



# **Habitats Regulations**

# **Assessment of the Harborough**

# **Local Plan**

## Scoping Report

## **Harborough District Council**

**Final report**

Prepared by LUC

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# Chapter 1

## Introduction

**1.1** LUC has been commissioned by Harborough District Council to carry out a Habitats Regulations Assessment (HRA) of its new Local Plan. At this early stage of Local Plan preparation, this HRA Scoping Report contains high level commentary on issues that should be considered within the HRA of the Local Plan. As the Local Plan develops, further iterations of the HRA report will be produced which will include Screening and Appropriate Assessment where required.

**1.2** The purposes of this report are as follows:

- To identify which European sites have the potential to be affected by the Local Plan, including establishing the key information such as threats and vulnerabilities, current pressures and any species and habitat interdependencies; and
- To set out the scope of the HRA Screening assessment and subsequent Appropriate Assessment if required.

## Context for the Harborough District Council New Local Plan

**1.3** Harborough District Council adopted the Harborough Local Plan 2011-2031 on 30<sup>th</sup> April 2019. The adopted Local Plan sets out the vision, objectives, spatial strategy and planning policies for Harborough District for the period up to 2031. The adopted Harborough Local Plan is supported by the Planning Obligations Supplementary Planning Document (SPD) and the Development Management Supplementary Planning Document (SPD). The Planning Obligations SPD provides detailed guidance on the policies in the Local Plan relating to securing a range of community infrastructure and affordable housing.

The Development Management SPD provides additional guidance to assist with the interpretation and implementation of Local Plan policies when applying for planning permission.

**1.4** Harborough District Council has commenced a full review of its Local Plan which will cover the period up to at least 2041. Preparatory work and evidence gathering for the new Local Plan has already begun, including a Call for Sites exercise which was undertaken in Summer 2021 and the Strategic Housing and Economic Land Availability Assessment (SHELAA) which was published in late 2022. In December 2022, Harborough District Council prepared a New Local Plan Scoping Paper. The Scoping Paper took a high-level look at the main themes that the new Local Plan will need to address with reference to the latest national policy. The Scoping Paper has fed into the preparation of the current Issues and Options Consultation.

## **The Requirement to Undertake Habitats Regulations Assessment of Development Plans**

**1.5** The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007 **[See reference 1]**; the currently applicable version is the Habitats Regulations 2017 **[See reference 2]**, as amended. When preparing the new Local Plan, Harborough District Council is therefore required by law to carry out an HRA. The Council can commission consultants to undertake HRA work on its behalf and this (the work documented in this report) is then reported to and considered by Harborough District Council as the 'competent authority'. The Council will consider this work and would usually only progress a Plan if it considers that the Plan will not adversely affect the integrity **[See reference 3]** of any 'European site', as defined below (the exception to this would be where 'imperative reasons of overriding public interest' can be demonstrated **[See reference 4]**). The requirement for authorities to comply with the Habitats

Regulations when preparing a Plan is also noted in the Government's online Planning Practice Guidance (PPG) [\[See reference 5\]](#).

**1.6** HRA refers to the assessment of the potential effects of a development plan on one or more sites afforded the highest level of protection in the UK: SPAs and SACs. These were classified under European Union (EU) legislation but since 1<sup>st</sup> January 2021 are protected in the UK by the Habitats Regulations 2017 (as amended). Although the EU Directives from which the UK's Habitats Regulations originally derived are no longer binding, the Regulations still make reference to the lists of habitats and species that the sites were designated for, which are listed in annexes to the EU Directives:

- SACs are designated for particular habitat types (specified in Annex 1 of the EU Habitats Directive [\[See reference 6\]](#)) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level. Designation of SACs also has regard to the threats of degradation or destruction to which the sites are exposed and, before EU exit day, to the coherence of the 'Natura 2000' network of European sites. After EU exit day, regard is had to the importance of such sites for the coherence of the UK's 'national site network'.
- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive [\[See reference 7\]](#)), and for regularly occurring migratory species not listed in Annex I.

**1.7** The term 'European sites' was previously commonly used in HRA to refer to 'Natura 2000' sites [\[See reference 8\]](#) and Ramsar sites (international designated under the Ramsar Convention). However, a Government Policy Paper [\[See reference 9\]](#) on changes to the Habitats Regulations 2017 post-Brexit states that:

- Any references to Natura 2000 in the 2017 Regulations and in guidance now refer to the new 'national site network'.
- The national site network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations.

- Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats.

**1.8** Although Ramsar sites do not form part of the new national site network, Government guidance [\[See reference 10\]](#) states that:

“Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- proposed SACs
- potential SPAs
- Ramsar sites – wetlands of international importance (both listed and proposed)
- areas secured as sites compensating for damage to a European site.”

**1.9** Furthermore, the NPPF [\[See reference 11\]](#) and practice guidance [\[See reference 12\]](#) currently state that competent authorities responsible for carrying out HRA should treat Ramsar sites in the same way as SACs and SPAs. The legislative requirement for HRA does not apply to other nationally designated wildlife sites such as Sites of Special Scientific Interest or National Nature Reserves.

**1.10** For simplicity, this report uses the term ‘European site’ to refer to all types of designated site for which Government guidance [\[See reference 13\]](#) requires an HRA.

**1.11** The overall purpose of an HRA is to conclude whether or not a proposal or policy, or a whole development plan would adversely affect the integrity of the European site in question. This is judged in terms of the implications of the plan for a site’s ‘qualifying features’ (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly,

HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

## Structure of this Report

**1.12** This chapter (Chapter 1) described the background to the production of the Harborough Local Plan and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2 outlines the structure and content of the Harborough Local Plan Issues and Options consultation, which is the subject of this report.
- Chapter 3 describes the approach that is being taken to the HRA. It also describes recent case law, summarises the key issues that will need to be considered during the HRA and describes the identification of European sites in and around Harborough that could be affected by the new Local Plan.
- Chapter 4 sets out the assumptions that will underpin the HRA and explores each impact pathway in turn.
- Chapter 5 describes the next steps that will be carried out in the HRA of the Local Plan.

**1.13** The information in the main body of the report is supported by the following appendices:

- Appendix A presents a map showing the European sites in and around Harborough.
- Appendix B sets out detailed information about the European sites that are the focus of the HRA.

## Chapter 2

# Harborough District Local Plan – Issues and Options Consultation

**2.1** This chapter summarises the contents of the Issues and Options consultation, which is the subject of this HRA.

## Vision

**2.2** The Harborough Corporate Plan 2022-2031 is the Council’s overarching strategic document which prioritises a clear set of commitments and actions, including the preparation of the new Local Plan. It sets out a clear vision for the District as follows:

“Working with our communities, we will build a future for the people of Harborough district that gives them the best life chances and opportunities through:

- Community leadership to create a sense of pride in our place.
- Promoting health and wellbeing and encouraging healthy life choices.
- Creating a sustainable environment to protect future generations.
- Supporting businesses and residents to deliver a prosperous local economy.”

**2.3** The Issues and Options consultation document poses the question of whether this same Vision should be used for the Local Plan.

## Objectives

**2.4** The following set of objectives has been drafted for the new Local Plan:

- Objective 1: Delivering the right amount and type of housing to meet need.
- Objective 2: Protecting and delivering enough business and employment land to meet need and support economic aspirations for growth.
- Objective 3: Ensuring a spatial strategy which supports sustainable development.
- Objective 4: Protecting and enhancing our villages and towns as centres of the communities they serve.
- Objective 5: Securing sustainable, high-quality places through design-led development.
- Objective 6: Supporting the Council’s climate emergency agenda.
- Objective 7: The continued protection and enhancement of our heritage assets.
- Objective 8: Improving open space and biodiversity.
- Objective 9: Developing options for sustainable infrastructure within the District.
- Objective 10: Monitoring delivery and review of the Local Plan.

**2.5** The objectives will form the framework for the plan, and the policies and proposals of the Local Plan should all contribute to achieving them in a balanced way. The Issues and Options consultation seeks views on the potential objectives.



## **Policies**

**2.6** The Issues and Options consultation also sets out options for the amount and distribution of development but does not yet identify preferred options or set out draft policies or proposed site allocations. These will be included in the next iteration of the Local Plan.

## Chapter 3

# Approach to HRA

**3.1** The HRA should be undertaken by the ‘competent authority’, in this case Harborough District Council. LUC has been commissioned by the Council to carry out HRA work on its behalf, although this is to be reported to and considered by Harborough District Council as the competent authority during the development of the Plan, before finally adopting the Local Plan. The HRA also typically requires close working with Natural England as the statutory nature conservation body [See reference 14] to obtain the necessary information, agree the process, outcomes, and mitigation proposals. Where a plan or project requires Appropriate Assessment, consultation with Natural England is a statutory requirement.

