

Habitat Regulations Assessment: **Addendum** to the **Appropriate Assessment of the** **Lichfield District Allocations DPD** **Modifications Consultation 2018**



Habitats Regulations Assessment – Addendum to the Appropriate Assessment

Lichfield District Allocations Development Plan Document – Modifications October 2018

Introduction

The Lichfield District Allocations Development Plan Document (ADPD) is part 2 to the Lichfield District Local Plan: Strategy (LPS) which was adopted in 2015. Both the LPS and the ADPD have undertaken Habitat Regulations Assessment which have concluded that alone or in combination it can be demonstrated through the mitigation proposed that none of the policies /allocations are likely to have a significant effect alone or in combination with the identified European Sites. These documents have been submitted to the Inspector as CD 1-28, CD1-27 and CD6-31 and CD6-32.

Following consideration of the ADPD (CD1-1, CD1-2 and CD1-3) at Examination the Inspector has suggested main modifications which should be made in order to assist him in finding the ADPD 'sound'. This addendum to the Appropriate Assessment to the ADPD (CD1-28) considers these main modifications and the modifications proposed through the Examination and those submitted prior to the Examination (CD1-3).

Key Documents/Evidence

Further to the publication of the Appropriate Assessment of the Focused changes version of the ADPD, which was submitted to the Secretary of State, a number of minor modifications were proposed and submitted to the Inspector prior to his consideration of the submission ADPD (CD1-3). These were reviewed by the Council and were considered to not impact upon the conclusions of the Appropriate Assessment for the submission ADPD (CD1-28).

The District council received from the Inspector (via the Programme Officer) 7 suggested main modifications which could be made to the ADPD which would enable him to find the Plan 'sound'. This document considers the proposed main modifications in the context of compliance with the Habitat Regulations.

Methodology

Circular 6/2005 states that 'The scope and content of an appropriate assessment will depend upon the nature, location, duration and scale of the proposed project and the interest features of the relevant site.' This document provides an addendum to the Appropriate Assessment to the ADPD submitted to the Examination (CD1-28) and thus considers the proposed modifications against the evidence base and the conclusions drawn on the interest features of the European Sites considered within (CD1-28).

Description of the Main Modifications

The main modifications are included at Appendix A. There are 7 proposed main modifications.

MM1 is a proposed new policy and **MM2** is the supporting text to MM1. MM1 requires a review of the Local Plan to be submitted to the Secretary of State no later than the end of December 2021.

MM3, MM4, MM5 require the addition to the respective policies for a masterplan for each site.

MM6 is an amendment to Policy EMP1 and **MM7** is an addition to the supporting text to EMP1 which safeguards employment and provides flexibility in bringing forward sites in existing/allocated employment use that have no reasonable prospect of being used for such a use and to be consistent with national policy.

Description of the modifications proposed in CD1-3 and during the examination

M1, M2, M5, M7 and **M8** are typographical changes, modifications **M3, M4** and **M6** relate to Policy BE2: Heritage Assets and seek to align it more to the NPPF.

Modification **M9** proposes a change in the typology of floor space for site L30 to reflect the permitted scheme.

Modification **M10** represents a correction to a mathematical error.

Modification **M11** shows a minor change to the alignment of the route of the Lichfield Canal to ensure the route is drawn around an electricity pylon.

Modification **M12** is a factual change to include the adopted Conservation Area boundaries for a number of settlements.

Assessment Findings

The proposed main modifications do not propose any greater scale of development or new locations for development or changes to policies which would result in any greater impact upon the European Sites than has previously been considered through the Appropriate Assessment of the ADPD (CD6-31, CD6-32 and CD1-28). It is recognised that a review of the Local Plan in accordance with MM1 and MM2 will result in an increase in development across the District however this will be undertaken in a separate plan which will be accompanied by further evidence and Habitat Regulations Assessment as necessary.

Policies MM3-5 are considered to have no significant effects as they will result in no increase in the scale of development proposed within the ADPD and which has already been considered through the HRA for the ADPD (CD1-28).

Main modifications MM6 and MM7 - whilst the policy is to safeguard employment land, the policy modifications could generate windfall sites for housing or leisure use. The potential for adverse effects would be assessed on an individual basis at the project level in accordance with the Habitat Regulations and through the existing adopted policies within Local Plan Strategy, against any lawful fallback position. Policies contained within the Local Plan Strategy ensure that European Sites will be protected. Existing policies accompanied by mitigation strategies also ensure that where the site would form part of the windfall allowance as part of the overall housing requirement of the ADPD and where mitigation for any impacts arising from the development is necessary then mitigation can be delivered through existing measures which are already secured.

