

Harborough Local Development Framework
Core Strategy

Habitat Regulations Assessment - Screening Report

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1.0 Introduction

1.1 This Report

Harborough District Council, as planning authority, has a statutory responsibility to adhere to the requirements of the Habitat Regulations. In particular, we must consider whether a full Appropriate Assessment is necessary for the Core Strategy and other land use plans we are scheduled to prepare (i.e. Allocation DPD, Developer Contributions SPD) and carry out such assessments, if required.

The following report considers the effects of the Harborough LDF Core Strategy on the *Natura 2000* network of protected areas. It has been prepared to meet the obligations of EC Habitat Directive 1992 on the Conservation of Natural Habitats and of Wild Flora and Fauna, as interpreted into British law by Regulation 48 of the Conservation (Natural Habitats &c) (Amendment) (England & Wales) Regulations 2007 which inserts a new Part IVA into the 1994 Regulations and came into force in August 2007. It covers the Screen stage of the HRA process and contains a screening statement. The report will be sent to English Nature for a screening opinion and made available, as one of a suite of evidence documents, as part of the Publication Core Strategy Consultation.

1.2 Habitat Regulations

The Habitat Regulations require that any plan or project, including land use plans such as Local Development Frameworks, not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the sites conservation objectives.

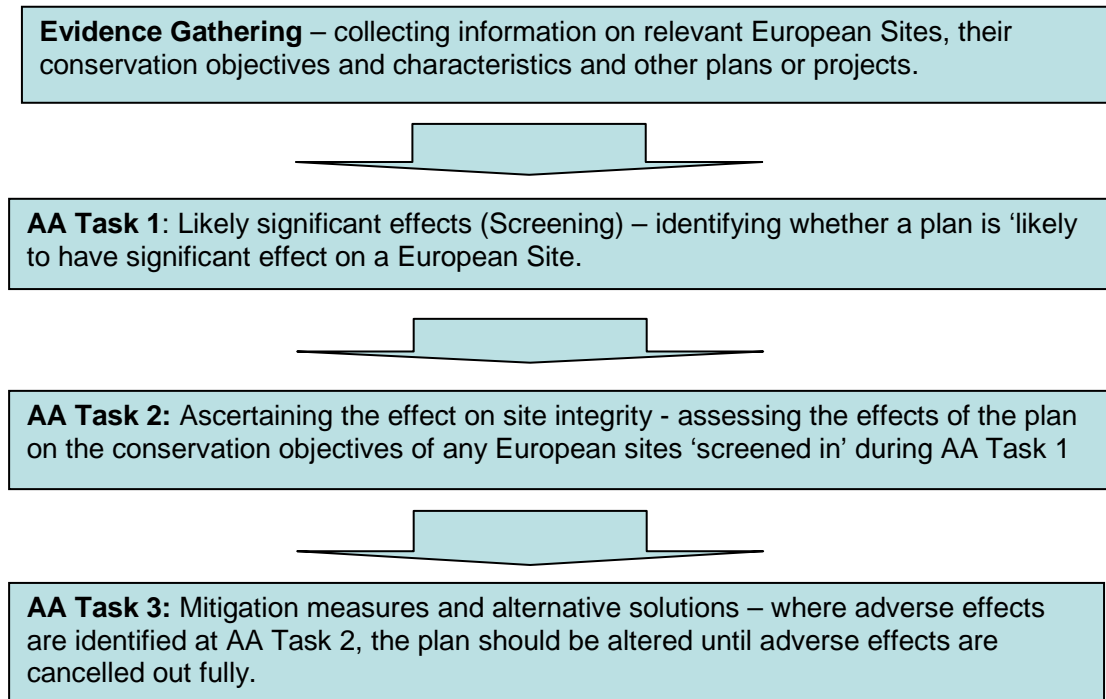
The purpose of a Habitat Regulations Assessment (HRA) is to assess the impact of a land use plan against the conservation objectives of European Sites and consider whether it would adversely affect the integrity of that site, in terms of habitat and species.

