



Harborough Local Plan: Proposed Submission Draft Local Plan

Habitats Regulations Assessment Report

Harborough District Council

Final report

Prepared by LUC

February 2025

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Chapter 1

Introduction

1.1 LUC has been commissioned by Harborough District Council (hereafter referred to as ‘the Council’) to carry out a Habitats Regulations Assessment (HRA) of its new Local Plan. This iteration of the HRA report assesses the impacts of the Proposed Submission Draft (Regulation 19) Local Plan (January 2025) and it should be read in conjunction with that document.

Context for the Harborough District Council New Local Plan

1.2 Harborough District Council adopted the Harborough Local Plan 2011-2031 on 30th 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.

1.3 Harborough District Council is undertaking 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 included 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 fed into the preparation of the Issues and Options (Regulation 18) document which was published for consultation between January and February 2024. The outcomes of that consultation have in turn fed into the preparation of the Proposed Submission Draft (Regulation 19) Local Plan, which is the subject of this report.

The Requirement to Undertake Habitats Regulations Assessment of Development Plans

1.4 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].

1.5 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: Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). These were classified under European Union (EU) legislation but since 1st 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.

1.6 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.

1.7 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.”

1.8 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.

1.9 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.

1.10 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.

Stages of HRA

1.11 The HRA of development plans is undertaken in stages (as described further ahead in this section) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.

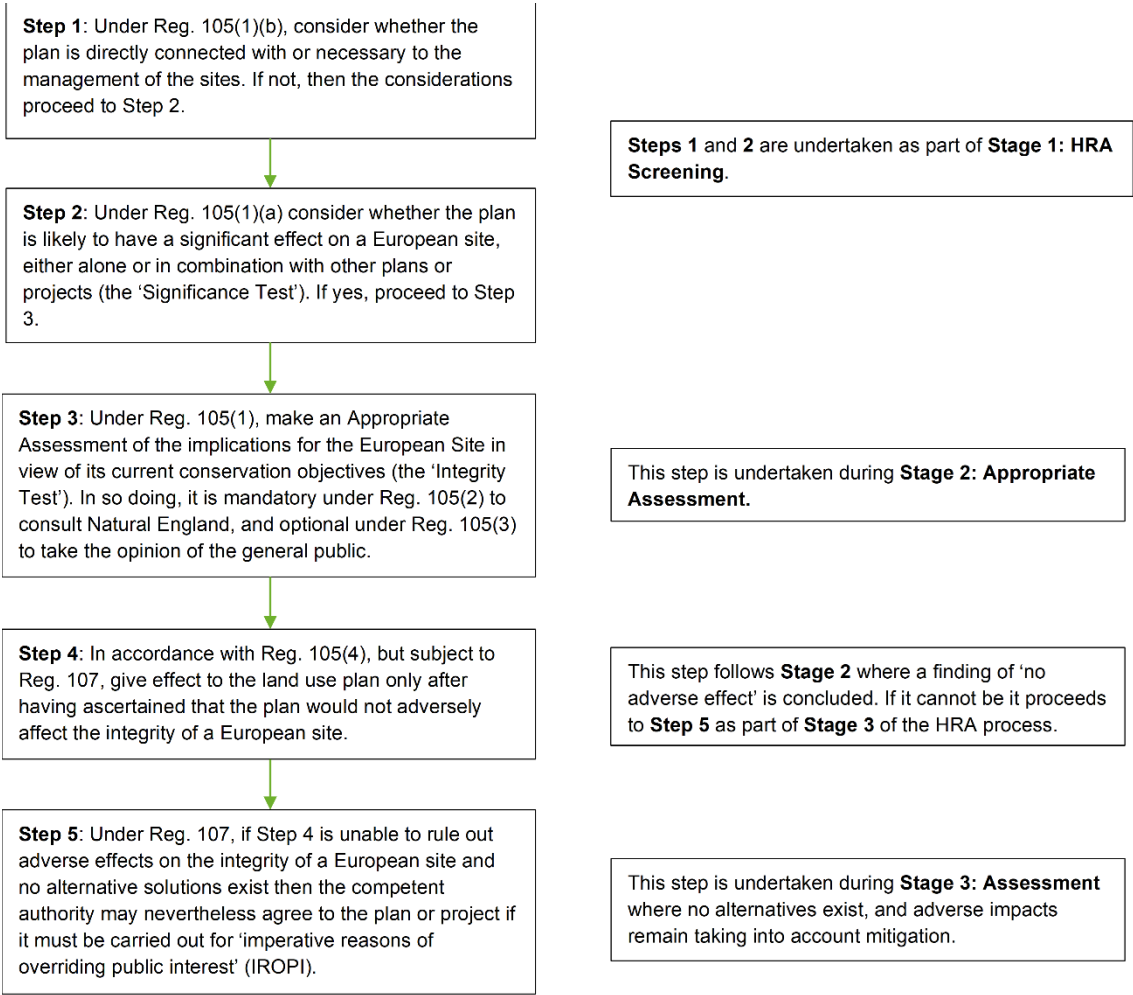
1.12 HRAs are carried out at all levels of plan making, including higher tier plans such as national plans and lower tier Local Plans, as well as at a project level. The process for carrying out an HRA is the same for any plan level or project. However, HRAs carried out for Local Plans and projects will 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.

