

BLABY DISTRICT COUNCIL

CORE STRATEGY DEVELOPMENT PLAN DOCUMENT



Appropriate Assessment

Scoping Report

April 2012

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1 Introduction

- 1.1 European Directive 92/43/EEC (the Habitats Directive) “On the Conservation of Natural Habitats and of Wild Fauna and Flora” requires that “any plan or project not directly connected with or necessary to the management of a designated habitats site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects”, is to be subject to an Appropriate Assessment of its implications for the site in view of the site's conservation objectives.
- 1.2 Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. The Conservation of Species and Habitats Regulations 2010 implements this for specified planning and other similar consents. In October 2005 the European Court of Justice ruled that this requirement extended to land use plans, such as Local Development Frameworks.
- 1.3 The purpose of Appropriate Assessment is therefore to assess the impacts of (in this case) the Core Strategy against the conservation objectives of a European designated Sites (The Natura 2000 network of protected sites – comprising Special Protection Areas relate to sites where the important features are bird species whilst Special Areas of Conservation refer to sites where particular habitats are considered important.) and to establish whether it would adversely affect the integrity of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.
- 1.4 Land use plans to which Appropriate Assessment is applicable include Development Plan Documents and Supplementary Planning Documents.

2 Background to the Blaby Local Plan Core Strategy Development Plan Document

- 2.1 The Blaby Local Plan Core Strategy Development Plan Document has been through several iterations. It was launched in 2004 and has been the subject of consultation concerning ‘issues and options, preferred options, alternative options and submission versions’. The 2009 submission version of the plan assessed whether there was a requirement for Appropriate Assessment. The current version of the document is a refresh of the 2009 version.
- 2.2 The Blaby Local Plan Core Strategy Development Plan Document makes provision to allocate land for a minimum of 8,395 new dwellings (365 dwellings per annum) between 2006 and 2029. Of this total, at least 5,520 dwellings are to be provided within or adjacent the southern boundary of Leicester (known as the Principal Urban Area).

2.3 The Core Strategy makes provision of a new 21 ha employment site. An employment site of 30 hectares has recently gained planning permission on a site adjacent to junction 21a of the M1.

2.4 The Core Strategy is accompanied by a Strategic Environmental Assessment and Sustainability Appraisal Report based on a District wide Sustainability Appraisal Scoping Report.

3 Special Protection Areas and Special Areas of Conservation relevant to the District of Blaby

3.1 For consistency with other Habitats Regulations Appropriate Assessment Screening Reports for adjacent authorities, a similar methodology will be followed to that used by Leicester City Council and Oadby and Wigston Borough Council.

3.2 The regulations relating to Appropriate Assessment set no distance threshold for screening purposes and encourage local authorities to create a long list of all sites on which the plan may or may not have an impact. Therefore, this assessment considers sites within 25km of the boundary of the District of Blaby. This is consistent with the range used by Leicester City Council and Oadby and Wigston Borough Council.