European sites are made up of Special Protection Areas (SPA) - sites where particular bird species are important, Special Areas of Conservation (SAC) where particular habitats are important and Offshore Marine Sites (OMG). Although not European Sites within the meaning of the legislation Ramsar sites – internationally important wetlands are also covered by the requirement for an Appropriate Assessment (AA). Together these sites are known as *Natura 2000* network of protected areas.

Draft guidance on undertaking an HRA was published by the Government in 2006 (DCLG now CLG), Natural England has produced more prescriptive guidance on HRA for Regional Spatial Plans. Generally these outline a 4 stage approach (see diagram below). The stages are iterative. If significant effects are unlikely a policy can be screened out of the assessment, where significant effects occur the stages are repeated until no significant adverse effects remain. The first procedural task of an HRA

is the Screening Assessment, only if this identifies likely significant effects is a full Appropriate Assessment (AA) required. Selecting the best methodology, on a case by case basis, is what makes any HRA appropriate. Using best practise and ensuring that the level of detail at the screening stage is proportionate to the likely risk and significance of any effects is also key.

Diagram 1: Habitat Regulations Assessment – 4 Stage Approach (Source CLG, 2006)



1.3 Overview of Harborough Core Strategy

The aim of the Harborough Core Strategy is to maintain the District's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services.

The Publication Core Strategy contains 13 strategic objectives and 17 policies. A full copy of the Core Strategy can be viewed at www.harborough.gov.uk.

The strategy makes provision to allocate land for housing development to accommodate 2,726 new dwellings to 2026 (the additional required to meet Regional Strategy housing needs for Harborough). Dwellings are proposed to be distributed as follows; 1,200 located at Market Harborough to include a strategic development area of approximately 1,000 dwellings, 500 dwellings at Lutterworth, 350 dwellings at the Leicester Urban Fringe, 300 dwellings at Broughton Astley, 376 dwellings at identified Rural Centres and rural villages.

In addition a modest amount of new employment land (5ha) will be provided at Market Harborough in accordance with the Leicester and Leicestershire Housing Market Area Employment Land Study. A review of

employment land at Allocations DPD stage may result in further provision of employment land to meet any identified shortfalls. Future shopping needs will be met by the delivery of an additional 13,800m² of comparison / convenience retail floorspace split between Market Harborough and Lutterworth town centres.

Market Harborough will be the main focus for additional development. The role of key and rural centres will be developed. Working in partnership, the Core Strategy will co-ordinate the provision and funding of infrastructure and facilities required to meet the needs of planned development including; transport infrastructure, community facilities, green infrastructure (open space and recreation facilities). The heritage, environmental and bio-diversity assets of the district will be conserved and enhanced through the delivery of the Core Strategy.

The Core Strategy is accompanied by a Sustainability Appraisal Report which assesses its proposals against a set of sustainability objectives developed from an initial sustainability scoping report. A copy of the SA Report can be viewed here; [Harborough District Council - Sustainability Appraisal \(SA\) and Strategic Environmental Assessment \(SEA\)](#)

2.0 Methodology

We have broadly followed CLG draft guidance and for consistency have taken a similar approach to our HRA as that used by other adjacent authorities e.g. Leicester City, Oadby and Wigston Borough Council.