**3.2** The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

## Stages of HRA

**3.3** The HRA of development plans is undertaken in stages (as described overleaf) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.

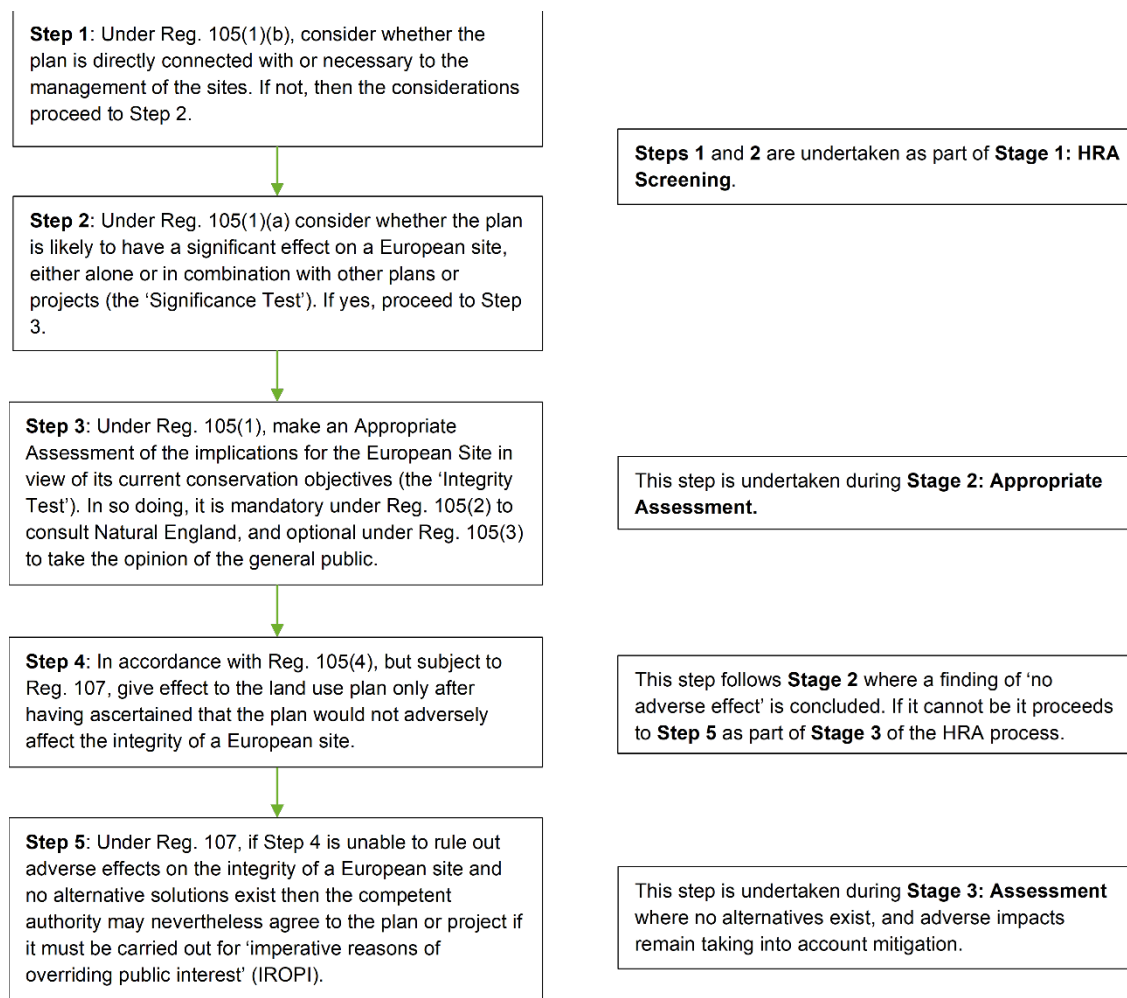
**3.4** HRAs are carried out at all levels of plan making, including higher tier plans such as national plans to lower tier Local Plans and at a project level. The process for carrying out an HRA is the same for any plan level or project. However, HRAs carried out for Local Plans and projects will be more specific to a certain area or development proposal covering a smaller area than an HRA of a national Plan. In turn, project-level HRAs will be able to be more specific again.

**3.5** The HRA process should inform the preparation of a Local Plan by seeking to avoid adverse effects on the integrity of European sites. Therefore, the outcome of an HRA will help to inform whether a Local Plan should be adopted. If it is determined that adverse effects are unavoidable, recommendations are made through the HRA to ensure that mitigation is included in the policies within the Local Plan to ensure the delivery of appropriate mitigation. This will reduce the likelihood or severity of any adverse impact on European sites. Mitigation could include the requirement for project-level/site specific HRAs for specific proposals within a Local Plan.

## Requirements of the Habitats Regulations

**3.6** In assessing the effects of a Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary, by an Appropriate Assessment which would inform the 'Integrity Test'. Figure 3.1 overleaf shows the steps in undertaking an HRA.

**Figure 3.1: The steps in undertaking an HRA**



## Typical Stages of HRA

**3.7** While carrying out a full HRA of a development plan (based on various guidance documents [See reference 15] [See reference 16] [See reference 17]), certain stages and associated tasks and outcomes are typically involved as summarised below.

## Stage 1: HRA Screening (the ‘Significance Test’)

### Tasks

- Description of the development plan and confirmation that it is not directly connected with or necessary to the management of European sites.
- Identification of potentially affected European sites and their conservation objectives [See reference 18].
- Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or reduction (‘mitigation’) measures [See reference 19].

### Outcome

- Where effects are unlikely, prepare a ‘finding of no significant effect report’.
- Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.

## Stage 2: Appropriate Assessment (the ‘Integrity Test’) (where Stage 1 does not rule out likely significant effects)

### Tasks

- Information gathering (development plan and European Sites [See reference 20]).
- Impact prediction.
- Evaluation of development plan impacts in view of conservation objectives of European sites.

- Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced ('mitigation').

## Outcome

- Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures.
- If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.

## **Stage 3: Assessment Where No Alternatives Exist and Adverse Impacts Remain Taking into Account Mitigation**

### Tasks

- Identify 'imperative reasons of overriding public interest' (IROPI).
- Demonstrate no alternatives exist.
- Identify potential compensatory measures.

### Outcome

- This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

**3.8** It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed

to avoid or reduce effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government.

## Case Law

**3.9** This HRA and future iterations of this report will be prepared in accordance with relevant case law findings, including most notably the 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

**3.10** The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) judgment ruled that Article 6(3) of the Habitats Directive will be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

"Article 6(3)... must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site."

**3.11** In light of the above, the HRA screening stage will not rely upon avoidance or mitigation measures to draw conclusions as to whether the Local Plan could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

**3.12** This HRA will also consider the Holohan v An Bord Pleanala (November 2018) judgement which stated that:

“Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.”

**3.13** In undertaking this HRA, LUC will consider the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, will also be considered in this HRA.

**3.14** Similarly, effects on both qualifying and supporting habitats and species on functionally linked land (FLL) or habitat will be considered in the HRA, in line with the High Court judgment in *RSPB and others v Secretary of State and London Ashford Airport Ltd* [2014 EWHC 1523 Admin] (paragraph 27), which stated that:

“There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still protected. Although the question of its legal status was mooted, I am satisfied... that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly



adverse effects on a protected site, produced by effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice.”

**3.15** In addition to this, the HRA will take into consideration the ‘Wealden’ judgement from the CJEU.

**3.16** Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority (2017) ruled that it was not appropriate to scope out the need for a detailed assessment for an individual plan or project based on the annual average daily traffic (AADT) figures detailed in the Design Manual for Roads and Bridges or the critical loads used by Defra or Environmental Agency without considering the in-combination impacts with other plans and projects.

**3.17** In light of this judgement, the HRA will therefore consider traffic growth based on the effects of development from the Local Plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

**3.18** The HRA will also take into account the Grace and Sweetman (July 2018) judgement from the CJEU which stated that:

“There is a distinction to be drawn between protective measures forming part of a project and intended avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area

and cannot be taken into account in the assessment of the implications of the project.”

“As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future.”

“A mitigation strategy may only be taken into account at AA (a.6(3)) where the competent authority is “sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area” otherwise it falls to be considered to be a compensatory measure to be considered under a.6(4) only where there are “imperative reasons of overriding public interest”.”

**3.19** The Appropriate Assessment of the Local Plan therefore will only consider the existence of measures to avoid or reduce its direct adverse effects (mitigation) if the expected benefits of those measures are beyond reasonable doubt at the time of the assessment.

## **HRA Screening Methodology**

**3.20** HRA Screening of the plan will be undertaken in line with current available guidance and to meet the requirements of the Habitats Regulations. The tasks that will be undertaken during the screening stage of the HRA are described in detail below.

