

Leicester and Leicestershire Strategic Growth Plan (Draft)

Habitats Regulations Assessment

Leicester and Leicestershire Strategic Growth Plan
Working Group

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Quality information

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1. Introduction

Background to the Project

- 1.1 AECOM was appointed by the Leicester and Leicestershire Spatial Growth Plan Working Group to assist in undertaking a Habitats Regulations Assessment of its Draft Strategic Growth Plan (hereafter referred to as the 'Plan'). The objective of this assessment was to identify any aspects of the Plan that would cause an adverse effect on the integrity of Natura 2000 sites, otherwise known as European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and, as a matter of Government policy, Ramsar sites), either in isolation or in combination with other plans and projects, and to advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.

Legislation

- 1.2 The need for Appropriate Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2017. The ultimate aim of the Directive is to “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest” (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.
- 1.3 The Habitats Directive applies the precautionary principle to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans and projects with predicted adverse impacts on European sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
- 1.4 In order to ascertain whether or not site integrity will be affected, an Appropriate Assessment should be undertaken of the plan or project in question:

Box 1: The legislative basis for Appropriate Assessment

Habitats Directive 1992

Article 6 (3) states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.”

Conservation of Habitats and Species Regulations 2017

The Regulations state that:

“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.

- 1.5 Over time the phrase ‘Habitats Regulations Assessment’ (HRA) has come into wide currency to describe the overall process set out in the Habitats Directive from screening through to IROPI. This has arisen in order to distinguish the process from the individual stage described in the law as an ‘Appropriate Assessment’. Throughout this report we use the term HRA for the overall process and restrict the use of Appropriate Assessment to the specific stage of that name.

Scope of the Project

- 1.6 There is no guidance that dictates the physical scope of a HRA of a Plan document. Therefore, in considering the physical scope of the assessment, we were guided primarily by the identified impact pathways (called the source-pathway-receptor model) rather than by ‘arbitrary’ zones. Current guidance suggests that the following European sites be included in the scope of the assessment:
- All sites within the Leicestershire County boundary; and,
 - Other sites shown to be linked to development within the County boundary through a known ‘pathway’ (discussed below)
- 1.7 Briefly defined, pathways are routes by which a change in activity provided within a County Plan document can lead to an effect upon an internationally designated site. An example of this would be new residential development resulting in an increased population and thus increased recreational pressure, which could then affect European sites by, for example, disturbance of wintering birds. Guidance from the former Department of Communities and Local Government states that the HRA should be ‘*proportionate to the geographical scope of the [plan policy]*’ and that ‘*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*’ (CLG, 2006, p.6). More recently, the Court of Appeal¹ ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be ‘*achieved in practice*’ to satisfy that the proposed development would have no adverse effect, then this would suffice. This ruling has since been applied to a planning permission (rather than a Core Strategy document)². In this case the High Court ruled that for ‘*a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning*

¹ No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015

² High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of Reg 61 of the Habitats Regulations’.