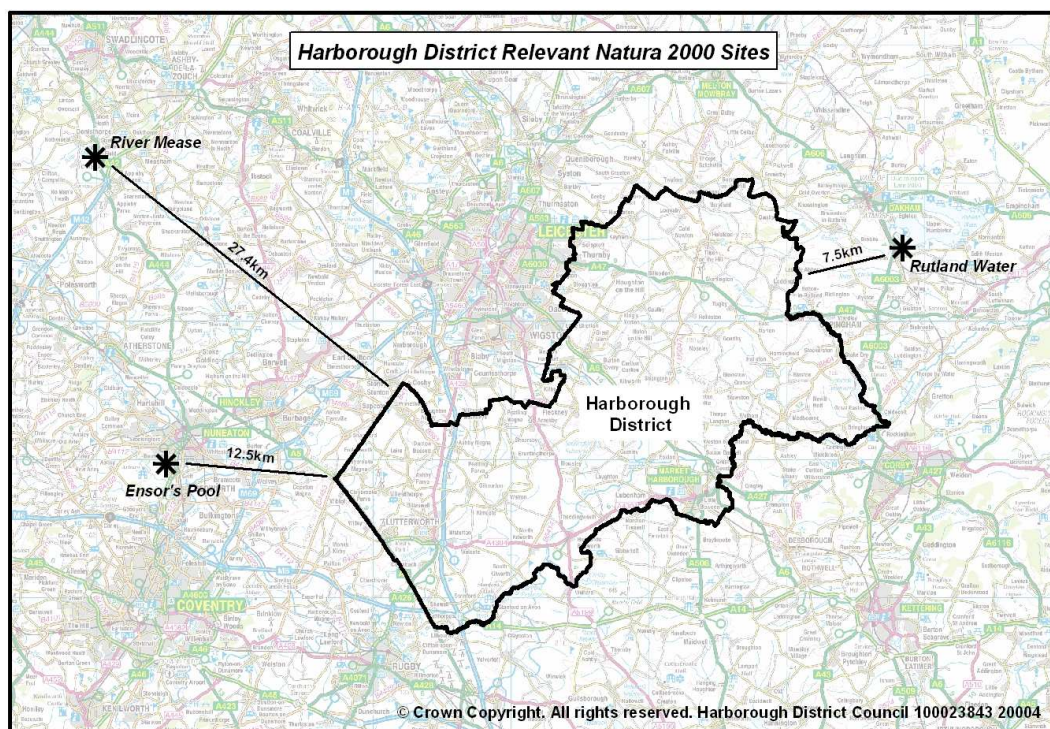
2.1 Evidence Gathering.

Harborough district contains no *Natura 2000* sites. However, the regulations require us to look at sites beyond the District on which the Core Strategy may or may not have an impact. No distance thresholds are set in the regulations for identifying these sites. Therefore this report considers sites within 25kms of the boundary of the district, as per other the HRA's of adjacent authorities.

Three *Natura 2000* fall within the 25kms or just over the threshold as follows;

- Rutland Water Special Protection Area (SPA, Ramsar)
- River Mease Special Area of Conservation (SAC)
- Ensor's Pool Special Area of Conservation (SAC)

A map showing these sites and their distance from the district boundary is given below;



Details for each of the relevant *Natura 2000* sites are given in table A below;

Table A: Harborough District – Relevant *Natura 2000* Sites

Harborough District - Relevant <i>Natura 2000</i> Sites	
Name and Location	Rutland Water SPA / Ramsar
European Site Ref.	UK9008051 / UK11062
Description	1,557ha. NGR: SK928070 Lying between Oakham and Stamford (approximately 1.4km west and 5.8km east respectively). Lies approx. 7.5km from Harborough district boundary.
Reasons for designation	Lagoon habitat important for wintering populations of the following species: 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> A wintering bird assemblage regularly supporting 25,037 waterfowl, including Great Crested Grebe, Wigeon, Gadwell, Teal, Shoveler, Tufted Duck, Goldeneye, Goosander and Coot.
Conservation	To maintain the designated interest features in

Objectives	favourable condition, with particular reference to open water and surrounding marginal habitats.
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 through appropriate fencing • Inappropriate weed control and introduction of non native species • Noise, visual presence and abrasion from land / water based leisure and recreation uses • High phosphate levels • Overgrazing • Low levels of water abstraction
Name and Location	River Mease SAC
European Site Ref.	UK0030258
Description	<p>21.86 ha NGR: SK260114</p> <p>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 and has retain a reasonable degree of channel diversity. Lies approx. 27kms from Harborough district boundary, within Leicestershire.</p>
Reasons for designation	<p>Habitats: Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation.</p> <p>Species: Spined loach <i>Cobitis taenia</i> Bullhead <i>Cottus gobio</i> White-clawed crayfish <i>Austropotamobius pallipes</i> Otter <i>Lutra lutra</i></p>
Conservation Objectives	To maintain the designated interest features, designated species, and the rivers and streams in