**3.21** The purpose of the Screening stage is to:

- Identify all aspects of the plan which would have no effect on a European site, so that they can be eliminated from further consideration in respect of this and other plans.
- Identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have some effect, because of links/connectivity, but which are not significant), either alone or in combination with other aspects of the same plan or other plans or projects, which therefore do not require 'Appropriate Assessment'.
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require Appropriate Assessment.

## Identifying European Sites that may be Affected by the Local Plan

**3.22** In order to initiate the search of European sites that could potentially be affected by a development, it is established practice in HRA to consider sites within the local planning authority area covered by the plan, and other sites that may be affected beyond this area.

**3.23** A distance of 15km from the boundary of the plan area is typically used in the first instance to identify European sites with the potential to be affected by the proposals within a development plan. The 15km distance has been agreed with Natural England for HRAs elsewhere and is considered precautionary. Consideration is then given to whether any more distant European sites may be connected to the plan area via effects pathways, for example through hydrological links or recreational visits by residents. In this case, the Upper Nene Valley Gravel Pits SPA is located outside of the 15km buffer at 17km and is designated for its qualifying bird species. Due to the distance of this European site from the Plan area, it is not considered that impact pathways will arise as a result of development proposed within the Local Plan.

**3.24** The assessment also takes into account areas that may be functionally linked to the European sites. The term ‘functional linkage’ is used to refer to the role or ‘function’ that land beyond the boundary of a European site might fulfil in terms of supporting the species populations for which the site was designated or classified. Such an area is therefore ‘linked’ to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.

**3.25** While the boundary of a European site will usually be drawn to include key supporting habitat for a qualifying species, this cannot always be the case where the population for which a site is designated or classified is particularly mobile. Individuals of the population will not necessarily remain in the site all the time. Sometimes, the mobility of qualifying species is considerable and may extend so far from the key habitat that forms the SAC or SPA that it would be entirely impractical to attempt to designate or classify all of the land or sea that may conceivably be used by the species [See reference 21]. HRA therefore considers whether any European sites make use of functionally linked habitats, and the impacts that could affect those habitats.

**3.26** European sites identified for inclusion in the HRA are listed below in Table 3.1 and Figure A.1 in Appendix A. Detailed information about each European site is provided in Appendix B, described with reference to Standard Data Forms for the SPAs and SACs, and Natural England’s Site Improvement Plans [See reference 22]. Natural England’s conservation objectives [See reference 23] for the SPAs and SACs have also been reviewed. These state that site integrity must be maintained or restored by maintaining or restoring the habitats of qualifying features, the supporting processes on which they rely, and populations of qualifying species.

**Table 3.1: European sites within 15km of Harborough District**

European Site	Closest Distance/Direction from Harborough District
Rutland Water SPA	6.5km north-east

European Site	Closest Distance/Direction from Harborough District
Rutland Water Ramsar site	6.5km north-east
Ensor’s Pool SAC	12.4km west

## Assessment of ‘Likely Significant Effects’ of the Harborough District Local Plan

**3.27** As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) [See reference 24], an assessment will be undertaken of the ‘likely significant effects’ of the Local Plan. The assessment will be prepared in order to identify which policies or site allocations are likely to have a significant effect on European sites. The Screening assessment will be conducted without taking mitigation into account in accordance with the ‘People over Wind’ judgment.

**3.28** Consideration will be given to the potential for the development proposed as part of the Local Plan to result in significant effects associated with:

- Physical loss or damage to habitat;
- Non-physical disturbance (noise, vibration and light pollution);
- Non-toxic contamination;
- Air pollution;
- Recreational pressure; and
- Changes to hydrology, including water quantity and quality.

**3.29** This thematic/impact category approach will allow for consideration to be given to the cumulative effects of the proposed scale, location and site

allocations rather than focussing exclusively on individual developments provided for by the Local Plan.

**3.30** A risk-based approach involving the application of the precautionary principle will be adopted in the assessment, such that a conclusion of ‘no significant effect’ will only be reached where it was considered unlikely, based on current knowledge and the information available, that a development plan policy or site allocation would have a significant effect on the integrity of a European site.

**3.31** For some types of impacts, the potential for likely significant effects can be determined on a proximity basis. This Scoping Report identifies the European sites that could potentially be affected by the Local Plan and considers the types of impacts that could be relevant to the Local Plan and possible impact pathways to European sites. This is detailed in Chapter 4.

## Interpretation of ‘Likely Significant Effects’

**3.32** Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.

**3.33** In the Waddenzee case [See reference 25], the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:

An effect should be considered ‘likely’, “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site” (paragraph 44). An effect should be considered ‘significant’, “if it undermines the conservation objectives” (paragraph 48). Where a plan or project has an effect on a site “but is not likely to undermine its

conservation objectives, it cannot be considered likely to have a significant effect on the site concerned” (paragraph 47).

**3.34** A relevant opinion delivered to the Court of Justice of the European Union commented that:

“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”

**3.35** This opinion (the ‘Sweetman’ case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or de minimis; referring to such cases as those “that have no appreciable effect on the site”. In practice such effects could be screened out as having no likely significant effect – they would be ‘insignificant’.

**3.36** The HRA Screening assessment will therefore consider whether the Harborough Local Plan could have likely significant effects either alone or in combination.

## **Mitigation Provided by the Local Plan**

**3.37** Some of the potential effects of the plan could be mitigated through the implementation of other policies in the plan itself, such as the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at European sites). Nevertheless, in accordance with the ‘People over Wind’ judgment, avoidance and mitigation measures cannot be relied upon at the Screening stage, and therefore, where

such measures exist, they will be considered at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in-combination, could not be ruled out.

## Assessment of Potential In-combination Effects

**3.38** Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where “a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site”. Therefore, it will be necessary to consider whether any impacts identified from the Local Plan may combine with other plans or projects to give rise to significant effects in-combination.

**3.39** Where the Local Plan is likely to have an effect on its own e.g. due to water pollution (due to impact pathways being present), but it is not likely to be significant, the in-combination assessment at Screening stage will need to determine whether there may also be the same types of effect from other plans or projects that could combine with the Local Plan to produce a significant effect. If so, this likely significant effect (e.g., water pollution) arising from the Local Plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage (for example to determine if water pollution would have an adverse effect on integrity of the relevant European site). Where the Screening assessment has concluded that there is no impact pathway between development proposed in the Local Plan and the conditions necessary to maintain qualifying features of a European site, then there will be no in-combination effects to assess at the Screening or Appropriate Assessment stage. This approach accords with recent guidance on HRA [[See reference 26](#)].

**3.40** If impact pathways are found to exist for a particular effect but it is not likely to be significant from the Local Plan alone, the in-combination assessment



will identify which other plans and programmes could result in the same impact on the same European site. This will focus on planned growth (including housing, employment, transport, minerals and waste) around the affected site, or along the impact corridor, for example, if impacts could arise as a result of changes to a waterway, then planned growth in local authorities along that waterway will be considered.

**3.41** The potential for in-combination impacts will therefore focus on plans prepared by local authorities that overlap with European sites that are within the scope of this HRA. This includes development plans relating to Daventry, Rutland, Kettering, Corby, Charnwood, Leicester, Oadby and Wigston, Melton and Rugby. The findings of any associated HRA work for those plans will be reviewed where available. Where relevant, any strategic projects in the area that could have in-combination effects with the Local Plan will also be identified and reviewed. This will include a review of Nationally Significant Infrastructure Projects as detailed on the National Infrastructure Planning website.

**3.42** The online HRA Handbook suggests the following plans and projects may be relevant to consider as part of the in-combination assessment:

- Applications lodged but not yet determined, including refusals subject to an outstanding appeal or legal challenge;
- Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration;
- Projects authorised but not yet started;
- Projects started but not yet completed;
- Known projects that do not require external authorisation;
- Proposals in adopted plans; and
- Proposals in draft plans formally published or submitted for final consultation, examination or adoption.

**3.43** The need for in-combination assessment also arises at the Appropriate Assessment stage, as discussed in the section below.

## Appropriate Assessment Methodology

**3.44** Following the Screening stage, if likely significant effects on European sites are unable to be ruled out, the plan-making authority is required under Regulation 105 of the Habitats Regulations to make an 'Appropriate Assessment' of the implications of the plan for European sites, in view of their conservation objectives. Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of European sites with respect to their conservation objectives and to their structure and function [See reference 27]. This includes consideration of plans and projects with the potential for in-combination effects, where relevant. See para 3.36-3.41 for further information.