1.13 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

1.14 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 1.1 overleaf shows the steps in undertaking an HRA.

Figure 1.1: The steps in undertaking an HRA



Typical Stages of HRA

1.15 While carrying out a full HRA of a development plan (based on various guidance documents [See reference 14] [See reference 15] [See reference 16]), 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 17].
- 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 18].

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 19]).
- 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.

1.16 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

1.17 This HRA has been 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).

1.18 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.”

1.19 In light of the above, the HRA Screening stage does 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.

1.20 This HRA also considers 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.”

1.21 In undertaking this HRA, LUC has considered 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, has also been considered in this HRA.

1.22 Similarly, effects on both qualifying and supporting habitats and species on functionally linked land (FLL) or habitat have been 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.”

1.23 In addition to this, the HRA takes into consideration the ‘Wealden’ judgement from the CJEU.

1.24 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.

1.25 In light of this judgement, the HRA therefore considers 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.

1.26 The HRA also takes 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”.”

1.27 The Appropriate Assessment of the Local Plan therefore only considers 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.

Structure of this Report

1.28 This chapter (Chapter 1) has 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 Proposed Submission Draft Local Plan, which is the subject of this report.
- Chapter 3: Method - sets out the approach used and the specific tasks undertaken during the Screening stage of the HRA.
- Chapter 4: Screening Assessment - describes the findings of the Screening stage of the HRA.
- Chapter 5: Appropriate Assessment – sets out the Appropriate Assessment stage of the HRA, where likely significant effects could not be ruled out at the Screening stage.
- Chapter 6: Conclusions and Next Steps - summarise the HRA conclusions for the Harborough Local Plan and describes the next steps in the Plan preparation and HRA processes.

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

- Appendix A presents a map showing the European sites around Harborough and a map showing the strategic road network in relation to the location of European sites.
- Appendix B sets out detailed information about the European sites that are the focus of this HRA.
- Appendix C sets out the Screening assessment of the Proposed Submission Draft Local Plan policies.
- Appendix D presents the consultation comments received in relation to the HRA Scoping Report that was prepared and consulted on at the Issues and Options stage of plan-making.

Chapter 2

The Proposed Submission Draft Local Plan

2.1 This chapter summarises the contents of the Proposed Submission Draft Local Plan, which is the subject of this HRA.

Vision and Objectives

2.2 The Proposed Submission Draft Local Plan sets out a vision for Harborough District as follows:

By 2041, the communities and residents of Harborough District will have benefitted from the development of new homes and workspaces whilst the place maintains its mainly rural character. The district will continue to be characterised by beautiful rolling countryside, with distinctive villages and picturesque market towns. New developments will complement the established townscape and landscape character, be designed in a way that minimises adverse climate impacts, are resilient to the effects of climate change and designed in ways which mitigate and adapt to the predicted changes.

Developments will offer a range of housing options, including affordable housing, and be mainly focussed in the areas near to the City of Leicester and Borough of Oadby and Wigston, around the market towns and to a lesser degree the large and medium villages. Residents in new communities will benefit from improved access to local services and community provision, including healthcare, education and recreational

facilities. Transport infrastructure will be developed for each new community alongside sustainable travel options including walking, cycling and bus provision. New developments will be created using sustainable methods and through the prudent use of resources.

Our valued farming communities and rural businesses will feel supported as they continue to evolve and diversify. Important areas of separation between our villages and towns will be retained to protect their individual identity. New innovative businesses will generate skilled jobs, create training opportunities and support local supply chains, strengthening the local economy. Magna Park will grow and enhance its role as a strategic distribution hub, attracting valuable inward investment and leading technological and robotic change.

Market Harborough, with its vibrant town centre, cultural activities and distinctive offer of independent shops will flourish with a nighttime leisure economy. Lutterworth, Broughton Astley, and Kibworth will provide a mix of town and village shopping centres complemented by health, leisure and community facilities. The preserved heritage assets and conservation areas will ensure the district maintains its historic look and feel. Tourist destinations like Foxton Locks and the Grand Union Canal will attract day visits and overnight stays, alongside a varied sporting, leisure and hospitality offer that boosts the local economy.

Residents will shape new development across the district through effective community engagement and proactive Neighbourhood Planning. Harborough District will be defined by its well-designed places, its safe streets, healthy communities and publicly accessible open and green spaces. Wildlife and biodiversity will be protected and thrive through new green and blue infrastructure, with communities experiencing the health benefits which access to these amenities bring.