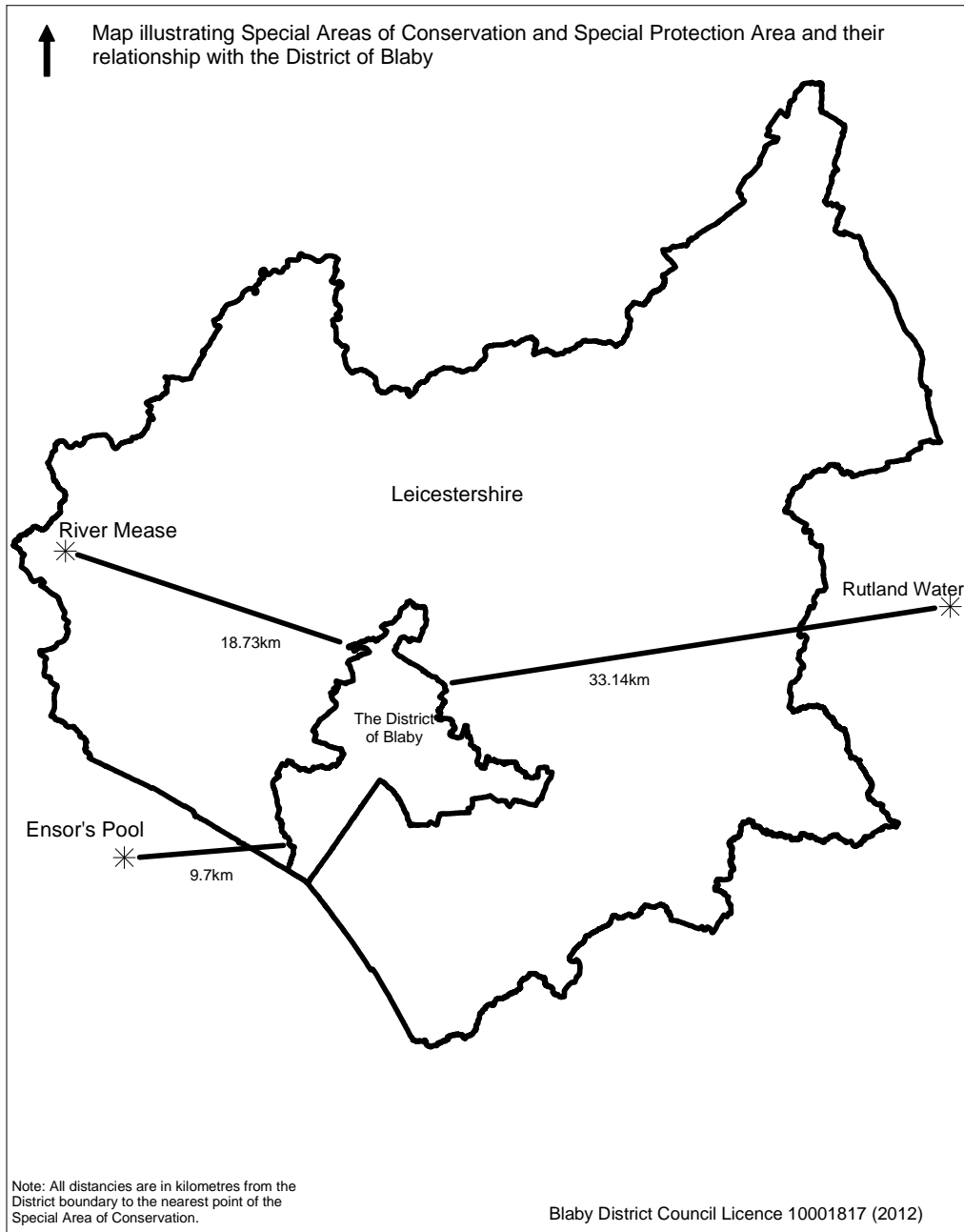
3.3 Three Natura 2000 sites therefore fall within approximately 25km (as the crow flies) of the administrative boundary of the District of Blaby. These are:

- Rutland Water Special Protection Area (Rutland)
- River Mease Special Area of Conservation (Leicestershire and Derbyshire)
- Ensor's Pool Special Area of Conservation (Nuneaton, Warwickshire)

3.4 Rutland Water is also protected under the RAMSAR convention, which is an international treaty for the conservation and sustainable utilisation of wetlands.

3.5 The locations of the relevant sites in relation to Blaby District is shown in figure 1. Table 2 provides detailed assessments of each of the relevant Natura 2000 sites.

Figure 1: Map illustrating Special Areas of Conservation and Special Protection Area and their relationship to the District of Blaby



3.6 Certain sites, specifically coastal Special Protection Areas, and those with hydrological connectivity have the potential to be affected by development some distance away. However, due to the broad location of

proposed development within the District of Blaby which has no 'downstream' connectivity to any of the designated sites, the strategic nature of the Core Strategy and the distance from the District to such sites it is considered that any impact would be negligible.

