Thornton Reservoir (c.6 miles 11 minutes journey time); Swithland reservoir (9.3 miles 24 minutes); Bosworth Water Park (c. 10.7 miles 23 minutes).

Conclusions

The assessment concluded that, when considered in the absence of 'on-site' mitigation / management measures at the designated sites, there would be no material additional impacts on European level sites arising from the policies, allocations and designations of the Blaby Local Plan Delivery DPD. Impacts on: 'water quality'; 'ecological links'; 'air pollution', 'increased recreation activity'; and renewable energy were considered to be 'neutral'.

The distance separation between proposed allocations and Rutland Water and the greater accessibility of more local recreation sites that were not Natura 2000 protected indicates that, even without on-site mitigation being included in the assessment of the Delivery DPD on European level sites, any impacts would be so modest as to not have any significant adverse effects and therefore would not necessitate Appropriate Assessment.

The Council is not promoting any specific mitigation measures to protect the European sites as part of its emerging Local Plan. The policies of the plan are required to meet the necessary local requirements arising from development and not mitigation of its effects for the purposes of the ECJ ruling.

The conclusions of the initial HRA remain robust in that that there would be no significant adverse effects and no requirement for Appropriate Assessment.

¹ The straight line distance is some 35km.

	Rutland water	Ensor's Pool	River Mease SAC	Conclusions
Water Quality	↔	↔	↔	Consideration of water quality impacts in the absence of 'on-site' mitigation measures results in a 'neutral' impact. The mitigation measures previously considered related to managing visitor numbers and off-site water quality mitigation was considered in the original HRA.
Ecological links	↔	↔	↔	Consideration of ecological link impacts in the absence of 'on-site' mitigation measures results in a 'neutral' impact. The mitigation measures previously considered related to managing visitor numbers and no off-site ecological links was considered in the original HRA.
Air pollution	↔	↔	↔	Consideration of air pollution impacts in the absence of 'on-site' mitigation measures results in a 'neutral' impact. The mitigation measures previously considered related to managing visitor numbers and no off-site air pollution was considered in the original HRA.
Increased recreation activity	↔	↔	↔	When considered in the absence of the management mitigation at Ensor's Pool and Rutland water, the assessment of additional impacts were considered to be neutral. Distance separation between proposed allocations and Rutland Water and the greater accessibility of more local recreation sites that were not Natura 2000 protected suggests that, even without on-site mitigation being considered any impacts would be so modest as to not necessitate Appropriate Assessment.
Renewable energy	↔	↔	↔	Consideration of air pollution impacts in the absence of 'on-site' mitigation measures results in a 'neutral' impact. The mitigation measures previously considered related to managing visitor numbers and no off-site air pollution was considered in the original HRA.

↑	Positive impact resulting from change between HRA 2017 and reassessed HRA without mitigation measures
↔	Unknown impact resulting from change between HRA 2017 and reassessed HRA without mitigation measures
↓	Negative impact resulting from change between HRA 2017 and reassessed HRA without mitigation measures
↔	Neutral: no change between HRA 2017 and reassessed HRA without mitigation measures