2.3 The vision is supported by five Local Plan objectives:

- **Delivering Homes:** Deliver the housing needed: provide housing that addresses the specific needs of different communities and age groups, including the provision of affordable, accessible and specialist housing.
- **Creating jobs and diversifying the economy:** Support vibrant town centres to adapt to changing needs and retain and provide employment land and create opportunities for business expansion, job creation, and economic growth.
- **Tackling climate change and enhancing the natural environment:** Reduce carbon emissions and implement climate adaptation strategies. Improve the quality of the natural environment by reducing pollution, protecting, enhancing, and extending biodiversity, and creating green infrastructure.
- **Retaining and celebrating our heritage and rural character:** Thoughtfully accommodate development to preserve and enhance our rural landscape, built heritage and the vitality of rural communities.
- **Enabling supporting infrastructure:** Work with partners to deliver infrastructure (including schools, health, and transport), supporting healthier communities through active and sustainable travel, expanding access to open spaces, and expanding and enhancing community facilities.

Policies

2.4 The Proposed Submission Draft Local Plan sets out 37 policies which seek to deliver the Plan objectives, set out in the following sections:

- Overall Development Strategy (policies DS01-DS05).
- Key Development Sites (policies SA01-SA04).
- Strategic Policies for Housing (policies HN01-HN06).
- Directing Development to the Right Place (policies AP01-AP05).
- Development Standards (policies DM01-16).

- Monitoring and Delivery (policy IM01).

2.5 In terms of allocations, Policy SA01: Site Allocations contains a schedule listing the sites to be allocated in the plan, with specific policy requirements associated with many of the sites. Policy SA02 relates to a strategic allocation known as Land South of Gartree Road Strategic Development Area, while policy SA03 allocates land North of Market Harborough comprising three sites referred to as MH1-MH3. Policy SA04 allocates land at Scraftoft East for 950 homes and supporting infrastructure.

Chapter 3

Method

3.1 This chapter describes the methodology that is being used for the HRA of the Harborough Local Plan.

Screening Assessment

3.2 HRA Screening of the Local Plan has been undertaken in line with current available guidance and to meet the requirements of the Habitats Regulations. The tasks that were undertaken during the Screening stage of the HRA are described in detail below.

3.3 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

3.4 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.

3.5 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.

3.6 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.

3.7 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 20]. HRA therefore considers whether any European sites make use of functionally linked habitats, and the impacts that could affect those habitats.

3.8 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 21]. Natural England’s conservation objectives [See reference 22] 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
Rutland Water Ramsar site	6.5km north-east
Ensor’s Pool SAC	12.4km west

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

3.9 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) [See reference 23], an assessment has been undertaken of the ‘likely significant effects’ of the Local Plan. The assessment has been prepared in order to identify which policies or site allocations are likely to have a significant effect on European sites. The

Screening assessment has been conducted without taking mitigation into account in accordance with the 'People over Wind' judgment.

3.10 Consideration has been 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.

3.11 This thematic/impact category approach allows 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.

3.12 A risk-based approach involving the application of the precautionary principle has been adopted in the assessment, such that a conclusion of 'no significant effect' has only been 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.

3.13 For some types of impacts, the potential for likely significant effects can be determined on a proximity basis. This approach and the assumptions applied are described in more detail in Chapter 4.

Interpretation of ‘Likely Significant Effects’

3.14 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.

3.15 In the Waddenzee case [See reference 24], 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).

3.16 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.”

3.17 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’.

3.18 The HRA Screening assessment therefore considers whether the Harborough Local Plan could have likely significant effects either alone or in combination.

Mitigation Provided by the Local Plan

3.19 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 have been 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

3.20 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.

3.21 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 25](#)].

3.22 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.

3.23 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.

3.24 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.

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

Appropriate Assessment Methodology

3.26 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 26]**. This includes consideration of plans and projects with the potential for in-combination effects, where relevant.

3.27 The Appropriate Assessment is presented in Chapter 5.

Assessing the Effects on Site Integrity

3.28 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 will therefore build 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.

3.29 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.

3.30 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 27]**.

3.31 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.

3.32 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 sets 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 is 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.

Chapter 4

Screening Assessment

4.1 As described in the Chapter 3, a Screening assessment has been carried out in order to identify the likely significant effects of the Harborough Local Plan on European sites within 15km of the Harborough boundary. The full Screening assessment, which sets out the decision-making process used, can be found in Appendix C and the findings are summarised below.