	favourable condition.
Key factors affecting site integrity	<ul style="list-style-type: none"> • Maintenance of water quality and quantity • Pollution inputs and inappropriate water abstraction. • Maintenance of natural structure and form to support a natural flow regime, including the avoidance of constriction of the river or blockage of its floodplain. • 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. • All species: maintenance of suitable habitat and appropriate management 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 at a non-sustainable level, or manipulation of the river’s natural capacity to support them. • Introduction of non native species is important. • Otter; maintenance of terrestrial habitat with cover and holt sites provided by dense scrub mature trees 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
European Site Ref.	UK0012646
Description	3.8 ha NGR: SP 348903 Lies on the outskirts of Nuneaton approx. 1.5km from the centre. Since 1995 the area has been leased by Nuneaton and Bedworth Borough Council and is managed as a Local Nature Reserve, has statutory

	designations as LNR, SSSI and SAC. Lies approx 12kms from Harborough district boundary.
Reasons for designation	Species: <i>Crayfish Austropotamobius pallipes</i>
Conservation Objectives	To maintain the designated habitat (extent of) and native population of crayfish in favourable condition and maintain the standing open water habitat.
Key factors affecting site integrity	<ul style="list-style-type: none"> • pollution and general habitat modification / changes in water course management (though mainly rain water fed) • introduction of non-native crayfish, and the associated affects (e.g. crayfish plague) through uncontrolled access. • Disturbance from people – sensitive balance needed.
Existing trends and pressures	<ul style="list-style-type: none"> • Pollution • Introduction of non-native crayfish

2.2 Likely Effects of Core Strategy Policies (AA Task 1)

Table A identifies the vulnerabilities and factors affecting the integrity of the three *Natura 2000* sites relevant to Harborough district. The Core Strategy could have an impact on these in the following ways;

- additional development – including the quantum, type and location of proposed growth
- Changes to water flows and quality e.g. affect on flood risk areas, increased surface run-off
- Changes to air and noise pollution (development and associated travel) and its affect on site habitats / species.
- Increased accessibility and the attraction of more people / visitors to the district. This is particular relevant for Rutland Water SPA due to its proximity to Market Harborough and other district visitor assets.
- Disturbance to protected habitats / species (including birds) that sites support from development, including some forms of renewable energy development

The ways in which impacts may occur (as described above) frames our consideration of the likely effects of the Core Strategy. The Ensor's Pool SAC is some distance from the district boundary and is a self contained eco-system. The site's vulnerabilities set out in Table A are very local in nature and are unlikely to be caused by the Harborough Core Strategy, hence we conclude that there are no anticipated significant effects, adverse or otherwise, and screen the site out of further detailed consideration.

Table B below considers in more detail the likely effect that each of the 17 policies within the Core Strategy may have, it focuses particularly on the remaining 2 relevant sites, the River Mease SAC and the Rutland Water SPA.