Name and location	Rutland Water SPA (SK928070) 1,556.9 ha Lying between Oakham and Stamford (approximately 1.4km west and 5.8km east respectively).
Reasons for designation	<p>Wintering populations of the following species:</p> <p>Shoveler <i>Anas clypeata</i> Teal <i>Anas crecca</i> Wigeon <i>Anas penelope</i> Gadwall <i>Anas strepera</i> Tufted Duck <i>Aythya fuligula</i> Goldeneye <i>Bucephala clangula</i> Mute Swan <i>Cygnus olor</i> Coot <i>Fulica atra</i> Goosander <i>Mergus merganser</i> Great Crested Grebe <i>Podiceps cristatus</i></p> <p>A wintering bird assemblage regularly supporting 25,037 waterfowl, including Great Crested Grebe, Wigeon, Gadwell, Teal, Shoveler, Tufted Duck, Goldeneye, Goosander and Coot.</p>
Conservation Objectives	To maintain the designated interest features in favourable condition
Key factors affecting site integrity	<p>Maintenance of the current extent, connectivity and quality of feeding habitats with areas of open water of varying sizes and depths, suitable levels of benthic, aquatic and surface invertebrates, a fish presence which does not impact on the dominant macrophyte assemblages, and open habitats incorporating suitable feeding pastures with 50m of the water.</p> <p>Maintenance of characteristic water quality and quantity is important with seasonal changes in levels occurring slowly.</p> <p>Maintenance and extent of roosting habitat including mature trees and areas of scrub.</p> <p>Levels of disturbance should be maintained within necessary noise levels.</p>
Existing trends and pressures	<ul style="list-style-type: none"> • Tree regeneration ability has been reduced through deer browsing although this is now being managed

	<p>through appropriate fencing</p> <ul style="list-style-type: none"> • Inappropriate weed control • High phosphate levels • Overgrazing • Low levels of water abstraction
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Name and location	<p>River Mease SAC (SK260114) 21.86 ha Crossed by the A42 and aligned beside the A513 to the west. The closest significant settlement is Ashby - de - la - Zouch. The river feeds into the Tame and ultimately the Trent.</p>
Reasons for designation	<p>To maintain the designated interest features in favourable condition.</p>
Conservation Objectives	<p>To maintain the designated interest features in favourable condition</p>
Key factors affecting site integrity	<p>General requirements: maintenance of water quality and availability requires management to minimise pollution inputs and inappropriate water abstraction. The river's natural structure and form should be maintained to support a natural flow regime, including the avoidance of constriction of the river or blockage of its floodplain.</p> <p>Watercourse (<i>Ranunculus</i>) habitat: a natural flow regime is required for maintenance of natural erosion and sedimentation processes and hence the channel morphology. Riparian areas and the wider catchment need to be managed to avoid excessive run-off of soil particles and nutrients into the river. The structure and composition of bankside and aquatic vegetation should be maintained.</p> <p>All species: maintenance of suitable habitat and appropriate management helps to ensure the provision of habitat suitable for spawning and shelter, including gravel –dominated substrate with areas of sand and silt, patchy vegetation cover provided by submerged and marginal macrophyte assemblages, slack water resting pools for fish, a presence of submerged woody debris, and presence of artificial barriers. Any exploitation of fish population or other native animals or plants should be at a sustainable level, without manipulation of the river's natural</p>

	capacity to support them or augmentation by excessive stocking. The absence of introduced/ alien species is important. Otter; maintenance of terrestrial habitat with cover and holt sites provided by dense scrub mature tress along river banks. Maintenance of suitably low levels of disturbance.
Vulnerability	<ul style="list-style-type: none"> • Water quality and quantity are vital to the European interests, whilst competition for water resources is high. • Diffuse pollution and excessive sedimentation are catchment-wide issues which have the potential to affect the site.