HRA Screening of Policies

No 'likely significant effect' predicted

4.2 The majority of the policies in the Proposed Submission Draft Local Plan are not expected to result directly in development and therefore will not have significant effects on European sites. This is the case for the following policies:

- Policy DS03 Development Strategy: Tackling climate change and enhancing the natural environment
- Policy DS04 Development Strategy: Preserving and enhancing our heritage and rural character
- Policy HN01 Housing Need: Affordable Homes
- Policy HN02 Housing Need: Mix of New Homes
- Policy HN03 Housing Need: Housing Type and Density
- Policy HN05 Housing Need: Self and Custom Build Housing
- Policy DM01: High Quality Inclusive Design
- Policy DM02: Amenity and Wellbeing
- Policy DM03: Heritage Asset Conservation and Design Standards

- Policy DM04: Landscape Character and Sensitivity
- Policy DM05: Green and Blue Infrastructure and Open Space
- Policy DM06: Transport and Accessibility
- Policy DM07: Managing Flood Risk
- Policy DM08: Sustainable Drainage
- Policy DM09: Sustainable Construction and Climate Resilience
- Policy DM10: Biodiversity and Geodiversity Protection and Enhancement
- Policy DM11: Managing Impacts on Land and Water Quality
- Policy DM14: Shopfront Design
- Policy DM15: Outdoor Advertising and Signage Design
- Policy DM16: Telecommunications Infrastructure
- Policy IM01: Monitoring and Review of the Local Plan

4.3 For a number of the policies that have been screened out, as well as not themselves resulting directly in development, they could also contribute to ensuring the safeguarding of European sites. However, any mitigation provided by these policies has not been taken into account in the Screening conclusions for other policies and will be considered as part of the Appropriate Assessment as relevant. This is the case for the following policies:

- Policy DM05: Green and Blue Infrastructure and Open Space
- Policy DM06: Transport and Accessibility

Likely significant effect predicted

4.4 The following policies have been identified as having a likely significant effect on European sites as a result of the development that would result from the policies:

- Policy DS01 Development Strategy: Delivering Homes

- Policy DS02 Development Strategy: Creating Jobs and Diversifying the Economy
- Policy DS05 Development Strategy: Supporting Strategic Infrastructure
- Policy SA01: Site Allocations
- Policy SA02: Oadby Strategic Development Area
- Policy SA03: North of Market Harborough
- Policy SA04: Scraptoft East
- Policy HN04 Housing Need: Supported and Specialist Housing
- Policy HN06 Housing Need: Gypsy and Traveller and Travelling Showpeople Accommodation
- Policy AP01: Development in Settlements
- Policy AP02: Development in Town, District and Local Centres
- Policy AP03: Development in the Countryside (Residential)
- Policy AP04: Development in the Countryside (Commercial/ Non-Residential)
- Policy AP05: Locating Renewable and Low-Carbon Energy Development
- Policy DM12: Protection and Enhancement of Community Facilities
- Policy DM13: Existing Business Uses – Retention and Redevelopment

HRA Screening of Impacts

4.5 For some types of impacts, screening for likely significant effects has been determined on a proximity basis, using GIS data to determine the distance of potential development locations to the European sites that were the subject of the assessment. 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, during the Screening stage a number of assumptions have been applied in relation to assessing the likely significant

effects on European sites that may result from the Local Plan, as described below.

Physical Damage and Loss

Physical Damage and Loss – Onsite

4.6 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 at the Appropriate Assessment stage.

Physical Damage and Loss – Functionally Linked Habitat

4.7 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.

4.8 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 (*Austropotamobius pallipes*). 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

4.9 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.

4.10 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 28]. 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.

4.11 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 associated with loss of functionally linked land used

by bird species of the SPA and Ramsar site are considered unlikely and have been screened 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 at the Appropriate Assessment stage.

Non-physical Disturbance

4.12 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.

4.13 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

4.14 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 at the Appropriate Assessment stage.

Non-physical Disturbance – Functionally Linked Habitat

4.15 Non-physical disturbance may also affect qualifying species at functionally linked habitat. As established in the Physical Loss of Habitat - Functionally Linked Habitat section above, the qualifying species for Rutland Water SPA and Ramsar site are not expected to rely on habitats within Harborough District given that the site is located 6.5km from the District boundary.. All European sites can therefore be screened 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 at the Appropriate Assessment stage.

Non-toxic Contamination

4.16 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.

4.17 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.

4.18 All European sites can be screened 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 at the Appropriate Assessment stage.

Air Pollution

4.19 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.

4.20 In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

4.21 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.

4.22 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.

4.23 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 29], 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.

4.24 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.

4.25 There are a number of 'A' roads and two motorways (M1 and M6) within the Harborough District boundary (+15km) as illustrated in Figure A2 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 and A606).

4.26 Despite the proximity of Rutland Water SPA and Ramsar site to these two strategic roads, a report by AECOM [See reference 30], projects a maximum increase in daily traffic flow of 57 AADT on the A6003 and 15 AADT on the A606 due to changes implemented by the Local Plan. These projected figures do not exceed the 1,000 AADT threshold which indicates a likely significant effect on the habitats at Rutland Water SPA and Ramsar site and as such air pollution is screened out of further assessment.

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

Therefore, there is no potential for likely significant effects as a result of air pollution to occur and no further consideration is required at the Appropriate Assessment stage.

Recreation

4.28 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.

4.29 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.

4.30 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 (although these are not relevant in Harborough District).

4.31 In contrast, 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.

4.32 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.