Table B: Assessment of Core Strategy Policies

Core Strategy Policy	Potential Effects of Policy on Natura 2000 Sites
<p>Policy 1 – Spatial Strategy. This policy sets out the overall approach to development. It identifies Market Harborough as the main focus for additional development, and sets out a hierarchy of settlements (Key and Rural Centres) and how these will develop. It sets out the scale of housing and other growth and the proposal to bring forward an SDA.</p>	<p>The scale of development proposed for Harborough district is commensurate with its rural character and is relatively modest compared to other areas of the county. The policy makes provision for the quantum / type of development and indicates broad locations, generally concentrating growth in existing settlements, but the detailed location of development will be selected via the Allocation DPD. Accordingly, as no development could happen through this policy alone it will have no adverse impact on either the River Mease SAC or Rutland Water SPA.</p>
<p>Policy 2 – Delivering New Housing. The policy set out how the housing needs of the district's population will be met. The scale of housing growth (dwellings) for different settlements is detailed; Market Harborough 1,200, Lutterworth 500, Leicester Urban Fringe 350, Broughton Astley 300, Rural Centres / selected villages (ref. policy17) 376. It outlines broad principles for where and what type of land will be given priority, for what type / mix of development and how this will be managed.</p>	<p>The policy provides the framework for increased levels of housing development within existing settlements, predominantly Market Harborough and with a priority for the use of brownfield sites, thus steering development away from <i>Natura 2000</i> sites.</p> <p>Development may increase the chance of surface water run-off and has the potential to affect water quality – site locations will be selected at Allocations stage (with ref to Policy 10). Concentrating development in existing settlement, particularly Market Harbrough may help improve air quality by enabling the use of sustainable modes of transport (walking, cycling, public transport) and reducing car use.</p> <p>Meeting the differing housing needs of the district is unlikely to adversely effect habitats or species in the R. Mease SAC or Rutland Water SPA due to distance from each site.</p> <p>The increase in population enabled by new housing development in the district might lead to more visitors to Rutland Water – a popular visitor attraction in the region. Anglian Water has a management plan in place that creates zoned activity areas, manages visitors and protects habitats addressing the additional impact from increased tourism. It is difficult to</p>

	quantify the likely increase in trips, from the modest level of housing growth proposed in Harborough. However, it is anticipated that the mitigation already put in place by Anglian Water is sufficient to militate against any effects arising from proposed housing development.
<p>Policy 3 – Delivering Housing Choice and Affordability Sets out how new homes will meet the requirement of all members of the community. It seeks to provide a real choice for everyone by increasing the supply of affordable homes through all new housing developments.</p>	Effects are as stated for Policy 2. All new residential development will be required to contribute towards meeting affordable housing need.
<p>Policy 4 – Providing for Gypsy, Traveller and Travelling Showpeople Needs. The policy seeks to meet the housing needs of Gypsies, Travellers and Travelling Show-people. It sets out the considerations for determining locations for new sites and extensions to existing sites.</p>	The accommodation needs of this community will be localised within the district and in proximity to existing settlements. The scale of provision is low and will have no adverse effects on the 2 <i>Natura 2000</i> sites.
<p>Policy 5 – Providing Sustainable Transport. The aim of the policy is to continue to direct most development into areas which already have capacity to offer transport choices for local journeys and to make best use of existing infrastructure.</p>	<p>The policy aims to maximise the use and efficiency of existing transport facilities. The majority of future development will be focused in areas well served by local services where people can gain convenient access to public transport for longer journeys and where local journey can be undertaken on foot / bicycle. Significant proposal will be required to contribute to the co-ordinated delivery of transport improvements / infrastructure.</p> <p>Road transport affects air quality in a localised way; therefore growth in the district is unlikely to have an impact on the River Mease SAC or Rutland Water SPA.</p>
Policy 6 – Improving Town	New development to provide for town centre

<p>Centres and Retailing. The policy seeks to maintain and enhance Market Harborough Lutterworth town centres and Broughton Astley as a district centre. New shopping, leisure and entertainment uses will be focused in the S and BA of these centres. Retail and service provision in local and neighbourhood centres will be protected.</p>	<p>uses will be concentrated in the Principal Shopping and Business Area of Market Harborough and Lutterworth. Focusing development in these urban areas will support the use of sustainable modes of transport.</p> <p>The scale of proposed growth is modest and it is not felt that it will have adverse effects on the 2 <i>Natura 2000</i> sites due to the distance of these settlements from the sites.</p>
<p>Policy 7 – Enabling Employment and Business Development The aim of the policy is meet employment needs, foster business growth and maintain high levels of employment in the district.</p>	<p>The policy proposes a modest 5ha of new land for employment use at Market Harborough, and possible further provision in Key Centres following a review of existing employment sites / land allocations at Allocation DPD stage.</p> <p>Development may increase the chance of surface water run-off and has the potential to affect water quality – site locations will be selected at Allocations stage (with ref to Policy 10).</p> <p>Concentrating development in existing settlements may help improve air quality by enabling the use of sustainable modes of transport (walking, cycling, and public transport) and reducing car use. Employment uses likely to generate HGV traffic will be located away from Lutterworth town centre.</p> <p>Meeting the differing employment needs of the district is unlikely to adversely effect habitats or species in the R. Mease SAC or Rutland Water SPA due to distance from each site.</p>
<p>Policy 8 – Protecting and Enhancing Our Green Infrastructure. The policy seeks to secure a high quality, accessible and multi-functional green infrastructure network across both the rural and urban areas of the district, which contributes to healthy lifestyles and a rich and</p>	<p>The policy is intended to protect, conserve and improve the green infrastructure assets of the district, with regard to the natural environment, biodiversity and geo-diversity. It will therefore have no adverse effect on <i>Natura 2000</i> sites.</p> <p>Opportunities to maximise the value of existing and new green space will be encouraged through the promotion of recreation, tourism and public access. Improved local provision and access will give</p>