- 1.8 There is a single European site within the Leicestershire County boundary. The River Mease SAC is located within the west of the county, south of Ashby-de-la-Zouch. It rises in Leicestershire and flows westwards into Staffordshire where it joins the River Trent. Outside the County, Rutland Water SPA and Ramsar site, 5.6km east of the County boundary at its closest point, is considered in this HRA.
- 1.9 The following sites were considered for inclusion in the HRA, but dismissed from the analysis due to a combination of distance and absence of impact pathways linking them to the County:
- The Upper Nene Valley Gravel Pits SPA and Ramsar site is located 17.3km to the south east of Leicestershire. This site is vulnerable to recreational disturbance but studies undertaken for the North Northamptonshire Joint Core Strategy have identified that the core recreational catchment of the site is 3km, which places Leicestershire well outside the core catchment. The SPA and Ramsar site are also vulnerable to losses of supporting habitat (i.e. arable fields use by the associated golden plover population) but again studies for the North Northamptonshire Joint Core Strategy have confirmed that the relevant fields are much more local to the site. Local abstraction and runoff could affect the site but Leicestershire is too far away for there to be a realistic impact pathway.
 - Ensor’s Pool SAC is located 5km south west of the border of Leicestershire County. Ensor’s pool is an offline abandoned clay pit on the western edge of Nuneaton, north Warwickshire. The pool is 3.79 ha in size with an average depth of 8m and is ground water fed. The site is designated for a large population of white-clawed crayfish. Due to the distance from the county boundary and the pool not being surface water fed, there are no linking impact pathways to growth within Leicestershire county.
 - Grimsthorpe SAC is designated for its calcareous grassland and early gentian population. However, recreational pressure is not identified on the Site Improvement Plan as an issue and the SAC is located approximately 14km to the east of Melton Borough. As such, Leicester and Leicestershire are considered to lie well beyond any likely core recreational catchment for that site. This was also the reason for the Melton Local Plan concluding no adverse effect.
- 1.10 As such these sites are not discussed further within this HRA. The reasons for designation of the River Mease SAC and Rutland Water SPA/Ramsar, together with current trends in habitat quality and pressures on the sites are indicated in Chapters 3 and 4.

2. Methodology

Introduction

- 2.1 The HRA has been carried out in the continuing absence of formal central Government guidance, although general EC guidance on HRA does exist³. The former Department of Communities and Local Government (DCLG) released a consultation paper on the Appropriate Assessment of Plans in 2006⁴. As yet, no further formal guidance has emerged. However, Natural England has produced its own internal guidance⁵ as has the RSPB⁶. All of these have been referred to in undertaking this HRA.
- 2.2 Figure 1 below outlines the stages of HRA according to current draft DCLG guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no significant adverse effects remain.

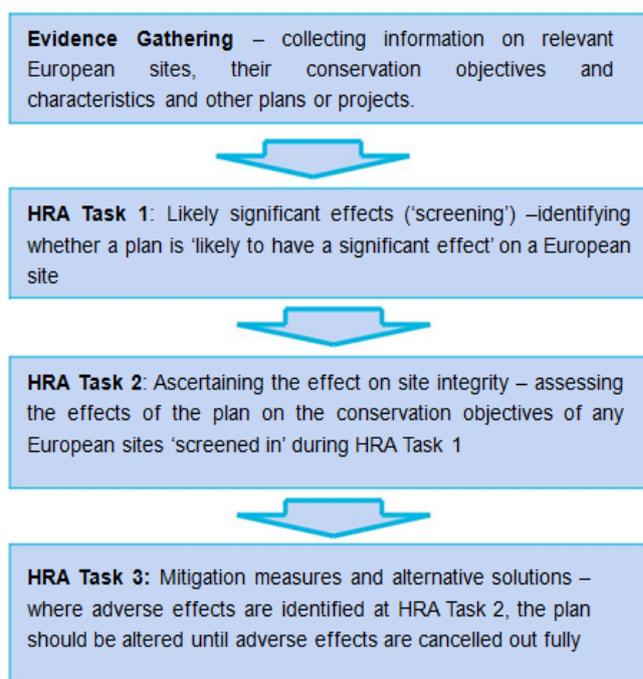


Figure 1: Four Stage Approach to Habitats Regulations Assessment. Source CLG, 2006.

HRA Task 1 – Likely Significant Effects

- 2.3 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:
- 2.4 *"Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"*

³ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

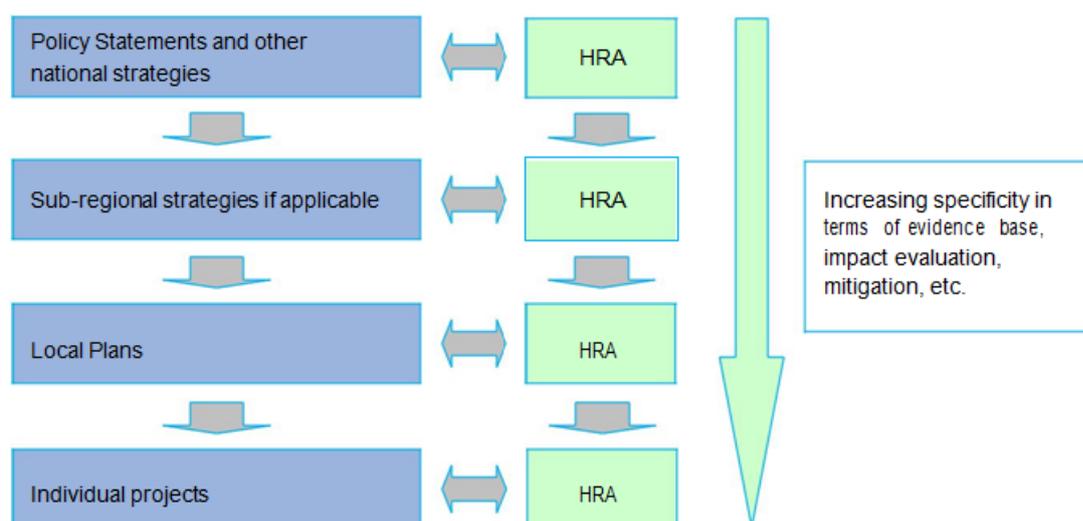
⁴ CLG (2006) Planning for the Protection of European Sites, Consultation Paper

⁵ http://www.ukmpas.org/pdf/practical_guidance/HRGN1.pdf

⁶ Dodd A.M., Cleary B.E., Dawkins J.S., Byron H.J., Palframan L.J. and Williams G.M. (2007) *The Appropriate Assessment of Spatial Plans in England: a guide to why, when and how to do it*. The RSPB, Sandy.

- 2.5 The objective is to ‘screen out’ those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction with European sites. This stage is undertaken in Chapters 3 and 4 of this report.
- 2.6 In evaluating significance, AECOM have relied on our professional judgement as well as the results of previous stakeholder consultation regarding development impacts on the European sites.
- 2.7 The level of detail in land use plans concerning developments that will be permitted under the plans will never be sufficient to make a detailed quantification of adverse effects. Therefore, we have again taken a precautionary approach (in the absence of more precise data) assuming as the default position that if an adverse effect cannot be confidently ruled out, avoidance or mitigation measures must be provided. This is in line with the former Department of Communities and Local Government guidance that the level of detail of the assessment, whilst meeting the relevant requirements of the Habitats Regulations, should be ‘appropriate’ to the level of plan or project that it addresses. This ‘tiering’ of assessment is summarised in Box 2.

Box 2: Tiering in HRA of Land Use Plans



- 2.8 When discussing ‘mitigation’ for a Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the details of the mitigation measures themselves since the Plan document is a high-level policy document.

Principal Other Plans and Projects That May Act ‘In Combination’

- 2.9 In order to fully inform the screening process, a number of surrounding plans have been consulted to determine likely significant effects that could arise from the Leicester and Leicestershire Draft Strategic Growth Plan in combination with these other plans. These were selected because they were the main land use plans that are located within, or surround Leicestershire, and may also interact with the European sites discussed in this report. They are:
- North West Leicestershire Local Plan (adopted 2017)
 - Harborough Local Plan Proposed Submission 2011-2031
 - Nuneaton and Bedworth Submitted Borough Plan 2011-2031
 - Leicester Core Strategy (adopted July 2014)
 - Rutland Local Plan Core Strategy (adopted 2011)
 - South Derbyshire Local Plan Part 1 (adopted 2016)
 - Leicestershire Minerals and Waste Local Plan (Pre-submission Draft 2016)

- Derby and Derbyshire Minerals Local Plan (adopted 2000)⁷
- Derby and Derbyshire Waste Local Plan (adopted 2005)⁷
- North Northamptonshire Joint Core Strategy (adopted 2016)

⁷ Derbyshire is currently producing new Waste and Minerals Local Plans which will supersede those adopted in 2000 and 2005 when complete.