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

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

4.34 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] These European sites are designated for qualifying bird species, which are particularly sensitive to impacts from recreational disturbance and therefore increases in recreational pressure have the potential to result in a likely significant effect and so are screened in for further consideration during the Appropriate Assessment stage.

4.35 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 screened out of the assessment.

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

Water Quantity and Quality

4.36 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.

4.37 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.

4.38 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

4.39 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, the 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.

4.40 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 have the potential to impact the Rutland Water SPA and Ramsar site and as such are screened in for further consideration during the Appropriate Assessment stage.

4.41 Ensor's Pool SAC can be screened 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 Appropriate Assessment stage in relation to Rutland Water SPA and Ramsar site.

Water Quality

4.42 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.

4.43 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.

4.44 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.

4.45 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 screened in for further consideration during the Appropriate Assessment stage.

4.46 Ensor's Pool SAC can be screened 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 Appropriate Assessment stage in relation to Rutland Water SPA and Ramsar site.

Summary of Screening Conclusions

4.47 Table 4.1 below summarises the Screening conclusions reached in this HRA. Impact types for which a conclusion of no likely significant effect (no LSE) was reached are shown with green colour. Where likely significant effects (potential LSE) could not be ruled out, this is shown in orange. Those potential impacts are considered in more detail at the Appropriate Assessment stage in Chapter 5.

Table 4.1: Summary of Screening conclusions

European Site	Physical Damage and Loss (both onsite and for FLL)	Non-physical Disturbance (both onsite and for FLL)	Non-toxic Contamination	Air Pollution	Recreation	Water Quantity	Water Quality
Rutland Water SPA site	No LSE	No LSE	No LSE	No LSE	Potential LSE	Potential LSE	Potential LSE
Rutland Water Ramsar site	No LSE	No LSE	No LSE	No LSE	Potential LSE	Potential LSE	Potential LSE
Ensor's Pool SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE

Chapter 5

Appropriate Assessment

5.1 Following the Screening stage, the plan-making authority is required under Regulation 105 of the Habitats Regulations 2017 (as amended) to make an 'Appropriate Assessment' of the implications of the plan for European sites, in view of their conservation objectives.

5.2 European Commission Guidance [See reference 35] states that the 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.

5.3 This stage seeks to determine whether implementation of the Harborough Local Plan will result in an adverse effect on the integrity of the whole European site in question (many European sites are made up of a number of fragments of habitat). Consideration is given to mitigation measures that may be included in the Harborough Local Plan to reduce the likelihood and significance of effects on European sites.

5.4 A European site's integrity depends on it being able to sustain its 'qualifying features' (i.e., those Annex 1 habitats, Annex II species, and Annex 1 bird populations for which it has been designated) and to ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a European site's conservation objectives is realised and where the European site is capable of self-repair and renewal with a minimum of external management support.

5.5 This section sets out the findings of the Appropriate Assessment stage of the HRA of the Proposed Submission Draft Local Plan. Likely significant effects arising from the Local Plan were identified in the previous chapter for the following European sites and impact types:

- Disturbance from recreation – in relation to Rutland Water SPA and Ramsar site.
- Water quality – in relation to Rutland Water SPA and Ramsar site.
- Water quantity - in relation to Rutland Water SPA and Ramsar site.

Disturbance from recreation

5.6 The Screening assessment identified potential recreational disturbance effects as a result of the Harborough Local Plan on Rutland Water SPA and Ramsar site. The European site is an important destination for undertaking recreational activities such as water sports, fishing, cycling, birdwatching and walking, all of which have an impact on the habitats and species present. On top of this, the qualifying bird species of this European site are particularly sensitive to impacts from recreational disturbance.

5.7 As outlined in the screening assessment, in the absence of site-specific evidence, the precautionary ZOI of the Rutland Water SPA and Ramsar site was determined to be 8km. A review of site allocations proposed in the Proposed Submission Draft Local Plan showed that none are within this 8km ZOI, which covers only a very small area of Harborough District (see Figure A1 in Appendix A). However, there is potential for development to come forward as small sites in the countryside and windfall development associated with Policy AP03: Development in the Countryside (Residential) and Policy DS01 Development Strategy: Delivering Homes. A total of 450 homes are allowed for as windfall development and could theoretically occur within the 8km ZOI, potentially resulting in recreational impacts on the qualifying species of Rutland Water SPA and Ramsar site either alone or in-combination with other plans and projects.

5.8 Even though development in the countryside is not expected to lead to significant increases in visitor numbers to Rutland Water SPA and Ramsar site, due to the vulnerability of its qualifying features, mitigation measures, as detailed below, will need to be implemented to address the cumulative impacts

of increased recreation on the site as a result of the Local Plan. This will ensure a sufficient level of certainty in concluding that the Local Plan will not result in adverse effects on the integrity of Rutland Water SPA and Ramsar site.