### Assessing the Effects on Site Integrity

**3.45** A European site's integrity depends on it being able to sustain its 'qualifying features' (i.e. the habitats and species for which it has been designated) and to ensure their continued viability. The Holohan judgement also clarifies that effects on species and habitats not listed as qualifying features, but which could result in secondary effects upon the qualifying features of European sites also need to be considered. The Appropriate Assessment (if required) therefore builds upon the information set out in Appendix B of this report to consider the characteristics of supporting habitats and species that could be affected by impacts identified at the Screening stage.

**3.46** A high degree of integrity at a European site is considered to exist where the potential to meet a site's conservation objectives is realised and where the site is capable of self-repair and renewal with a minimum of external management support.

**3.47** A conclusion needs to be reached as to whether or not a plan would adversely affect the integrity of any European site. Assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the plan

policies and/or site allocations (either alone or in combination) have the potential to:

- Cause delays to the achievement of conservation objectives for the site;
- Interrupt progress towards the achievement of conservation objectives for the site;
- Disrupt those factors that help to maintain the favourable conditions of the site;
- Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site;
- Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem;
- Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants);
- Interfere with anticipated natural changes to the site;
- Reduce the extent of key habitats or the population of key species;
- Reduce the diversity of the site;
- Result in disturbance that could affect the population, density or balance between key species;
- Result in fragmentation; and
- Result in the loss of key features **[See reference 28]**.

**3.48** The conservation objectives for each SAC and SPA (as set out in Appendix B) are generally to maintain the qualifying features in favourable condition. Natural England does not define conservation objectives for Ramsar sites, but these can often be inferred from those for co-located SAC or SPA features. The Site Improvement Plans for each site provide a high-level overview of the issues (both current and predicted) affecting the condition of the designated features on the site(s) and outline the priority measures required to improve the condition of the features. An Appropriate Assessment draws on

these to help to understand what is needed to maintain the integrity of the European sites.

**3.49** For each European site where an uncertain or likely significant effect is identified in relation to the plan at the Screening stage, the Appropriate Assessment will set out the potential impacts and make a judgement (based on the information available) on whether the impact will have an adverse effect on the integrity of the European site. Consideration will be given to the potential for mitigation measures to be implemented that could reduce the likelihood or severity of the potential impacts such that there would not be an adverse effect on the integrity of the European site. Detail of this will be discussed with Harborough District Council to inform the next iteration of the Local Plan.

## Chapter 4

# Screening Assumptions

**4.1** For many of the broad impacts that could arise from the Harborough Local Plan, the potential for significant effects will be determined by the location and scale of growth, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment.

**4.2** However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, a number of assumptions will be applied in relation to assessing the potential effects on European sites that may result from the Local Plan, as described below.

**4.3** Other types of potential effect may be identified during the HRA process. If so, any assumptions that the assessment of those effects is based on will be set out in the HRA report at that time.

## Physical Damage and Loss

### Physical Damage and Loss – Onsite

**4.4** Any development resulting from the Local Plan would take place within the boundaries of Harborough District; therefore, only European sites within the District could be affected directly by physical damage or loss of habitat within the site boundaries. No European sites are located within the boundaries of Harborough District.

Therefore, there is no potential for likely significant effects to occur, either alone or in combination, as a result of onsite physical damage and loss and no further consideration is required during the Screening Assessment.

## Physical Damage and Loss – Functionally Linked Habitat

**4.5** Habitat loss from development in areas outside of the European site boundaries may result in likely significant effects where that habitat contributes towards maintaining the interest feature for which the European site is designated. This includes land which may provide offsite movement corridors or feeding and sheltering habitat for mobile species such as bats, birds and fish. European sites susceptible to the indirect effects of habitat loss are restricted to those sites with qualifying species that rely on offsite habitat. These were identified as:

- Rutland Water SPA and Ramsar site.

**4.6** Ensor's Pool SAC was screened out of the assessment as it does not support qualifying features that are reliant on offsite functionally linked habitat. Specifically, Ensor's Pool SAC supports white clawed crayfish. Although, this species can use offsite functionally linked river habitat, this particular SAC is known for being isolated from surrounding river systems and is considered a 'refuge' in an important part of the species former range. Due to this, it was not considered likely for this species of the SAC to use functionally linked land.

## Functionally Linked Land – Birds

**4.7** Rutland Water SPA and Ramsar site are designated for supporting wetland birds, including Great Crested Grebe (*Podiceps cristatus*), Mute Swan (*Cygnus olor*), Wigeon (*Anas penelope*), Gadwall (*Anas strepera*), Eurasian Teal (*Anas*

crecca), Shoveler (*Anas clypeata*), Tufted Duck (*Aythya fuligula*), Goldeneye (*Bucephala clangula*), Goosander (*Mergus merganser*), Common coot (*Fulica atra*). These species regularly depend upon offsite habitat such as pastures, arable crop, and stubble fields for foraging.

**4.8** Natural England has previously advised that its recognised distance for the consideration of offsite functionally linked land is generally 2km, but for certain bird species, including most notably Golden plover and Lapwing, a greater distance of 5km may be appropriate [See reference 29]. Increased distances may also be appropriate where significant landscape scale features provide important functional linkages within European sites, for example, where river catchment flood plains and valleys extend considerable distances from a European site. No such landscape scale features have been identified for Harborough and therefore the above buffers have been considered appropriate for each of the European sites designated for supporting qualifying bird species. Rutland Water SPA and Ramsar site do not support Golden plover and Lapwing, therefore the zone of 2km has been applied.

**4.9** Rutland Water SPA and Ramsar site are located over 2km from the Harborough boundary at 6.5km away and as such, impacts from development proposed in the Local Plan from loss of functionally linked land used by bird species of the SPA and Ramsar site are considered unlikely and have been scoped out from further assessment.

Therefore, there is no potential for likely significant effects as a result of physical damage and loss for functionally linked habitats, and no further consideration is required during the Screening assessment.

## Non-physical Disturbance

**4.10** Noise and vibration effects, e.g. during the construction of new housing or other development, are most likely to disturb bird species and are thus a key

consideration with respect to European sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) is most likely to affect bat populations and some nocturnal bird species. Therefore, have an adverse effect on the integrity of European sites where nocturnal birds, bats and fish are a qualifying features.

**4.11** It has been assumed (on a precautionary basis and based on our experience of previous HRAs and consultation with Natural England) that the effects of noise, vibration and light pollution can cause an adverse effect if development takes place within 500m of a European site (or functionally linked habitat) with qualifying features sensitive to these disturbances.

### Non-physical Disturbance – Onsite

**4.12** There are no European sites within 500m of Harborough District with the closest being Rutland Water SPA and Ramsar site at 6.5km.

Therefore, there is no potential for likely significant effects as a result of onsite non-physical disturbance to occur and no further consideration is required during the Screening assessment.

### Non-physical Disturbance – Functionally Linked Habitat

**4.13** All European sites can be scoped out of further assessment given that they (and any offsite habitat associated with the sites) are located beyond 500m of the Harborough District boundary.



Therefore, there is no potential for likely significant effects as a result of non-physical disturbance to functionally linked land to occur and no further consideration is required during the Screening assessment.

## **Non-toxic Contamination**

**4.14** Non-toxic contamination can include the creation of dust which can smother habitats preventing natural processes and may also lead to effects associated with increased sediment and dust. Contamination of this kind can potentially affect the turbidity of aquatic habitats and can also contribute to nutrient enrichment which can lead to changes in the rate of vegetative succession and habitat composition.

**4.15** The effects of non-toxic contamination are most likely to be significant if development takes place within 500m of a European site with qualifying features sensitive to these disturbances, such as riparian and wetland habitats, or sites designated for habitats and plant species. This is the distance that, in LUC's experience, provides a robust assessment of effects in plan-level HRA and meets with the agreement of Natural England.

**4.16** All European sites can be scoped out of further assessment given that they are located beyond 500m from the Harborough District boundary.

Therefore, there is no potential for likely significant effects as a result of non-toxic contamination to occur and no further consideration is required during the Screening assessment.

## Air Pollution

**4.17** Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen levels, which can then affect plant health, productivity and species composition.

**4.18** In terms of vehicle traffic, nitrogen oxides (NO<sub>x</sub>, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water.

**4.19** Based on the Highways England Design Manual for Road and Bridges (DMRB) LA 105 Air quality (which sets out the requirements for assessing and reporting the effects of highway projects on air quality), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

**4.20** For highways developments within 200m of sensitive receptors, the DMRB provides the following screening criteria to ascertain whether there are likely to be significant impacts:

- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
- Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
- There will be a change in speed band; or
- Road carriageway alignment will change by 5m or more.

**4.21** Thus, where significant increases in traffic are possible on roads within 200m of European sites, traffic forecast data may be needed to determine if increases in vehicle traffic are likely to be significant. In line with the Wealden judgment [See reference 30], the traffic growth considered by the HRA should be based on the effects of development provided for by the plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

**4.22** It has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) are likely to experience any significant increases in vehicle traffic as a result of development (i.e. greater than 1,000 AADT). As such, where a site is within 200m of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.