3. Likely Significant Effects: River Mease SAC

Introduction

3.1 The River Mease is a relatively un-modified lowland river which contains a diverse range of physical in-channel features including riffles, pools, slacks, vegetated channel margins and bankside tree cover which provide the conditions necessary to sustain populations of both spined loach (*Cobitis taenia*) and bullhead (*Cottus gobio*). The river is also considered to support a significant presence of water-crowfoot (*Ranunculus fluitantis*) and water-starwort (*Callitriche sp.*).

Features of European Interest⁸

3.2 The River Mease qualifies as an SAC due to its classification as a river with floating vegetation often dominated by water-crowfoot. The extensive beds of submerged and floating plants along its length together with sandy sediment provide good habitat opportunities for spined loach for which the SAC is one of only four known outstanding localities that supports this species. It is also considered to be one of the best areas in the UK for bullhead, and has a significant presence of both otter (*Lutra lutra*) and white-clawed crayfish (*Austropotamobius pallipes*).

Conservation Objectives⁹

3.3 The conservation objectives of the SAC are to 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 qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and,
- The distribution of qualifying species within the site.

Principal Risks to Site Integrity¹⁰

- Water pollution
- Drainage discharges
- Inappropriate weirs and dams and other structures within, and adjacent to, the river corridor, thus blocking movement of fish or otter
- Invasive species
- Siltation
- Water abstraction

⁸ JNCC (2015) Natura 2000 Standard Data Form: River Mease SAC
<http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030258.pdf>

⁹ Natural England Conservation Objectives for River Mease SAC
<http://publications.naturalengland.org.uk/publication/6217720043405312>

¹⁰ Natural England Site Improvement Plan: River Mease SAC
<http://publications.naturalengland.org.uk/publication/6640857448972288>

Potential Effects of the Plan

Likely Significant Effects

- 3.4 The Strategic Growth Plan sets out the total number of dwellings to be developed within the district of North West Leicestershire, through which the River Mease SAC flows. This amounts to 9,620 new dwellings within the period 2011-2031 and 11,200 new dwellings within the period 2011-2036; dwellings up to 2031 have all been allocated within the current Local Plan and will thus have been considered in the HRA¹¹ of that plan. The river is vulnerable to deterioration of water quality from agricultural runoff, direct pollution and discharge of treated sewage effluent. According to the Environment Agency¹², the current water quality status of the river is either poor or moderate with a target to be good by 2027. The river is not currently achieving its target due to rural diffuse pollution and water company point source pollution. Like any river, it is also vulnerable to excessive abstraction for public water supply, particularly at inappropriate times of the year.
- 3.5 The main pathways, or impact mechanisms, through which the Strategic Growth Plan development could affect the River Mease SAC are thus through water abstraction for public water supply and increased waste water pollution.
- 3.6 The Strategic Growth Plan is a high level document setting out large scale growth areas. Therefore, this analysis is similarly high-level, with assessment of potential allocations to be undertaken by each district council for their Local Plans. Likely Significant Effects could potentially occur due to increased levels of pollution from waste water treatments works (WwTW) due to increased levels of effluent being treated. Any development within the River Mease SAC catchment area would have to evidence that it will avoid adverse impacts upon the integrity of the SAC.
- 3.7 Growth within North West Leicestershire District (within which the River Mease SAC sits) up to 2031 has been allocated and assessed within the North West Leicestershire District Local Plan and therefore has had a plan level HRA.
- 3.8 The Local Plan has a policy specific to retaining the integrity of the River Mease SAC. Local Plan Policy EN2 – River Mease Special Area of Conservation¹³ states: *“The Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the river Mease Special Area of Conservation.*
- 3.9 *In order to achieve this, new development within the River Mease catchment will be allowed where:*
- 3.10 *(a) There is sufficient headroom capacity available at the Wastewater Treatment Works to which it is proposed that flows from the development will go; and*
- 3.11 *(b) The proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in the Developer Contributions Scheme.*
- 3.12 *In the event that there is no headroom capacity available at the appropriate wastewater treatment works, or there is no capacity available within the Developer Contributions Scheme in operation at the time that an application is determined, or exceptionally where as part of the*