Mitigation

Provision of open spaces with recreational opportunities

5.9 The provision of alternative natural green space and green infrastructure (GI) represents an important aspect of mitigation for European sites as it alleviates recreational pressure on them. Therefore, the strategic approach to incorporating protective measures specified in the Local Plan is considered likely to provide an effective contribution in mitigating significant effects associated with recreation. This mitigation is provided in the Local Plan through Policy DM05: Green and Blue Infrastructure and Open Space, which outlines:

All development must:

- contribute to creating high-quality multifunctional green and blue infrastructure...including using trees and other planting where appropriate, to provide access to shade and manage surface water run-off as part of a wider resilience to climate change and, where needed, use noise and pollution barriers/absorption measures;
- create and enhance accessible links for all between new developments and surrounding recreational networks and facilities; and
- enhance access to publicly accessible open space.

Policy Mitigation

5.10 Policy DM10: Biodiversity and Geodiversity Protection and Enhancement provides overarching protection to locally and nationally protected biodiversity sites. It was recommended in a draft version of this report that this policy wording should be updated to also offer protection to European designated sites. In doing so, the adverse effect of recreational pressure on the integrity of Rutland Water SPA and Ramsar site associated with development brought forward by the Local Plan will be mitigated. The policy has now been updated to include the following wording:

Development proposals that are likely to result in a significant adverse effect, either alone or in combination with other proposals, on internationally designated site, will not be permitted unless a Habitats Regulation Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

Conclusion

5.11 Provided that the policy wording incorporated into the Local Plan related to the provision of open spaces with recreational opportunities and the protection of European designated sites is implemented successfully, adverse effects on the integrity of the Rutland Water SPA and Ramsar as a result of impacts from recreational pressures will be avoided.

Water quantity

5.12 The majority of Harborough District is supplied by Severn Trent Water's Strategic Grid Water Resource Zone (WRZ). A small area in the southeast of Harborough is supplied by Rutland WRZ owned by Severn Trent Water, and

Ruthamford North WRZ owned by Anglian Water. Further detail of this is presented in the Joint Water Cycle Scoping Study [\[See reference 36\]](#).

5.13 As established in the Screening Assessment, Rutland Water SPA and Ramsar site is a source of water abstraction and is susceptible to changes in water quantity as a result of proposed development within the Local Plan. Water abstraction of the site is managed by Anglian Water and is primarily exported to meet the demand in the Strategic Grid WRZ and Rutland WRZ, both of which are owned by Severn Trent. A review of the site allocations included in the Proposed Submission Draft Local Plan shows that the majority of development will take place within the Strategic Grid WRZ resulting in an increase in the demand for water abstraction in this area which Severn Trent will have to consider.

5.14 As outlined in Severn Trent Water's draft Water Resource Management Plan (WRMP) [\[See reference 37\]](#), the Strategic Grid WRZ is projected to experience a deficit from 2029 meaning that water supply will not be sufficient to meet demand due to the compounding factors of population growth and climate change.

Catchment Abstraction Management Strategy (CAMS)

5.15 The Environment Agency is responsible for managing water resources in England. The Environment Agency controls how much water is abstracted with a permitting system, regulating existing licences and granting new ones. It uses the CAMS process and abstraction licensing strategies to do this. The CAMS process aims to aid the meeting of the environmental objectives of the Water Framework Directive by:

- Providing a water resource assessment of rivers, lakes, reservoirs, estuaries and groundwater referred to as water bodies under the Water Framework Directive (WFD).
- Identifying water bodies that fail flow conditions expected to support good ecological status.

- Preventing deterioration of water body status due to new abstractions.
- Providing results which inform River Basin Management Plans (RBMPs).

5.16 Harborough is located within three water catchments, namely the Soar, the Tame Anker and Mease and the Welland and Nene.

5.17 Rutland Water SPA and Ramsar site are located within the Welland and Nene catchment and therefore the CAMS relating to this has been considered further in this assessment. The remaining CAMS are not considered further as changes in water abstraction there are not considered to result in impacts to the Rutland Water SPA and Ramsar site.

Welland and Nene Catchment

5.18 The CAMS process has developed a classification system of water resource availability at different four different flows in order to inform the abstraction process. Q95 is the flow of the river which occurs on average for 95% of the time and represents low flow. Q70, Q50 and Q30 represent higher river flows which are less frequent. In the Welland and Nene Catchment which supplies water to Rutland Water SPA and Ramsar site, there is no availability of water for abstraction at Q95, Q70 or Q50. At Q30 there is also no water availability in the west of the catchment area but there is limited water availability towards the east. This is therefore an indication that for the most part, the catchment does not have surplus water for additional abstraction. Further detail on this is presented in the Joint Water Cycle Scoping Study.

Mitigation

Water Resource Management Plans (WRMP)

5.19 The draft WRMP produced by Severn Trent Water in 2022 demonstrates how the demand for water in Harborough can be met over at least a 25-year planning period whilst protecting the environment. This is particularly crucial given that the Strategic Grid WRZ which covers the majority of Harborough is expected to be in a deficit from 2029, which falls within the plan period.