Name and location	Ensor's Pool SAC (SP348903) 3.8 ha Lies on the outskirts of Nuneaton.
Reasons for designation	Annex II species: Crayfish <i>Austropotamobius pallipes</i>
Conservation Objectives	Protection of habitat for native crayfish.
Key factors affecting site integrity	The crayfish population has developed in a flooded brick-pit that has been abandoned for fifty years. The area was unmanaged and was used as <i>de facto</i> public open space. The crayfish would be vulnerable to pollution and introduction of non-native crayfish, through uncontrolled access. To address this, since 1995 the area has been leased by Nuneaton and Bedworth Borough Council and is managed as a Local Nature Reserve. Increased visitor pressure may increase the management effort undertaken by Nuneaton and Bedworth Borough Council.
Vulnerability	<ul style="list-style-type: none"> • Pollution • Introduction of non-native crayfish

Table 1: Detailed Assessments of each of the identified Natura 2000 sites. Source: Leicester City Council's Core Strategy Habitats Regulations Appropriate Assessment Screening Report

4 Policy Assessments

4.1 The key sensitivities of the Natura 2000 sites identified in Section 3 on which the Core Strategy could have an impact on are as follows:

- Growth, particularly additional housing and employment, could result in an increase in visitors for recreational and tourism. This is particularly relevant to Rutland Water Special Protection Area
- Renewable energy developments can disturb and potentially harm protected Birds
- Water quality can be affected by increase surface run off
- Increased air pollution can impact upon the species and habitats that the sites support.

4.2 Table 2 sets out the potential effects of each Core Strategy policy on Natura 2000 sites, with particular regard to the key sensitivities identified above.

Policy Area Potential Effects of Policy Objectives on Natura 2000 Sites

<p>Policy 1: Strategy for Locating new Development; Policy3: Location of sustainable urban extension; Policy 5: Housing Distribution. Policy 7: Affordable Housing; Policy 8: Mix of housing; Policy 9: Accommodation for Gypsies and Travellers</p>	<p>These policies set out the overall approach to development (particularly new housing development). They set out proposals for the allocation of land for development of 8,395 new dwellings and the strategy for locating this development (primarily adjacent to the Principal Urban Area of Leicester). In addition, there are more detailed policies on the mix and type of accommodation. It focuses development within and adjacent to the Leicester Principal Urban Area, with a more dispersed pattern of development in the larger villages to the south of Leicester City (broadly in the River Soar / Sense drainage catchment areas).</p> <p>Due to its appeal as a recreational resource, of the three Natura 2000 sites impact is likely to be greatest on Rutland Water SPA. However, the District of Blaby has a number of parks and gardens (including existing and proposed Country Parks). The Grand Union Canal, Jubilee Park and Fosse Meadows for example, will fulfil needs for activities such as fishing, birdwatching and cycling adjacent to a watercourse at a local level.</p> <p>Policies 7,8 and 9 relate to specific forms of houses so do not directly impact on the Natura 2000 sites.</p> <p>Rutland Water is a regional tourist attraction and therefore it might be anticipated that an increase in housing in Blaby</p>
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	<p>District would bring more visitors to Rutland Water. Anglian Water and Natural England have worked in partnership to create zoned areas for sporting activity which prevents disturbance to birds. Informal recreation space has been designed to ensure that all sensitive areas are screened from 'on foot' visitors. It should also be taken into account that Natural England and Anglian Water have a management plan in place which addresses the additional impact from increased tourism. It would be difficult to quantify exactly the extent to which the growth of the District might impact upon Rutland Water. However, it is considered that the mitigation already in place is adequate to mitigate against any increase in visitors to Rutland Water arising from the amount of new housing allocated to the District.</p> <p>With regard to Ensor's Pool, the impacts of increased visitor pressures are addressed through the site management effort undertaken by Nuneaton and Bedworth Borough Council. This also applies to policies 3,5,7,8 and 9.</p>
<p>Policy 2: Design of new development</p>	<p>This policy will help to encourage high quality design in all new developments in the District. This policy seeks to improve the urban design and architectural quality of all new development in the District and as such is unlikely to have an impact on the Special Areas of Conservation and Special Protection Area.</p>
<p>Policy 4 : Strategic Employment Site; Policy 6: Employment.</p>	<p>These policies set out the overall approach to delivering employment land. They set out proposals for a specific Strategic Employment Site at Enderby. Given the distance separation and lack of downstream hydrological connectivity it is not envisaged new employment development likely to have an impact on the Special Areas of Conservation and Special Protection Area. Employment development is likely to be focussed within and adjacent to the Leicester Principal Urban Area, the impacts are likely to be less than set out in policy 1 above – given that employment is an attractor (rather than a disperser) of activity.</p>
<p>Policy 10: Transport infrastructure</p>	<p>This policy seeks to develop a more sustainable solution to transportation. Initially it seeks to reduce the need to travel, through the location and design of new development and essential services, in addition, it seeks to enhance pedestrian and road safety and improve accessibility.</p> <p>Where travel is necessary it seeks to encourage modal shift towards public transport. The policy also includes a</p>