diverse natural environment.	residents more variety and choice of sites for informal recreation, and may reduce the need to travel outside the district and lessen the impact of residents visiting Rutland Water SPA.
<p>Policy 9 – Addressing Climate Change.</p> <p>The policy seeks to reduced energy demand, encourage the use of sustainable materials and construction methods, encourage development that adapts to climate change and maximise the use of renewable energy resources and innovations that have a positive impact on climate change adaption.</p> <p>All new development will be encouraged to meet minimum standards (of Code for Sustainable Homes program, BREEAM ‘Very Good’) and provision for on-site renewal energy is encouraged.</p>	<p>The policy is likely to generate positive effects by virtue of its objective to encourage development that adapts to climate change and helps reduce the district carbon footprint, thus contributing to national efforts to reduce the impact of climate change. It may bring benefits for local habitats and species through reducing the impact of climate change. The distance to Rutland Water SPA and the R. Mease SAC, mean marginal positive effects may result for these sites.</p> <p>Standalone renewable energy generation is supported (the potential for particular renewable forms is noted) however, broad locations are not identified, in favour of a criteria based approach. Development may increase the chance of localised noise pollution; mitigation is a consideration within the policy.</p> <p>The encouragement of innovations which have a positive impact on climate change adaption may lessen surface water run-off / aid water quality, increase waste water recycling, reduce energy use and mitigate CO₂ emissions.</p> <p>Focusing development in areas well served by local services where people can gain convenient access to public transport for longer journey and where local journeys can be undertaken on foot / bicycle will create positive benefits in terms of reducing the need to travel.</p>
<p>Policy 10 – Addressing Flood Risk</p> <p>The aim of the policy is to restrict new development to areas of lowest flood risk, and manage and militate against any increase in the level of flooding experienced</p>	<p>The Core Strategy provides the framework to ensure that new development does not increase flooding, that the net increase in surface water discharged into the local public sewer is minimised and that natural forms of on-site drainage are encouraged.</p> <p>Concentrating development in existing</p>

<p>in the district.</p>	<p>settlements, giving priority to land in Flood Zone 1 and safeguarding / reinstating functional floodplains (Flood Zone 3) will help lessen the effects of climate change and steer growth away from <i>Natura 2000</i> sites. The scale of development proposed for the district is relatively modest and the provisions of the policy will ensure that its unlikely any flooding incident would affect either Rutland Water or the River Mease sites.</p>
<p>Policy 11 – Promoting Our Built Heritage and Design The policy aims secure the highest standards of design for new development, which respects the context in which it takes place, to create attractive places. Heritage assets will be protected, conserved and enhanced incl. buildings, parks and gardens, conservation areas, scheduled monuments, nationally important archaeological remains and landscapes. Improved access to buildings and place of heritage for people and visitors will be encouraged.</p>	<p>The policy is intended to protect the built and historic environment of the district and protect, conserve and enhance its heritage assets. Its effect will be localised and would not therefore have an adverse impact on either of the 2 relevant <i>Nature 2000</i> sites.</p>
<p>Policy 12 – Delivering Development and Supporting Infrastructure The policy seeks to ensure that the impact of all forms of development is mitigated or that necessary infrastructure to accompany development is provided, through Developer Contributions.</p>	<p>Development is required to contribute to funding elements of the Infrastructure Schedule associated with the Core Strategy, delivery will be localised within the district. No significant highway schemes, in the vicinity or otherwise of <i>Natura 2000</i> site, is included in the schedule so no adverse impact from air / noise pollution is likely.</p>
<p>Policy 13 – 16 Policies for Places (Market Harborough, Leicester Urban Fringe, Lutterworth, Broughton Astley,) These policies explain what the district-wide spatial</p>	<p>The policies provide no new provisions to Policies 1-12, the impacts of which have been considered above.</p>