5.20 Demand management is one way in which Severn Trent is looking to meet this deficit. This includes measures such as the installation of smart meters, home efficiency assessments, programmes of leakage reduction and education, all of which would decrease the quantity of water needed to be abstracted from the environment.

5.21 Supply-side measures which would increase the amount of water abstracted are also required to meet Severn Trent's projected deficit, particularly since Harborough is expected to experience population growth throughout the period. There is no indication in the WRMP of Severn Trent Water or Anglian Water that the existing bulk transfer from Rutland Water to the Strategic Grid WRZ and Rutland WRZ would be increased to contribute to the increase in abstraction required to meet the deficit. Instead, Severn Trent Water is focussing on expanding multiple water treatment works and increasing transfers from other WRZs and water companies which would not have implications on the water quantity at Rutland Water SPA and Ramsar site.

Policy Mitigation

5.22 The Local Plan outlines both supply protection and demand-side measures which look to safeguard water quantity in Harborough. As the designation of Rutland Water SPA and Ramsar site is a water dependent, these measures

have important implications and will need to be adhered to and implemented successfully to conserve the European site.

5.23 Policy DM10: Biodiversity and Geodiversity Protection and Enhancement specifically requires that all development introduced by the Plan needs to protect and improve habitats and populations of priority species, particularly related to locally and nationally designated biodiversity sites. It was recommended in a draft version of this report that this policy wording should be updated to extend protection to European designated sites to prevent development introduced by the Local Plan which would require an increase in abstraction from Rutland Water from having an adverse effect on the integrity of Rutland Water SPA and Ramsar site. The policy wording now includes the following clause:

Development proposals that are likely to result in a significant adverse effect, either alone or in combination with other proposals, on internationally designated site, will not be permitted unless a Habitats Regulation Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

5.24 Policy DS03 Development Strategy: Tackling Climate Change and Enhancing the Natural Environment states that developments should retain and enhance existing blue infrastructure networks which in turn would improve the resiliency of Harborough in terms of water supply and reduce pressure on connecting water bodies such as Rutland Water SPA and Ramsar site. This policy also indicates that the reduction in water demand in Harborough is a priority and that any development brought about by the Local Plan must be designed and constructed to allow for the efficient use of water resources.

5.25 Policy DM09: Sustainable Construction and Climate Resilience also notes the importance of demand-side measures which would alleviate current and future water stress of the WRZs owned by Severn Trent and Anglian Water. Specifically, developments introduced by the Local Plan must be supported by a

water efficiency statement that covers, in priority order, measures such as grey water systems, to decrease water consumption, reuse water, or offset its use.

Conclusion

5.26 In light of the above, provided that the options published by Severn Trent Water in their draft WMRP are taken forward and that the policy wording within the Local Plan is implemented successfully, it can be concluded that adverse effects on the integrity of Rutland Water SPA and Ramsar site as a result of impacts from water quantity will be avoided.

Water quality

5.27 Development resulting from Harborough's Local Plan has the potential to contribute to increased levels of nitrogen and phosphorus entering Rutland Water SPA and Ramsar site via the Nene and Welland rivers, leading to eutrophication. This would negatively impact the habitats and qualifying species which are located there. This is from a precautionary viewpoint taking into consideration that Rutland Water SPA and Ramsar site has experienced eutrophic conditions in the past. However, it is important to note that Natural England's latest update on Rutland Water SPA and Ramsar site stated that nutrient neutrality does not currently pose a risk.

5.28 The Joint Water Cycle study outlined that most of the watercourses in Harborough are sensitive to increases in the discharge of treated wastewater meaning that the projected growth associated with development induced by the Local Plan would likely lead to a deterioration in water quality. Under the Water Framework Directive, a significant deterioration in water quality is not acceptable and so the Local Plan must explore measures to prevent this occurrence, particularly as it may adversely impact the integrity of Rutland Water SPA and Ramsar site due to the presence of impact pathways between Harborough and the European site.

Mitigation

5.29 To provide certainty that development will not adversely affect the integrity of Rutland Water SPA and Ramsar site by reducing its overall water quality, the following measures outlined in the Local Plan will need to be adhered to and implemented successfully.

Policy Mitigation

5.30 Policy DM11: Managing Impacts on Land and Water Quality specifically outlines how development in the Harborough District must:

- not adversely affect the quality of any water course into which the surface water emanating from new development flows, during both the construction phase and for the lifetime of the development;
- ensure the removal of any contamination from the site and that the development would not result in the migration of any contamination to a location where it could have an adverse effect upon the water environment; and
- have no adverse impact on and, wherever possible, contribute to an enhanced water environment and its associated ecology.

5.31 Policy DS05 Development Strategy: Supporting Strategic Infrastructure highlights the need for infrastructure which would support the residential developments allocated, specifically the expansion of wastewater treatment in Market Harborough. This is an important policy as it would ensure that development outlined in the Local Plan would not adversely impact water quality within Harborough. It would also prevent the degradation of water quality beyond the District boundary in locations such as Rutland Water SPA and Ramsar site as sewage outflows would be properly managed before reaching this European site.