**4.23** There are a number of 'A' roads and two motorways (M1 and M6) within the Harborough District boundary (+15km) as illustrated in Figure 2 in Appendix A. The European sites which are situated within 200m of a strategic road are listed below:

- Rutland Water SPA and Ramsar site (A6003, A606, A47).

**4.24** Ensor's Pool SAC is situated over 200m from a strategic road and is therefore scoped out of the assessment.

Therefore, the potential for likely significant effects as a result of air pollution needs to be considered further during the Screening assessment in relation to Rutland Water SPA and Ramsar site.

## Recreation

**4.25** Recreational activities and human presence can result in significant effects on European sites. European sites with qualifying bird species are likely to be

particularly susceptible to recreational disturbances from walking, dog walking, angling, illegal use of off-road vehicles and motorbikes, wildfowling, and water sports. In addition, recreation can physically damage habitat as a result of trampling, fire or vandalism and also through erosion associated with terrestrial activities.

**4.26** The Harborough Local Plan will result in housing growth, and associated population increase in the Harborough district. Where increases in population are likely to result in significant increases in recreation at a European site, either alone or in-combination, the potential for likely significant effects will require assessment.

**4.27** Each European site will typically have a 'Zone of Influence' (ZOI) within which increases in population would be expected to result in likely significant effects. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each European site (and often to specific areas within a European site). The findings are likely to be influenced by a number of complex and interacting factors and therefore it is not always appropriate to apply a generic or non-specific ZOI to a European site. This is particularly the case in relation to coastal European sites, which have the potential to draw large number of visitors from areas much further afield.

**4.28** In contrast to coastal European sites, the ZOI for non-coastal European sites are typically less variable, with visitors travelling from areas more local to a site. Although these sites are unique in their own right, they tend not to have the same draw as coastal sites and with recreational activities more easily managed and directed to alternative greenspace in the area.

**4.29** No specific Zones of Influence have been identified in relation to Rutland Water SPA and Ramsar site and Ensor's Pool SAC. Using a precautionary approach and based on the findings of the Monitor of Engagement with the Natural Environment (MENE) survey [See reference 31], a ZOI of 8km has been applied to all European sites where an alternative ZOI is not available. ZOIs are typically based on the distance that 75% of visitors travel from [See reference 32]; therefore, given that 79% of visitors travelled 1-5 mile as

detailed by the MENE survey, 8km is deemed appropriate to use as a precautionary ZOI and therefore has been applied to both European sites in this assessment.

**4.30** The following European sites are located within 8km of Harborough:

- Rutland Water SPA and Ramsar site (6.5km).

**4.31** Rutland Water SPA and Ramsar site “and surrounding area is a very important destination for undertaking recreational activities. These include a range of water sports, fishing, cycling, birdwatching and walking. Several large events are also held on the banks of the reservoir each year” **[See reference 33]**. As such there is potential for these European sites to be significantly affected as a result of recreation, and so are scoped into the assessment for further consideration during the Screening stage.

**4.32** Ensor’s Pool SAC is located more than 8km from the Harborough District boundary, and therefore is considered unlikely to be impacted by increased recreational pressure from development within Harborough District, and so has been scoped out of the assessment.

Therefore, the potential for likely significant effects as a result of increased recreational pressure needs to be considered further during the Screening assessment in relation to Rutland Water SPA and Ramsar site.

## Water Quantity and Quality

**4.33** An increase in demand for water abstraction and treatment resulting from any growth to be proposed in the Local Plan could result in changes in hydrology at European sites. Depending on the qualifying features and particular vulnerabilities of the European sites, this could result in likely significant effects, for example, due to changes in environmental or biotic

conditions, water chemistry and the extent and distribution of preferred habitat conditions.

**4.34** The following European sites have qualifying features that have potential to be sensitive to changes in water quantity and quality:

- Rutland Water SPA and Ramsar site; and
- Ensor's Pool SAC.

**4.35** In relation to Rutland Water SPA, this site has been identified by Natural England's Site Improvement Plans to be susceptible to impacts from increased water abstraction and treatment.

## Water Quantity

**4.36** Harborough District's water supply is predominantly provided by Severn Trent Water with a small section in the east provided by Anglian Water. The previous Water Cycle Study (WCS) [See reference 34] prepared in 2015 outlined that the majority of the potable water is supplied by neighbouring catchments with no significant pressures on the potable water system for the majority of the district. However, the WCS did recognise that there were issues with water supply in the east of the district served by Anglian Water. Further to this, River Welland located within the district was noted to drain to the east into areas outside of the district around Cambridgeshire and East Anglia, which are severely water stressed.

**4.37** Rutland Water SPA and Ramsar site is located to the east of the district and is a water storage reservoir, which is filled by the River Nene and River Welland. Changes in water quantity due to increased demand for water supply therefore has potential to impact the SPA and Ramsar site and as such has been scoped in for further consideration at the Screening stage.

**4.38** Ensor's Pool SAC can be scoped out from further assessment given that it does not have hydrological connectivity to the Local Plan area and is not used to supply water in the District.

Therefore, the potential for likely significant effects as a result of changes in water quantity needs to be considered further at the Screening assessment in relation to Rutland Water SPA and Ramsar site.

## Water Quality

**4.39** Habitats can also be affected by changes in water quality such as nutrient enrichment, changes in salinity, smothering from dust, and run-off, discharge or spillage from industry, agriculture, or construction. Changes in water abstraction, discharge and land use can also affect water quality, for example a change in land use from agriculture to residential reduces direct nutrient run-off to watercourses but increases the volume of nutrients discharged from wastewater treatment works.

**4.40** Nutrient pollution is an environmental issue for many areas across England. Increased levels of nitrogen and phosphorus entering aquatic environments via surface water and groundwater can severely threaten these sensitive habitats and species within a European site. The elevated levels of nutrients can cause eutrophication, leading to algal blooms which disrupt normal ecosystem function and cause major changes in the aquatic community. These algal blooms can result in reduced levels of oxygen within the water, which in turn can affect the populations of many aquatic organism including invertebrates and fish. In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition.

**4.41** Natural England's Site Improvement Plan prepared in 2014 previously identified water pollution to be a key threat to Rutland Water SPA and Ramsar

site as it receives regular inflow of sewage and unregulated sewage from septic tanks whilst also receiving inflow from diffused sources such as agricultural lands. This has consequently caused high eutrophic state of the reservoir which in the past has led to regular algal blooms.

**4.42** Natural England has provided more up to date advice in 2022 on the habitat sites and catchment areas, which are currently in unfavourable condition due to excessive nutrients and therefore require a HRA and strategic solutions to be developed to ensure no adverse effect on the integrity of these habitat sites. Rutland Water SPA and Ramsar site was not identified as being in unfavourable condition. However, given previous concerns in relation to nutrient enrichment as identified in the Site Improvement Plan and the potential hydrological connectivity between Harborough District and the SPA and Ramsar site, in line with a precautionary approach impacts from water quality are scoped in for assessment at the Screening stage. It is understood that Harborough District Council is in the process of preparing an new Water Cycle Study, the findings of which will be used to inform the next iteration of the HRA (if available).

**4.43** Ensor's Pool SAC can be scoped out from further assessment given that this site is not hydrologically connected to the Local Plan area.

Therefore, the potential for likely significant effects as a result of changes in water quality needs to be considered further at the Screening assessment in relation to Rutland Water SPA and Ramsar site.

## Summary of Scoping Conclusions

**4.44** Table 4.1 below summarises the Scoping conclusions reached in this section. Impact types for which a conclusion of no likely significant effect (no LSE) was reached are shown with grey colour and noted as 'Scoped out'.



**Chapter 4**     Screening Assumptions

Those potential impacts where likely significant effects (potential LSE) could not be ruled out are shown in orange and noted as 'Scoped in'.

**Table 4.1: Summary of scoping conclusions**

European Site	Physical Damage and Loss (both on and for FLL)	Non-physical Disturbance (both on and for FLL)	Non-toxic Contamination	Air Pollution	Recreation	Water Quantity	Water Quality
Rutland Water SPA site	Scoped out	Scoped out	Scoped out	Scoped in	Scoped in	Scoped in	Scoped in
Rutland Water Ramsar site	Scoped out	Scoped out	Scoped out	Scoped in	Scoped in	Scoped in	Scoped in
Ensor's Pool SAC	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out

## Chapter 5

# Conclusions and Next Steps

**5.1** This Scoping Report has introduced the HRA process that will be undertaken in relation to the new Harborough Local Plan. It has been produced to provide guidance for developing the Local Plan in the context of European sites and as an early reference point for stakeholders wishing to comment on the scope of the HRA.