The proposed modifications listed in (CD1-3) do not propose any changes to policies or maps which would result in any adverse impacts, either alone or in combination, upon the integrity of European Sites.

The Schedule of proposed modifications (March 2018) CD1-3 lists 12 modifications. Modifications **M1, M2, M5, M7** and **M8** are typographical changes and have no effect upon the policy.

Modifications **M3, M4** and **M6** relate to Policy BE2: Heritage Assets. Policy BE2 seeks to safeguard heritage assets and in the Appropriate Assessment of the policy in CD1-28 was considered that it would not result in greater pressures on the factors influencing European Sites, the proposed modifications do not change this assessment.

Modification **M9** proposes a change in the typology of floorspace for site L30 to reflect the permitted scheme. Site L30 relates to Lichfield South Business Park and was considered that it did not relate to any European Sites directly and would not result in greater pressures on the factors influencing European Sites and that there would be no significant effects. The proposed modifications do not change this assessment.

Modification **M10** represents a correction to a mathematical error and has no effect upon the totals used within the Appropriate Assessment undertaken in CD1-28.

Modification **M11** shows a minor change to the alignment of the route of the Lichfield Canal to ensure the route is drawn around an electricity pylon. The route relates to Policy IP2 which the Appropriate Assessment (CD1-28) concludes the policy will have no significant in combination effects, the proposed modifications do not change this assessment.

Modification **M12** is a factual change to include the adopted Conservation Area boundaries for a number of settlements, these proposed modifications will not result in any greater pressures on the factors influencing European Sites either directly or in combination.

Conclusion

The proposed main modifications and minor modifications already considered by the Inspector will have no significant effects alone or in combination upon European Sites and will have no adverse effects upon the integrity of the European Sites.

Appendix

Modification number	Policy/Paragraph	Summary of modification	Any likely significant effects on European sites?	In-combination effects
MM1	New Policy	Date for review of Local Plan and obligations to meet duty to cooperate	No. The policy does not identify a need for further housing/development to be provided as part of this plan which has not already been considered through Appropriate Assessment and is able to be mitigated for through existing policies and mitigation strategies.	No.
MM2	New policy – supporting text		No. As MM1 above.	No

MM3	Policy NT1 Amendment to policy	Addition of a requirement to produce a masterplan for the site	No. The policy does not identify a need for further housing/development to be provided as part of this plan which has not already been considered through Appropriate Assessment and is able to be mitigated for through existing policies and mitigation strategies.	No
MM4	Policy R1 Amendment to Policy	Addition of a requirement to produce a masterplan for the site	No. The policy does not identify a need for further housing/development to be provided as part of this plan which has not already been considered through Appropriate Assessment and is able to be mitigated for through existing policies and mitigation strategies.	No
MM5	Policy OR7 Amendment to Policy	Addition of a requirement to produce a masterplan for the site	No. The policy does not identify a need for further housing/development to be provided as part of this plan which has not already been considered through Appropriate Assessment and is able to be mitigated for through existing policies and mitigation strategies.	No
MM6	EMP 1		No. No additional sites or housing numbers/uses are proposed which could potentially have an adverse effect upon the integrity of a European Site. Adopted policy exists	No. Mitigation schemes for SAC are monitored and evidence which considers in combination effects has been prepared.

			which protects European Sites. Mitigation schemes with associated delivery mechanisms already exist to prevent harm arising should a proposed alternative use generate any likely significant affects upon the European Sites.	Through implementation of the adopted policies and project level HRA no significant affects will arise.
MM7	EMP1 Protection of Employment Land	Addition to supporting text	No. As MM6 above.	No

Draft Main Modifications

MM1: Local Plan Review – new policy

Suggested new policy as follows:

Lichfield District Council shall carry out an early review of the Local Plan for Lichfield that will be submitted to the Secretary of State for Examination in accordance with the latest Local Development Scheme or no later than the end of December 2021. This review shall replace the adopted Local Plan Strategy (LPS) 2008-2029 in all aspects and therefore be a comprehensive review. This Plan will extend the existing plan period to at least 5 years beyond the end of the current LPS and it shall review as a minimum the following matters:

- The housing requirement for Lichfield and the potential for housing land supply to meet this need.
- Any unmet housing need arising from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), inclusive of any unmet housing need arising from Tamworth Borough and the appropriate level of contribution within the District of Lichfield in line with ongoing technical work and the requirements of policy TP48 of the adopted Birmingham Development Plan (BDP).
- Employment land requirements for Lichfield as identified through a comprehensive evidence basis.
- Lichfield's potential role in meeting any wider unmet employment needs through the Duty to Co-operate (DTC).
- The appropriateness of the existing settlement hierarchy and the strategic distribution of growth in light of new housing, employment and other service/infrastructure needs.
- Gypsy, Traveller and Travelling Showpeople (GTTS) provision.
- A comprehensive Green Belt Review either in partnership with relevant neighbouring authorities or in close consultation with these authorities through the DTC, to inform any further Green Belt release to accommodate new development within the District.

MM2 Local Plan Review - supporting text

Suggested supporting text, which needs to include reference to and a statement regarding the extent of, the unmet housing needs of Greater Birmingham and the Black Country, with the recognition that the needs of Tamworth form part of this consideration. The text should also include a commitment to continued joint working with the GBHMA authorities, with the aim of working positively towards a Memorandum of Understanding or Statement of Common Ground, for housing and employment land provision, GTTS provision and Green Belt Review.

MM3 Key development principles for the Housing Land Allocation to the North of Tamworth – amendment to policy NT1

Suggested policy amendment as follows:

Within the Arkall Farm Housing Land Allocation, as identified in the inset map attached to policy NT1, the approved Masterplan identifies a range of land uses, open spaces and transport routes and their relationship both to each other and to the existing development in the vicinity of the site.

Proposals should accord with the approved Masterplan, including the following key development considerations:

MM4 Key development principles for the Housing Land Allocation to the East of Rugeley – amendment to policy R1.

Suggested policy amendment as follows:

Within the East of Rugeley Housing Land Allocation, as identified in the inset map attached to policy R1, the approved Masterplan identifies a range of land uses, open spaces and transport routes and their relationship both to each other and to the existing development in the vicinity of the site. Proposals should accord with the approved Masterplan, including the following key development considerations:

MM5 Key development principles for the Housing Land Allocation at Watery Lane – amendment to policy OR7.

Suggested policy amendment as follows:

Within the Watery Lane Housing Land Allocation, as identified in the inset map attached to policy OR7, the approved Masterplan identifies a range of land uses, open spaces and transport routes and their relationship both to each other and to the existing development in the vicinity of the site. Proposals should accord with the approved Masterplan, including the following key development considerations:

MM6 Protection of Employment Land – amendment to policy EMP1

Suggested policy amendment as follows: Add the following text to the end of the existing policy (paragraph 5 onwards):

(Para 5) Development proposals outside the traditional employment use classes (B1, B2 and B8) will be supported on existing and allocated employment sites, where the development proposals clearly demonstrate the potential job creation on these sites, and provided that they do not undermine or constrain the main purpose of the employment allocation. Proposals for retail or leisure uses on existing or allocated employment sites will be permitted providing they are related in scale and use to the primary employment focus of the site and would have no adverse impact on the vitality and viability of the employment area.

(Para 6) Development proposals outside the traditional employment uses classes (B1, B2 and B8) for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of a site, or its development for employment for employment uses, is not viable, through the provision of: (i) details of comprehensive marketing of the site for at least 12 months and appropriate to the prevailing market conditions; and (ii) a financial appraisal that demonstrates that the development of any employment generating use is unviable,

(Para 7) Development proposals outside the traditional employment uses classes (B1, B2 and B8) for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of a site, or its development for employment for employment uses causes/or would lead to site-specific, environmental problems, such as noise,

pollution of traffic generation, recognising the environmental benefits to be gained by redeveloping these sites for non-employment generating uses.

MM7 Protection of Employment Land – supporting text

Suggesting supporting text which needs to include reference to both the need to safeguard employment in the interests of securing a sustainable balanced between the provision of homes and jobs and the need to provide flexibility in bringing forward sites in existing/allocated employment use that have no reasonable prospect of being used for such a use and to be consistent with national policy. It is therefore clear that the Plan needs to set out the parameters of an independent assessment so that existing and allocated employment sites can be considered for alternative uses, such as housing.