¹¹https://www.nwleics.gov.uk/files/documents/habitats_regulations_assessment_of_proposed_publication_local_plan_june_2016/Habitat%20Regulations%20Assessment%20of%20proposed%20publication%20Local%20Plan.pdf [Accessed 07 February 2018]

¹²<http://environment.data.gov.uk/catchment-planning/OperationalCatchment/3303/Summary> [Accessed 24 January 2018]

¹³

https://www.nwleics.gov.uk/files/documents/adopted_local_plan_2011_2031/Adopted%20Written%20Statement.pdf [Accessed 24 January 2018]

development it is proposed to use a non-mains drainage solution for the disposal of foul water and this is supported by the Environment Agency, development will only be allowed where it can be demonstrated that the proposed development, on its own and cumulatively with other development, will not have an adverse impact, directly or indirectly, upon the integrity of the river Mease Special Area of Conservation.”

- 3.13 The above mentions a Restoration Plan and Water Quality Management Plan¹⁴ which has been put in place by North West Leicestershire District Council and is supported by a Developer Contributions Strategy¹⁵ which states that “*all new development with a net increase in wastewater to mains drainage will mitigate and compensate for nutrients entering the river, equivalent to the relative contributions of phosphate as a result of development and which will benefit the river as a whole*”. Together with the Policy En2, this means any development which could potentially have LSE on the SAC in terms of water quality would either not be granted or would be required to make a financial contribution towards measures to improve water quality.
- 3.14 In addition to the existing initiatives that are underway to protect the water quality of the River Mease, at the strategic (county) level, the opportunity should also be taken in planning further growth to ensure through Local Plan policy and a Water Cycle Study (WCS), that development is directed to those areas with appropriate treatment capacity and facilities are provided before further growth within relevant WwTW catchments is actually committed.
- 3.15 Severn Trent Water has predicted a shortfall in water supply by the end of their Water Resource Management Plan (WRMP) period, which extends past the Leicester and Leicestershire Strategic Growth Plan period. A loss of 40Ml/d within the Strategic Grid zone would be expected in the absence of solutions, due to reductions in environmentally unsustainable abstraction in order to comply with the Habitats Directive. Severn Trent’s strategy to make up for this loss focuses on schemes including reducing leakage, improving aquifer storage and recovery, increasing Draycote reservoir capacity by 6% and implementing flow augmentation schemes. None of these schemes are understood to involve abstraction from the River Mease. As such, public water supply solutions will not cause a likely significant effect on the River Mease SAC.
- 3.16 Although specific housing allocations are not present within the Strategic Growth Plan it should be noted that an adverse impact could arise should a development be allocated inappropriately in relation to the River Mease SAC. For example, development located inappropriately close to the river could block passage of otter and therefore impact the integrity of the SAC. Given the rural setting of the SAC, sites within 100m of the SAC should be avoided in allocating housing and employment sites (unless the latter are specifically river-dependent and appropriate for the setting). The exception would be within the existing settlement of Measham, since this settlement already has housing within 100m of the SAC. Given the rural nature of the SAC this restriction should not pose a significant constraint to housing and employment development in the district. This should be taken into account by the District councils when allocating their sites within the Local Plans.

Other Plans and Projects

- 3.17 North West Leicestershire already addresses the issues of impacts on the River Mease SAC as discussed within paragraphs 3.7 to 3.13, and will therefore not cause an impact upon the integrity of the River Mease SAC.