	<p>requirement for travel plans for larger developments.</p> <p>This policy aims to maximise modal shift, encourage more sustainable travel that is better integrated with the existing infrastructure. The policy encourages 'green' travel modes such as public transport, walking and cycling before the provision of less sustainable growth in the form of additional highways capacity to accommodate an increase in journeys by car. Car based emissions are dispersed beyond the District boundaries, but are mainly focussed on the Leicester and Leicestershire area (with Leicester City being the main draw). The growth in traffic in the District over the plan period is not likely to be significant enough to have an impact upon the Special Areas of Conservation and Special Protection Area. The policy seeks to reduce the relative impact of vehicles over time.</p>
<p>Policy 11: Infrastructure, Services and Facilities to support growth: Policy 12: Planning obligations and developer contributions.</p>	<p>These policies set out the requirement for developer contributions to secure provision of community infrastructure to support new developments and compensate for the impact of new development on existing community interest. This policy is specific to Community Infrastructure in the District. The policy will have no impact upon the Special Areas of Conservation and Special Protection Area.</p>
<p>Policy 13: Retailing</p>	<p>This policy sets out the Council's approach to the provision of retail facilities. The policies identifies a hierarchy of retail centres within and adjacent to the District. No new major retail provision is proposed (other than at the proposed SUE – see policy 3 above). The policy seeks to prioritise growth in centres above out of town retail facilities – the indirect impacts on the Natura 2000 sites are likely to be limited given that retail facilities are an attractor (rather than a disperser) of activity.</p>
<p>Policy 14: Green Infrastructure</p>	<p>This policy seeks to protect existing and provide new green infrastructure. In particular it states that the existing green infrastructure networks will be safeguarded and enhanced. It also identifies a need to protect and conserve sites of bio-diversity, ecological and geological significance and the setting of historic and cultural importance.</p> <p>The retention and creation of new areas of green open space will improve access and will provide the District's resident population with a wider variety of choice. It is therefore felt that if resident need is catered for locally within the District, there will be a lesser need to travel to</p>