**5.2** Whilst there is no formal requirement to do so at this stage, this report will be published alongside the Issues and Options Local Plan for consultation with Natural England and the Environment Agency to confirm that the proposed scope of the HRA is appropriate.

**5.3** Consultees are invited to consider the following questions in particular:

- Have we correctly identified the European sites that should be scoped-in to the HRA of the Local Plan (see Chapter 3 and Appendix A)?
- Have we correctly identified the sensitivities of the scoped-in European sites to potential impacts from the Local Plan (see Chapter 4 and Appendix B)?
- Is the proposed approach to HRA of the Local Plan reasonable (see Chapters 2 and 4)?

**5.4** Responses will be reviewed and any necessary amendments to the approach to and information in the HRA will be made prior to the first iteration of HRA Screening.

**5.5** Following the methodology set out in Chapter 2, the HRA report will be progressed throughout the Local Plan preparation process. An HRA report relating to each iteration of the Local Plan will be published during consultation periods. Specific consultation on subsequent HRA Reports will be undertaken

with Natural England as the statutory consultation body for HRA as the Local Plan progresses, as required.

**5.6** Following the publication of this HRA Scoping Report, the next stage of the HRA process (Screening) will determine whether the Local Plan will result in any likely significant effects (LSEs) on the European sites scoped in. Alongside information on the emerging Local Plan, the following key pieces of information will be reviewed at the Screening stage:

- Existing avoidance and mitigation strategies for European sites;
- Air pollution data from APIS in relation to European sites near to major roads; and
- Water resources management plans for Harborough and neighbouring authorities.

**5.7** European sites where Likely Significant Effects (LSE) are expected will be required to proceed to the Appropriate Assessment stage to determine whether the Local Plan will result in Adverse Effects on Integrity (AEoI). At that stage, the Appropriate Assessment can take into account any mitigation, such as safeguards embedded within Local Plan policies.

**5.8** Key evidence required to inform the delivery of this assessment includes but is not limited to the following documents:

- Recreation studies and/or visitors surveys for Rutland Water SPA and Ramsar site to inform appropriate ZOI for considering recreational impacts as a result of the Local Plan.
- Road traffic AADT calculations to determine whether thresholds are exceeded in-combination with other plans and projects as a result of the Local Plan. If AADT thresholds are exceeded, air quality modelling will be required to understand whether the Local Plan will result in adverse effect on integrity and whether avoidance and mitigation measures can be applied which would prevent an adverse effect on integrity. This is currently being commissioned by Harborough District Council to inform the next iteration of the HRA.

## Chapter 5 Conclusions and Next Steps

- Updated Water Cycle Study for Harborough District. This is currently being commissioned by Harborough District Council to inform the next iteration of the HRA.

LUC

January 2024

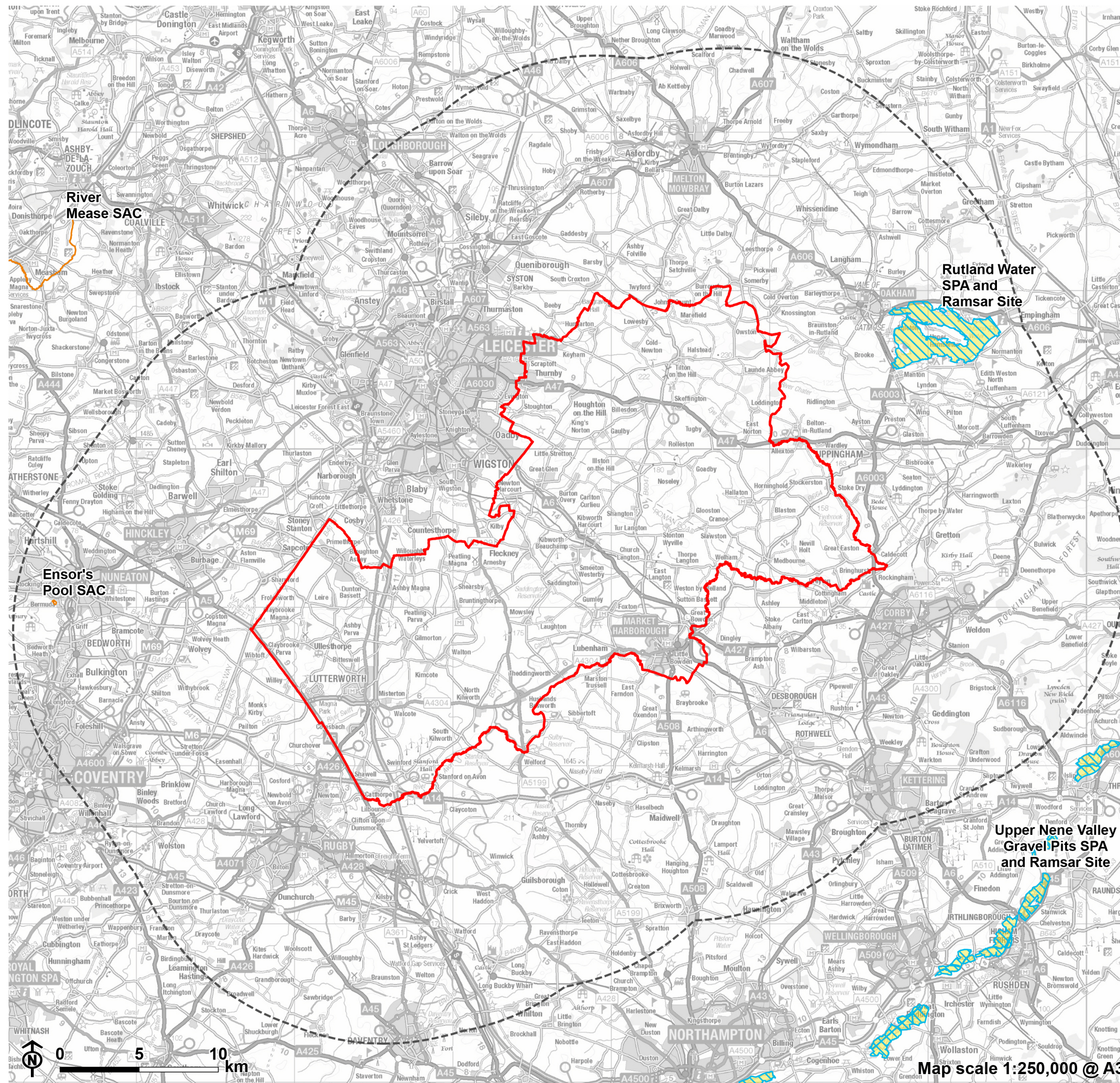
# Appendix A






## Figures





Figure A.1: European Sites within 15km of Harborough District



-  Harborough District
-  15km Buffer
- European Site**
-  Special Area of Conservation (SAC)
-  Special Protection Area (SPA)
-  Ramsar site