¹⁴ <http://www.rivermease.co.uk/wp-content/uploads/2015/04/River-Mease-WQMP.pdf> [Accessed 07 February 2018]

¹⁵

https://www.nwleics.gov.uk/files/documents/river_mease_sac_developer_contribution_strategy1/River%20Mease%20DCS.pdf [Accessed 07 February 2018]

- 3.18 South Derbyshire District Adopted Local Plan¹⁶ has identified two housing sites which require developer contributions to be paid to mitigate impacts on the River Mease SAC. These sites are Acresford Road, Overseal (Policy 23E – 70 dwellings) and Valley Road, Overseal (Policy 23F – 64 dwellings), however with contributions to be used to mitigate impacts on the SAC the Plan concluded that development within South Derbyshire would not adversely impact the integrity of the River Mease SAC.
- 3.19 Lichfield District Adopted Local Plan Strategy¹⁷ highlights that there is a potential likely increase in pressure on the SAC as a result of population growth within the District. The Local Plan has a specific policy relating to development which may affect the integrity of the SAC, Policy NR8: River Mease Special Area of Conservation states that “*Development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Mease Special Area of Conservation (SAC).*”
- 3.20 *Development that falls within the water catchment of the Mease SAC will require an assessment under the Habitat Regulations. Ongoing work to outline the pressures on the SAC has identified damage is currently being caused by poor water quality, exacerbated by pollution, run-off, siltation, abstraction, invasive non-native species. Development especially that which increases the stress on sewage treatment works or increases the level of phosphate in the watercourse would make matters worse. Evidence has shown mitigation of effects is possible by investment in sewage treatment works, habitat management, access management, provision of sustainable drainage techniques, publicity, education and awareness raising.*
- 3.21 *The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured prior to approval of development and on-going monitoring of impact on the SAC will be required. Developments outside the water catchment may be required to demonstrate that they will have no adverse effect on the integrity of the SAC.”*
- 3.22 Development of a Spatial Strategy within the Local Plan has been under taken to minimise the amount of development affecting the SAC and further schemes will be developed during the life of the Local Plan to deliver an improvement to the condition of the SAC, which aligns with Core Policy 13: Our Natural Resources states that “*The District will seek to deliver an overall net gain or biodiversity within the Lichfield District... In circumstances where the effects upon biodiversity are not within a development site and there is potential to mitigate for the impacts arising from the development off-site, a financial contribution to deliver mitigation may be appropriate. This is particularly relevant to consideration of impacts upon the River Mease SAC and Cannock Chase SAC.*”
- 3.23 All three local authorities have joined together with Natural England, the Environment Agency, Trent Rivers Trust and Severn Trent Water to create the River Mease Partnership¹⁸. The partnerships’ main aim is to reduce the levels of phosphate within the River Mease SAC through positive action to enable the Conservation Objectives for the SAC to be met. With the Developer Contribution Scheme in place through the Local Plans, they have created the River Mease SSSI/SAC Restoration Plan¹⁹ to put in place the mitigation and enhancements for which the developer contribution scheme pays.
- 3.24 As such, it is considered that provided the existing initiatives to protect water quality in the River Mease are continued, there would be no likely significant effect alone or in combination with other projects and plans.

¹⁶ <https://www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/local-plan/adopted-local-plan> [Accessed 07 February 2018]

¹⁷ <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Local-Plan-documents/Downloads/Local-Plan-Strategy/Lichfield-District-Local-Plan-Strategy-2008-2029.pdf> [Accessed 07 February 2018]

¹⁸ <http://www.rivermease.co.uk/about/> [Accessed 08 February 2018]

¹⁹ <http://www.rivermease.co.uk/wp-content/uploads/2015/04/River-Mease-Restoration-Plan.pdf> [Accessed 08 February 2018]

4. Likely Significant Effects: Rutland Water SPA and Ramsar sites

Introduction

4.1 Rutland Water is a large eutrophic man-made pump storage reservoir created by the damming the Gwash Valley in 1975. The reservoir receives the majority of its water from the Rivers Nene (90%) and Welland (10%). In general the reservoir is drawn down in the summer and filled during the autumn and winter months when river levels are high. The lagoons are one of the most important areas for wintering and breeding wildfowl. The reservoir regularly supports internationally important numbers of gadwall and shoveler and nationally important numbers of eight other species of wildfowl.