strategy and delivery policies mean for individual places within the district.	
<p>Policy 17 Countryside / Rural Centres and Rural Villages</p> <p>This policy explains what the district-wide spatial strategy and delivery policies mean for this particular area, Rural Centres and selected rural villages.</p>	<p>The list of selected rural villages includes Great Easton and Tilton on the Hill, which may help to deliver a proportion of the 376 dwellings directed to Rural centres and selected rural villages as stated in Policy 2. These are the closest of the selected villages to the western boundary of the district and thus closest to the Rutland Water SPA. The scale of development per village will be very small and is not likely to have an adverse impact on SPA.</p>

2.3 Cumulative Effect of Other Plans

The Habitat regulations require consideration of the cumulative effect of plans / projects on *Natura 2000* sites, not just the impacts of Harborough Core Strategy as detailed in Table B. The following lists other relevant plans and considers whether a cumulative effect is likely.

Table C: Other Relevant Plans

Plan or Project	Cumulative Effect Likely?
Oadby and Wigston Core Strategy (Submission version)	No. The HRA Screening report for this plan identifies the same 3 <i>Natura 2000</i> sites for assessment and concludes no adverse impact from the relatively modest level of growth proposed.
Nuneaton and Bedworth Borough Council Core Strategy 2008 (in progress)	No. Ensor's Pool site was screened out of detailed consideration see section 2.2.
East Midland Regional Plan (now revoked)	No. The Harborough Core Strategy is in conformity with this plan, for which an HRA AA has been undertaken. Growth within the east midlands up to 2026 as set out in the plan has regard to the 2 sites relevant to Harborough.
Rutland Core Strategy DPD Proposed Submission Document (Aug 2010) Rutland Minerals Core Strategy and Development Control Policies.	No. Mitigation measures following HRA result in no adverse impact for the Rutland Water SPA

2.4 Summary of Likely effects at River Mease SAC

The River Mease is 27kms away from the nearest border of Harborough district, is separate to any water courses in the district and does not

contribute to the water supply or drainage of the district. The Core Strategy is not judged to lead to any significant adverse effects on the River Mease SAC.

2.5 Summary of Likely effects at Rutland Water SPA

Rutland Water is the closest *Natura 2000* site to Harborough district but it is still outside and some 7.5kms from the nearest border of Harborough district. Any effects of the Harborough Core Strategy on the site are likely to be indirect and relate to a greater number of visitors being attracted to the site, from the modest scale of development proposed in the district. The impact of this is not felt to be significant.

3.0 Conclusions

This report has shown that the Harborough Core Strategy alone, or in combination with other plans, is unlikely to have an adverse impact on any of the *Natura 2000* sites within approximately 25kms of the boundary of the district. The main reasons for this are;

- There are no *Natura 2000* sites within Harborough district
- The scale of development proposed in the district is modest and policies require that development is steered towards existing settlements and away from *Natura 2000* sites
- It is unlikely that any flooding incident in Harborough district would affect any of the SAC or SPA sites, due to distance to the sites.
- The mitigation already in place is adequate to militate against any increase in visitors to Rutland Water SPA arising from the relatively modest amount of housing and other development proposed for the district.
- Policies of the Core Strategy will help to improve air quality, promote sustainable modes of transport and protect the natural environment and assets.

In conclusion, a full Appropriate Assessment is not deemed to be required.