	<p>any of the designated areas, thus lessening the impact on the Special Areas of Conservation and Special Protection Area in question.</p> <p>With regard to Rutland Water, given that Natural England and Anglian Water have already addressed the management of the site to ensure that conflict between nature conservation interest and the recreational needs of the site have been lessened, it is considered that the mitigation already in place is adequate to mitigate against any increase in visitors to Rutland Water.</p>
<i>Policy 15: Open Space and Facilities for Leisure, Recreation and Tourism</i>	<p>This policy sets out the requirements for provision of a wide range of open spaces and built leisure facilities to meet the needs of local residents.</p> <p>The basis of Policy 15 is to ensure the District's resident population has adequate access to open space and facilities for leisure and recreation, to cater for their needs. By ensuring provision of open space and facilities for leisure and recreation is, at a minimum, adequate for needs of the District, there will be a lesser need to travel outside of the District to seek these opportunities, thus reducing the impacts on the Special Areas of Conservation and Special Protection Area in question.</p>
<i>Policy 16: Green Wedges</i>	<p>This policy sets out the objectives of the Green Wedges within the District and identifies the types of development that would be considered appropriate in areas designated as Green Wedges.</p> <p>This policy is specific to Green Wedges in the District. The policy will have no impact upon the Special Areas of Conservation and Special Protection Area.</p>
<i>Policy 17: Area of Separation</i>	<p>This policy sets out the objectives of Areas of Separation within the District and identifies the nature of development that would be considered inappropriate in areas designated as Areas of Separation.</p> <p>This policy is specific to Areas of Separation in the District. The policy will have no impact upon the Special Areas of Conservation and Special Protection Area.</p>
<i>Policy 18: Countryside</i>	<p>This policy aims to protect the countryside and outlines the types of development that are considered to be unacceptable in the countryside. While the policy does allow some development in the countryside, it aims to ensure that environmental and historic resources are not</p>

	<p>adversely affected.</p> <p>As well as ensuring protection of the environment, this policy will also help to ensure the needs of the local community are met through allowing certain types of development, such as provision of affordable housing, essential services and employment. It is not anticipated that this policy will have any impact upon the Special Areas of Conservation and Special Protection Area.</p>
<p>Policy 19: Bio-diversity and geo- diversity</p>	<p>This policy seeks to protect, conserve and enhance sites of bio-diversity, ecological and geological significance in the District of Blaby.</p> <p>The retention and creation of new areas of green open space will improve access and will provide the District's resident population with a wider variety of choice. It is therefore felt that if resident need is catered for locally within the District, there will be a lesser need to travel to any of the designated areas, thus lessening the impact on the Special Areas of Conservation and Special Protection Area in question.</p> <p>With regard to Rutland Water, given that Natural England and Anglian Water have already addressed the management of the site to ensure that conflict between nature conservation interest and the recreational needs of the site have been lessened, it is considered that the mitigation already in place is adequate to mitigate against any increase in visitors to Rutland Water.</p>
<p>Policy 20: Cultural environment</p>	<p>This policy seeks to protect and enhance the distinctive historic character of buildings, areas and monuments. This policy is specific to historic and cultural character in the District. The policy would not have any impact on the Special Areas of Conservation and historic character of the District.</p>
<p>Policy 21: Climate Change</p>	<p>This policy seeks to ensure that new development mitigates and adapts to climate change.</p> <p>The policy sets out a number of design criteria for new developments to improve their sustainability credentials, including: greater energy efficiency and reduced resource use. The policy also supports the Government's objective of gradually introducing improved standards for energy efficiency standards as set out within the Code for Sustainable Homes.</p> <p>The policy encourages the use of renewable, low carbon</p>

	<p>and decentralised energy generation for domestic and commercial uses.</p> <p>This policy would secure positive effects for the Special Areas of Conservation and Special Protection Area because its objective is to reduce the negative impacts of development through mitigation and adaptation to climate change and reducing green house gases. This policy aims to contribute towards national efforts to reduce the impacts of climate change and will therefore secure benefits for other things such as local flora and fauna. The result would be marginal positive benefits for the Special Protection Area at Rutland Water.</p> <p>In terms of renewable energy, there is little potential for a wide variety of renewable energy generation facilities within the District. There is more scope to exploit building integrated renewable or low carbon energy facilities. This is likely to result in minimal impact to Special Areas of Conservation and Special Protection Area.</p> <p>One site north of Enderby has been identified with the potential to accommodate large scale wind energy generation facilities (between 2-4mw). However impacts on Rutland Water SPA cannot be ruled out at this stage.</p> <p>At this time, no specific site has been identified, and no planning application has been received. If planning applications were to be submitted, this would require a full Environmental Impact Assessment and Habitats Regulations Assessment, including full Appropriate Assessment (if required). Mitigation measures would be a requirement of any planning consent to ensure that the scheme would result in a finding of 'no likely significant effects' on the SPA', in accordance with the objectives of Policy 21.</p>
<p>Policy 22: Flood Risk management</p>	<p>This policy outlines how flood risk and protection of the water environment will be taken into consideration in proposals for new development. The Core Strategy seeks to ensure that development is located so that it minimises its vulnerability flooding.</p> <p>The policy seeks to concentrate development and land use change away from areas at risk of flooding or likely to increase flooding elsewhere.</p> <p>Any impact will also be mitigated by policies promoting Sustainable Drainage Systems.</p>