Features of European Interest²⁰

4.2 Rutland Water qualifies as an SPA due to its populations of wintering birds in general and gadwall/shoveler specifically. The waterfowl assemblage includes populations of shoveler *Anas clypeata*, teal *Anas crecca*, wigeon *Anas penelope*, gadwall *Anas strepera*, tufted duck *Aythya fuligula*, goldeneye *Bucephala clangula*, mute swan *Cygnus olor*, coot *Fulica atra*, merganser *Mergus merganser* and great crested grebe *Podiceps cristatus*. It is designated as a Ramsar site for the same features, particularly its populations of gadwall, shoveler and mute swan.

Conservation Objectives²¹

4.3 The conservation objectives of the SPA are to 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 qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site

Principal Risks to Site Integrity²²

- Public disturbance
- Inappropriate water levels
- Water pollution
- Invasive species
- Fisheries management

²⁰ JNCC (2015) Natura 2000 Standard Data Form: Rutland Water SPA
<http://jncc.defra.gov.uk/pdf/SPA/UK9008051.pdf>

²¹ Natural England European Site Conservation Objectives for Rutland Water SPA
<http://publications.naturalengland.org.uk/publication/4978639963684864>

²² Natural England Site Improvement Plan: Rutland Water SPA
<http://publications.naturalengland.org.uk/publication/5985520903520256>

Potential Effects of the Plan

Likely Significant Effects

- 4.4 Rutland water is located outside of the County of Leicestershire. The closest Leicestershire districts/boroughs are the District of Harborough and the Borough of Melton. Housing needs highlighted in the Strategic Growth Plan show 10,640 new dwellings are needed in Harborough between 2011 and 2031 and 12,850 new dwellings needed between 2011 and 2036. In Melton 3,720 new dwellings are needed between 2011 and 2031 and 4,250 new dwellings are needed between 2011 and 2036. Specific areas for this housing have not been allocated within this plan; however strategic areas have been put forward. Within the Borough of Melton, Melton Mowbray has been highlighted as a Key Centre for development. The growth within Market Harborough over the plan period has been managed within the Harborough Local Plan 2011-2031 (Proposed Submission, Sept 2017).
- 4.5 The main pathways, or impact mechanisms, through which development could affect Rutland water are through recreational pressure, drawdown for public water supply and (possibly) air quality impacts on terrestrial parts of the SPA that provide feeding and roosting locations for SPA birds.
- 4.6 However, Rutland water is too far from the main population centres for growth within the District of Harborough and Borough of Melton to affect recreational pressure on the SPA. Although Rutland water is located 6 km from the boundary of Leicestershire, the outskirts of the county are very rural and the Plan is to use situate the majority of housing allocations in more strategic locations closer to proposed road and rail improvements, therefore any housing within close proximity of the Leicestershire boundary would be in low quantities to supply local needs only.
- 4.7 Surface water quality could be affected by development within close proximity to the SPA/Ramsar site but that will not apply to any development sites in Leicestershire. Rutland Water is a core part of the Anglian Water supply network but Anglian Water does not provide the majority of Public Water Supply to Harborough district²³, which is instead provided by Severn Trent Water. Anglian Water, Water Resource Management Plan underwent a Habitat Regulations Assessment in 2015 based on a 25 year strategy (to 2040). Likely significant effects were assessed for Rutland Water SPA/Ramsar as part of their water supply network; conclusions stated *“Water transfer from Wing which is fed by Rutland Water will be within existing consent limits. Furthermore mitigation measures have been carried out with the construction of new lagoons to avoid impacts from a further decrease in the reservoir water levels due to increased abstraction. Likely significant effects are not reasonably foreseeable”*²⁴ therefore it is unlikely that any development within the catchment of Anglian Water will adversely affect Rutland Water SPA/Ramsar.
- 4.8 There are areas of terrestrial habitat within the SPA boundary that could be used by SPA waterfowl as feeding, roosting and loafing areas. These areas of habitat could theoretically be vulnerable to elevated nitrogen deposition from vehicular traffic on roads that lie within 200m of the SPA. This could in turn affect their habitat structure (and thus usability by SPA waterfowl) if there were no other major influences on that structure. However, the only such habitat that lies within 200m of a road is closely mown grassland (regular mowing will more than offset the relatively subtle influence of air quality on structure) and the road in question (the A606 north of the SPA/Ramsar site to the west of Barnsdale Country Club) would not be a significant route for journeys to work from Leicestershire as it doesn't provide a sensible link between any of the population centres of the County and any likely major employment locations outside the district.