Map scale 1:250,000 @ A3



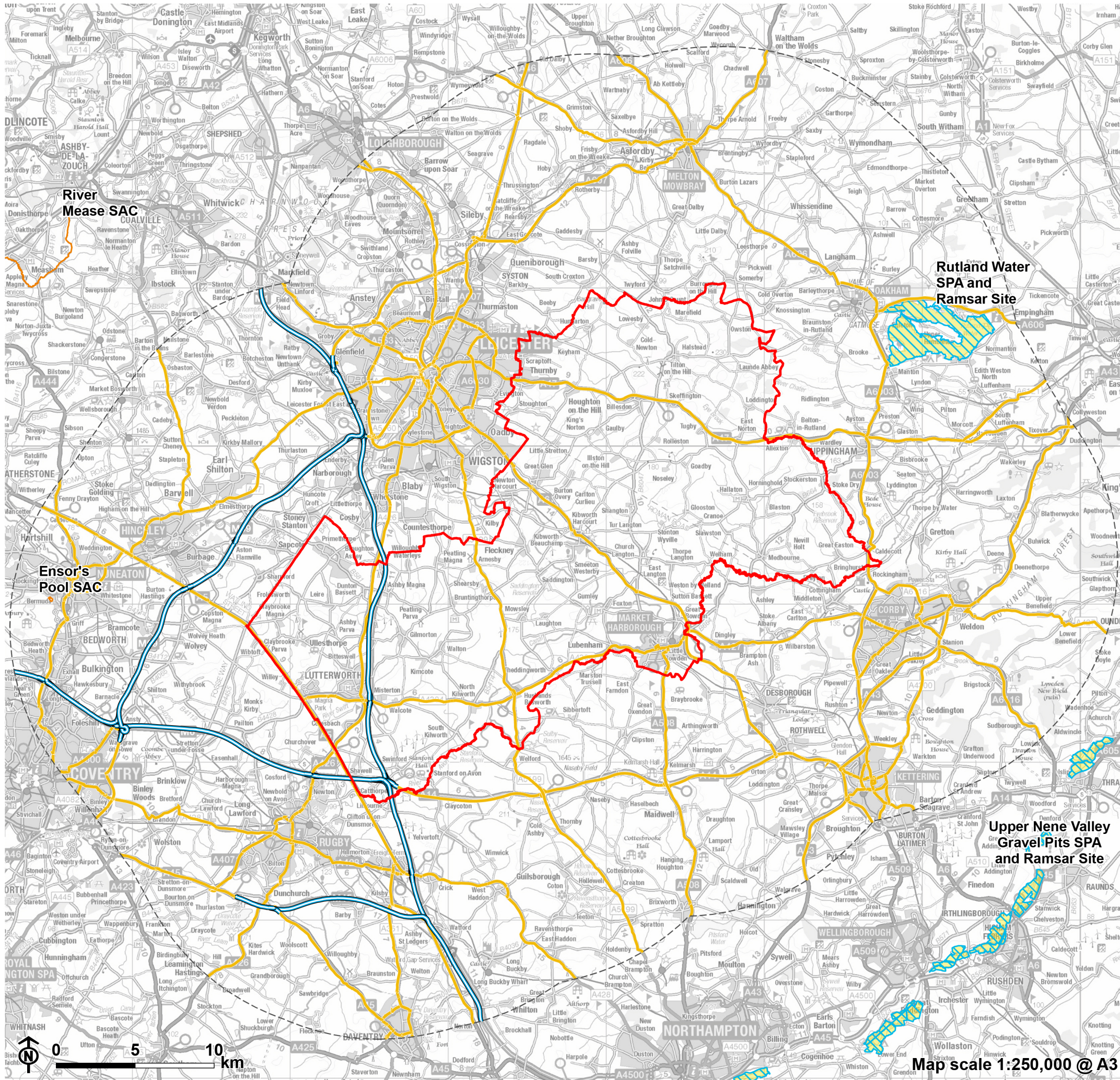


Figure A.2: Strategic Roads within 15km of Harborough District

- Harborough District
- 15km Buffer
- European Site**
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Ramsar site
- Strategic road type**
- A Road
- Motorway



## Appendix B

### Attributes of European Sites

**B.1** This appendix contains information about the European sites scoped into the HRA. Information about each site's area, the site descriptions, qualifying features and pressures and threats are drawn from Natural England's Site Improvement Plans (SIPs) [See reference 35], Standard Data Forms or Ramsar Information Sheets available from the JNCC website [See reference 36] and Supplementary Advice Notes [See reference 37], which advise on the sites features and how to implement the conservation objectives. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs [See reference 38].

### European Sites Outside Harborough but within 15km

#### Rutland Water SPA

##### Area

- 1555.24ha

##### Location

- Approximately 6.5km north-east of the District of Harborough, central eastern England.

## Qualifying Features

- Waterbird assemblage
- Great crested grebe; *Podiceps cristatus*
- Eurasian wigeon; *Anas penelope*
- Gadwall; *Anas strepera*
- Eurasian teal; *Anas crecca*
- Northern shoveler; *Anas clypeata*
- Tufted duck; *Aythya fuligula*
- Common goldeneye; *Bucephala clangula*
- Mute swan; *Cygnus olor*
- Goosander; *Mergus merganser*
- Common coot; *Fulica atra*

## Key Vulnerabilities and Environmental Conditions to Support Site Integrity

- Rutland Water is a man-made pump storage reservoir and is the largest reservoir in the UK. In general, the reservoir is drawn down in the summer and filled during the autumn and winter months when river levels are high.
- The SPA is a wetland of international importance by regularly supporting over 20,000 non-breeding waterfowl annually. Notable components of this assemblage include internationally important numbers of non-breeding shoveler and gadwall, as well as nationally important numbers of non-breeding coot, goldeneye, goosander, great crested grebe, mute swan, teal, tufted duck and wigeon.
- Increased water usage is proposed that will radically influence the water levels of the reservoir and consequently impact the proportion of waterbirds utilising area. The levels are mainly managed for public usage as water supply and storage, and not specifically for waterbirds which can

impact the birds' numbers. The waterbody is impacted by regular discharge of treated sewage, unregulated treated sewage discharge from septic tanks and diffused resources such as agricultural lands, which create high eutrophic state of the reservoir.

- The reservoir is a very important destination for diverse recreational activities such as water sports, fishing, cycling, birdwatching and walking, and several large events that are held along the bank. Additionally, direct impact from third parties (such as fireworks, hot balloon flights and private aircraft flights) are unknown and is of need for further investigation.
- Rutland Water has been colonised by several invasive non-native species, including Zebra mussel, Bloody red mysid, Canadian pondweed, Nuttall's pond weed and more recently by Signal crayfish. As such, they are displaying threat to native species in the reservoir.

## Natural England Conservation Objectives

**B.2** Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

**B.3** Species of interest are:

- Internationally important population of regularly occurring migratory species wintering: Gadwall; *Anas strepera* (Non-breeding)

## Appendix B Attributes of European Sites

- Internationally important population of regularly occurring migratory species wintering: Northern shoveler; *Anas clypeata* (Non-breeding)
- Internationally important Waterbird assemblage

## Non-qualifying Habitats and Species upon which the Qualifying Habitats and/or Species Depend

### Great Crested Grebe (*Podiceps cristatus*)

- Habitat: Urban and Suburban, Marine and Intertidal, Wetland. Great crested grebes can be found in a variety of aquatic habitats, including lakes, artificial bodies of water, slow flowing rivers, swamps, bays, and lagoons. Breeding habitats consist of shallow open bodies of fresh or brackish water. There must also be vegetation on the banks and in the water in order to provide suitable locations for nests. In the winter, individuals from some populations migrate to bodies of water that are located in mild climates.
- Diets: Mainly fish.

### Eurasian Wigeon (*Anas penelope*)

- Habitat: Marine and Intertidal, Wetland, Grassland. During the breeding season, Eurasian wigeons occupy many different wetlands including shallow freshwater marshes, lagoons, and lakes with abundant floating and submerged vegetation, accompanied by mud or silt bottoms. Wigeons can also be found in slow moving rivers and streams. Eurasian wigeons favour meadow shorelines or those scattered with trees. Throughout the winter, Eurasian wigeons use tidal mud flats or salt marshes for gatherings. Wintering wigeons can also be found in freshwater lagoons and flooded grasslands.
- Diets: Aquatic plants, grasses, roots.

## Gadwall (*Anas strepera*)

- Habitat: Gadwalls prefer marshes, sloughs, ponds, and small lakes with grasslands in both fresh and brackish water as breeding habitats. They tend to be more abundant on small prairie marshes than in temporary water areas, deep marshes, and open water marshes. They generally avoid wetlands that are bordered by woodlands or thick vegetation. In the winter they prefer the brackish water marshes with abundant leafy aquatic vegetation. There are many winter populations that have made yearly migrations back to the same waterfowl refuges, reservoirs, beaver ponds, and sewage treatment plants.
- Diets: Stems, leaves and seeds.

## Eurasian Teal (*Anas crecca*)

- Habitat: Marine and Intertidal, Wetland, Grassland. During the breeding season, they are found from boreal forest lakes to prairie potholes and tundra deltas. The greatest number of this species breeds in deciduous wooded ponds with dense surrounding cover. Sedge grass provides exceptional cover for nesting. During the migration, *A. crecca* are found near and on all kinds of bodies of water. This includes marshes, ponds, lakes, mud flats, flooded crop fields, beaver ponds, rivers and bayous. In the Eurasia, they are more likely to inhabit salt-water coasts and shorelines and in the wintering areas, are typically found in brackish backwaters and salt flats rather than open salt water. Agricultural flooding and river deltas provide exceptional nutrients for the birds making them an ideal habitat as well.
- Diets: Seeds and small invertebrates.

## Northern Shoveler (*Anas clypeata*)

- Habitat: Marine and Intertidal, Wetland, Grassland. During the breeding season, Northern Shovelers are found in shallow pools and marshes that have good cover and dry areas nearby for nesting. In the winter they can be found near freshwater marshes, swamps, and flooded areas.

- Diets: Small insects, plant matter sifted from the water.

### Tufted Duck (*Aythya fuligula*)

- Habitat: Urban and Suburban, Marine and Intertidal, Wetland. The habitat of tufted ducks varies seasonally due to its migratory behaviour. Throughout the breeding season, they are most often found in shallow lakes. They prefer shallow water ranging from 3m to 5m deep, with tall thick wetland vegetation, such as reeds, for perching and preening. Vegetation is also an important factor in protection from the wind. During the breeding season tufted ducks typically avoid lakes that are deeper than 15m. During winter months, they can be found generally in larger bodies of open water such as marshes, lakes, estuaries, and man-made ponds. During periods of migration, they can also be found in and along rivers.
- Diets: Molluscs, insects and some plants.