	<p>It is unlikely that any flooding incident would impact on any of the Special Areas of Conservation and Special Protection Area. The drainage network within the District is not upstream of the Mease SAC.</p> <p>This policy is also positive in that it would secure measures to limit the rate of surface water run-off by attenuation within the site, reducing overall flood risk.</p>
<p>Policy 23: Waste</p>	<p>The policy encourages the management of waste for domestic and commercial uses. It seeks to set a hierarchy of waste based on prevention, re-use, recycling, recovery and disposal.</p> <p>This policy would secure positive effects for the Special Areas of Conservation and Special Protection Area because its objective is to reduce the negative impacts of waste by reducing disposal. The result would be marginal positive benefits for the Special Protection Area at Rutland Water.</p> <p>The approach of seeking to minimise use of waste (prevention principle) and encourage recycling would result in reductions in incineration and disposal to landfill sites. This approach will prevent both air and water / groundwater pollution. Whilst there is no hydrological connectivity, between the District and the Natura 2000 sites, as a general principle, the approach seeks also to minimise air-borne emissions that could have wider impacts on the three Natura 2000 sites. By adopting the proximity principle, the policy also seeks to minimise, Carbon, Nitrous Oxides and particulate matter emissions.</p>

Table 2: Potential Effects of Policy Objectives on Natura 2000 Sites

- 4.3 Whilst figure 3 sets out the potential effects of the Blaby District Core Strategy policies on Natura 2000 sites, regard should also be had to the cumulative effects of plans. In terms of the East Midlands, the Core Strategy for Blaby is in general conformity with the East Midlands Regional Plan, for which Appropriate Assessment has been undertaken. Therefore, growth within the East Midlands up to 2026 as set out in the East Midlands Regional Plan does have full regard to the three Natura 2000 sites relevant to Blaby District.
- 4.4 The nearest adjoining region to Blaby District is the West Midlands which is relevant in the context of the River Mease and Ensor's Pool. However, the River Mease is separate to any water courses in Blaby District and Ensor's Pool is considered to have a self contained Eco-system.

Therefore, development within Blaby District will not have any adverse impacts on these sites.

5 Conclusion

5.1 This report has shown that the Blaby District Core Strategy alone, or in combination with other plans, is unlikely to have a detrimental impact on any of the Natura 2000 sites within approximately 25km of the boundary of Blaby District. The main reasons for this are:

- There are no Natura 2000 sites within the District of Blaby.
- The mitigation already in place is adequate to mitigate against any increase in visitors to Rutland Water arising from the amount of new housing and other development allocated to the District.
- In terms of renewable energy, there is little potential for a wide variety of renewable energy generation facilities within the District. There is more scope to exploit building integrated renewable or low carbon energy facilities. Whilst wind farm developments might lead to an impact on Rutland Water SPA, such impacts can and should be considered at a later stage in the planning process.
- It is unlikely that any flooding incident would impact on any of the Special Areas of Conservation and Special Protection Area. The river network in Blaby District is not directly connected to any of the Natura 2000 sites considered as part of this Scoping Report
- The Core Strategy will help to improve air quality by promoting sustainable transport, walking, cycling and reducing car use.

5.2 Therefore, it is concluded that a full Appropriate Assessment is not required.