²³ Water from Rutland Water is drawn off at the Raw Water Pumping Station which serves the existing Wing Water Treatment Works 8km away. From Wing about half the treated water flows by gravity to Peterborough and the remainder is pumped 15km to Beanfield Reservoir near Corby. A further pumping station at Beanfield transfers part of the inflow another 19km to Hannington Reservoir in Northampton serving the southern part of the supply zone.

²⁴ http://www.anglianwater.co.uk/assets/media/2015_WRMP_HRA_Main_Report.pdf [Accessed 29th January 2018]

Other Plans and Projects

- 4.9 Analysis of other plans and projects becomes of particular relevance where pathways of impact exist that link development in a particular area with a European site, but the contribution of that the Strategic Plan in that area is small. However, the Rutland District Core Strategy and Harborough Local Plan 2011-2031 (Proposed Submission, Sept 2017) (closest Leicestershire District to the SPA) concluded that it would have no likely significant effect on Rutland Water SPA/Ramsar in combination. Moreover, in the case of Harborough District, no realistic impact pathways have been identified to Rutland Water SPA/Ramsar. It therefore follows that there would be no adverse effect of Strategic Plan 'in combination'.

5. Conclusions

- 5.1 The Strategic Growth Plan is a high level document setting out large scale growth areas rather than specific housing sites for which LSE can be assessed.
- 5.2 However, it can be concluded that no LSE will occur within the Rutland Water SPA/Ramsar site as strategic areas of growth are outside of the core catchment areas for recreational pressure on the SPA/Ramsar site. The concepts and growth areas set out within the Strategic Plan are to be put in place through the current and upcoming Local Plans. The Harborough Local Plan (closest Leicestershire District and growth area) has previously had a HRA and concluded no LSE on the SPA/Ramsar site. It has also been concluded within the Rutland District Core Strategy that there would be no LSE 'in combination'.
- 5.3 Likely Significant Effects could potentially occur within the River Mease SAC due to increased levels of pollution from waste water treatments works (WwTW) due to increased levels of effluent being treated. Any development within the River Mease SAC catchment area would have to evidence that it will avoid adverse impacts upon the integrity of the SAC. There is currently a detailed multi-authority strategy underway to protect water quality of the River Mease and provided this continues no likely significant effects are forecast.
- 5.4 A recommendation is made for caution in allocating new housing and employment development within proximity to the River Mease SAC and in general it is recommended that no new housing is allocated within 100m of that SAC as part of long-term growth plans for the county, unless it involves employment development that is both river dependent and appropriate, or is located within the existing settlement of Measham that is already situated within 100m of the River Mease.
- 5.5 It is further recommended that a Water Cycle Study (WCS) will inform the allocation of future development in Leicester and Leicestershire and in particular ensure that appropriate treatment capacity/facilities are provided before any growth allocated to relevant WwTW catchments is delivered.
- 5.6 In conclusion, provided these recommendations are taken into account it is considered that no likely significant effects will arise on any European sites from the Strategic Growth Plan, either alone or in combination with other plans and projects. No appropriate assessment is therefore required.