### Common Goldeneye (*Bucephala clangula*)

- Habitat: Marine and Intertidal, Wetland. During the breeding season, common goldeneyes are found on northern lakes and rivers that are surrounded by mature forests where tree cavities can be found for nesting. They prefer lakes with clear water and little emergent vegetation, although areas adjacent to bulrushes (*Scirpus*) are sometimes used for foraging. Preferred lakes are those with abundant invertebrate prey. During the winter, non-breeding season, common goldeneyes are found mainly in coastal marine and estuarine habitats and large, interior lakes and rivers. They prefer areas with shallow water and sandy, gravel, or rocky substrates. They are strong swimmers and can forage well in areas with strong current, but seem to prefer slow-flowing water. Common goldeneyes stop to refuel at large, interior lakes and rivers during migration towards coastal areas.
- Diets: Mussels, insect larvae, small fish and plants.

## Mute Swan (*Cygnus olor*)

- Habitat: Urban and Suburban, Marine and Intertidal, Farmland, Wetland, Grassland. In winter, they are more common in marine waters. They live in well-sheltered bays, open marshes, lakes and ponds.
- Diets: Water plants, insects, snails, fish and frogs.

## Goosander (*Mergus merganser*)

- Habitat: Upland, Marine and Intertidal, Wetland. Common mergansers prefer to live in wooded areas along streams and rivers or near small, inland lakes. They can also be found along the shores of the Great Lakes, as well as on coastal streams in British Columbia. Nests are typically in a crevice of a deciduous tree along the shore, but sometimes will be in other types of crevices or on the ground, under tangled bushes. Mergansers may also occupy abandoned hawk nests when available.
- Diets: Fish.

## Common Coot (*Fulica atra*)

- Habitat: Urban and Suburban, Marine and Intertidal, Wetland, Grassland.
- Diets: Vegetation, seeds, snails and insect larvae.

## Rutland Water Ramsar Site

### Area

- 1555.24ha

## Location

- Approximately 6.5km north-east of the District of Harborough, central eastern England.

## Qualifying Features

- Gadwall; *Anas strepera*
- Northern shoveler; *Anas clypeata*
- Species/populations identified subsequent to designation for possible future consideration under criterion 6: Mute swan; *Cygnus olor*

## Key Vulnerabilities and Environmental Conditions to Support Site Integrity

- Please refer to the Rutland Water SPA site for more details.

## Natural England Conservation Objectives

- Please refer to the Rutland Water SPA site for more details.

## Non-qualifying Habitats and Species upon which the Qualifying Habitats and/or Species Depend

### Gadwall (*Anas strepera*)

- Habitat: Gadwalls prefer marshes, sloughs, ponds, and small lakes with grasslands in both fresh and brackish water as breeding habitats. They tend to be more abundant on small prairie marshes than in temporary water areas, deep marshes, and open water marshes. They generally avoid wetlands that are bordered by woodlands or thick vegetation. In the



## Appendix B Attributes of European Sites

winter they prefer the brackish water marshes with abundant leafy aquatic vegetation. There are many winter populations that have made yearly migrations back to the same waterfowl refuges, reservoirs, beaver ponds, and sewage treatment plants.

- Diets: Stems, leaves and seeds.

### Northern Shoveler (*Anas clypeata*)

- Habitat: Marine and Intertidal, Wetland, Grassland. During the breeding season, Northern Shovelers are found in shallow pools and marshes that have good cover and dry areas nearby for nesting. In the winter they can be found near freshwater marshes, swamps, and flooded areas.
- Diets: Small insects, plant matter sifted from the water.

### Mute Swan (*Cygnus olor*)

- Habitat: Urban and Suburban, Marine and Intertidal, Farmland, Wetland, Grassland. In winter, they are more common in marine waters. They live in well-sheltered bays, open marshes, lakes and ponds.
- Diets: Water plants, insects, snails, fish and frogs.

## Ensor's Pool SAC

### Area

- 3.86ha

### Location

- Approximately 12.4km west of the District of Harborough, central eastern England.

## Qualifying Features

- White-clawed (or Atlantic stream) crayfish; *Austropotamobius pallipes*

## Key Vulnerabilities and Environmental Conditions to Support Site Integrity

- Ensor's Pool SAC is an abandoned clay pit on the Western edge of Nuneaton, North Warwickshire. The pool is 3.79ha in size with an average depth of 8m and is ground water fed. It is designated as SAC because it holds the largest known population of white-clawed crayfish for a waterbody in England.
- The Pool was formerly a stronghold of Crayfish, though based on the recent surveys done in 2014, the reasons for its non-existence is unknown. Spread of the "Crayfish Plague" is the main reason for its disappearance in the surrounding area, though Natural England is making further investigations of the situation at the Pool.

## Natural England Conservation Objectives

**B.4** Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of qualifying species;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

**B.5** Species of interest are:

- White-clawed (or Atlantic stream) crayfish; *Austropotamobius pallipes*

## Non-qualifying Habitats and Species upon which the Qualifying Habitats and/or Species Depend

### White-clawed (or Atlantic stream) Crayfish (*Austropotamobius pallipes*)

- Habitat: Freshwater, Wetlands.
- Diet: Algae, aquatic insects and larvae, aquatic plants, calcified plants (charophytes), small fish and snails.

# References

- 1 The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (SI 2007/1843)
- 2 The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579)
- 3 The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated (Source: UK Government Planning Practice Guidance).
- 4 [Department for Environment, Food and Rural Affairs \(2012\) Habitats Directive: guidance on the application of article 6\(4\) – Alternative solutions, imperative reasons of overriding public interest \(IROPI\) and compensatory measures](#)
- 5 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment – Guidance on the use of Habitats Regulations Assessment](#)
- 6 Directive 92/43/EEC of 21<sup>st</sup> May 1992 on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’)
- 7 Directive 2009/147/EC of 30<sup>th</sup> November 2009 on the conservation of wild bird (the ‘Birds Directive’)
- 8 [European Commission \(undated\) Natura 2000 – The largest network of protected areas in the world](#)
- 9 [Department for Environment, Food and Rural Affairs \(2021\) Changes to the Habitats Regulations 2017](#)
- 10 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021, updated 2023\) Habitats regulations assessments: protecting a European site](#)
- 11 [Department for Levelling Up, Housing and Communities \(2012\) National Planning Policy Framework](#)

## References

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- 12 [David Tyldesley and Associates \(undated\) The HRA Handbook \(Section A3\)](#) (A subscription based online guidance document)
- 13 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021, updated 2023\) Habitats regulations assessments: protecting a European site](#)
- 14 Regulation 5 of The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579)
- 15 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment – Guidance on the use of Habitats Regulations Assessment](#)
- 16 European Commission (2001) Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- 17 [David Tyldesley and Associates \(undated\) The HRA Handbook \(Section A3\)](#) (A subscription based online guidance document)
- 18 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 19 In line with the CJEU judgement in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.
- 20 In addition to European site citations and conservation objectives, key information sources for understanding factors contributing to the integrity of European sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England. [Natural England \(undated\) Site Improvement Plans by region](#)
- 21 Chapman, C. and Tyldesley, D. (2016) Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects – a review of authoritative decisions. Natural England Commissioned Reports, Number 207.
- 22 [Natural England \(undated\) Site Improvement Plans by region](#)
- 23 [Natural England \(undated\) Conservation Objectives for European Sites](#)

## References

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- 24 The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012)
- 25 ECJ Case C-127/02 “Waddenzee” January 2004
- 26 [David Tyldesley and Associates \(undated\) The HRA Handbook \(Section A3\)](#) (A subscription based online guidance document)
- 27 European Commission (2001) Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- 28 European Commission (2001) Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- 29 [Dover District Council and Natural England \(2023\) Statement of Common Ground](#)
- 30 Wealden c SSCLG [2017] EWHC 351 (Admin)
- 31 Natural England (2020) Monitoring Engagement with the Natural Environment – MENE Visit data: Year 1 to 10 filtered by residence local authority (County of Harborough) and distance travelled
- 32 This has been derived from visitor survey work that has been undertaken and considered the application of a Zone of Influence, such as the Essex Recreational Disturbance Avoidance & Mitigation Strategy: Habitats Regulations Assessment Strategy document 2018-2038.
- 33 [Natural England \(undated\) Site Improvement Plans by region](#)
- 34 District of Harborough (2015) Harborough District Watercycle Study
- 35 [Natural England \(undated\) Site Improvement Plans: East of England](#)
- 36 [Joint Nature Conservation Committee website](#)
- 37 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 38 [Natural England \(undated\) Conservation Objectives for European Sites](#)

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