5.32 In addition, Policy DS03 Development Strategy: Tackling Climate Change and Enhancing the Natural Environment requires development proposals to retain and where possible enhance existing Blue Infrastructure networks including Grand Union Canal and river corridors, wetlands, and watercourses such as the Welland, Sence, Soar, Swift and Avon River corridors in particular river floodplains along the Burton Brook, Langton Brook and Stonton Brook.

5.33 Policy DM05: Green and Blue Infrastructure and Open Space requires developments to contribute to creating high-quality multifunctional blue infrastructure.

5.34 Policy DM08: Sustainable Drainage also demonstrates how water quality in the Harborough District can be improved by prioritising nature-based solutions in development designs. These would naturally filter wastewater and therefore reduce the likelihood of increased nutrient levels in Rutland Water SPA and Ramsar site, thus preventing a deterioration of the water quality.

Conclusion

5.35 Provided that the policy wording incorporated into the Local Plan is implemented successfully, adverse effects on the integrity of Rutland Water SPA and Ramsar site, as a result of impacts from water quality will be avoided.

Summary of Appropriate Assessment

5.36 The conclusions of the Appropriate Assessment are summarised in **Table 5.1**. The European sites that are shown as screened out with no colour indicate sites that were considered to have no likely significant effect at the screening stage. The European sites highlighted in grey were found to have no adverse effect on integrity (AEoI) provided the mitigation measures detailed in Chapter 5 are implemented. No sites were found to have a potential AEoI.

Table 5.1: Summary of Appropriate Assessment findings

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	No LSE	No LSE	No LSE	No LSE	No AEol	No AEol	No AEol
Rutland Water Ramsar site	No LSE	No LSE	No LSE	No LSE	No AEol	No AEol	No AEol
Ensor's Pool SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE

Chapter 6

Conclusions and Next steps

6.1 At the Screening stage, likely significant effects on European sites, either alone or in combination with other policies and proposals, were identified for the following Local Plan policies:

- Policy DS01 Development Strategy: Delivering Homes
- Policy DS02 Development Strategy: Creating Jobs and Diversifying the Economy
- Policy DS05 Development Strategy: Supporting Strategic Infrastructure
- Policy SA01: Site Allocations
- Policy SA02: Land South of Gartree Road
- Policy SA03: North of Market Harborough
- Policy SA04: Scraftoft East
- Policy HN04 Housing Need: Supported and Specialist Housing
- Policy HN06 Housing Need: Gypsy and Traveller and Travelling Showpeople Accommodation
- Policy AP01: Development in Settlements
- Policy AP02: Development in Town, District and Local Centres
- Policy AP03: Development in the Countryside (Residential)
- Policy AP04: Development in the Countryside (Commercial/ Non-Residential)
- Policy AP05: Locating Renewable and Low-Carbon Energy Development
- Policy DM12: Protection and Enhancement of Community Facilities
- Policy DM13: Existing Business Uses – Retention and Redevelopment

6.2 The findings of the HRA Screening assessment determined that the Local Plan could result in Likely Significant Effects in relation to:

- **Recreation** – Rutland Water SPA and Ramsar site.
- **Water quantity** – Rutland Water SPA and Ramsar site.
- **Water quality** – Rutland Water SPA and Ramsar site.

6.3 The Appropriate Assessment stage considered whether the above likely significant effects will, in light of mitigation and avoidance measures, result in adverse effects on integrity of the European site, either alone or in-combination with other plans or projects. The findings of the Appropriate Assessment are detailed below.

6.4 It can be concluded that no adverse effect on integrity will occur for Rutland Water SPA and Ramsar site, subject to the successful implementation of safeguarding and mitigation measures as detailed in Chapter 5.

- **Recreation** – the Appropriate Assessment concluded no adverse effect on integrity as a result of increased recreational pressure in relation to Rutland Water SPA and Ramsar site provided that alternative open spaces with recreational opportunities (Policy DM05) are successfully provided.
- **Water quantity** – the Appropriate Assessment concluded no adverse effect on integrity as a result of changes in water quantity in relation to Rutland Water SPA and Ramsar site provided that supply and demand side options outlined within Severn Trent Water’s WMRP are taken forwards and that the mitigation measures outlined in Policies DM10, DS03 and DM09 in the Local Plan are implemented successfully.
- **Water quality** – the Appropriate Assessment concluded no adverse effect on integrity as a result of changes in water quality in relation to Rutland Water SPA and Ramsar site provided that the mitigation measures outlined in Policies DM11, DS05 and DM08 in the Local Plan are implemented successfully.

Next steps

6.5 HRA is an iterative process and as such may need to be updated in light of newly available evidence and comments from key consultees. This report will be subject to consultation with Natural England alongside the Proposed Submission Draft (Regulation 19) Local Plan to confirm that the conclusions of the assessment are considered appropriate.

LUC

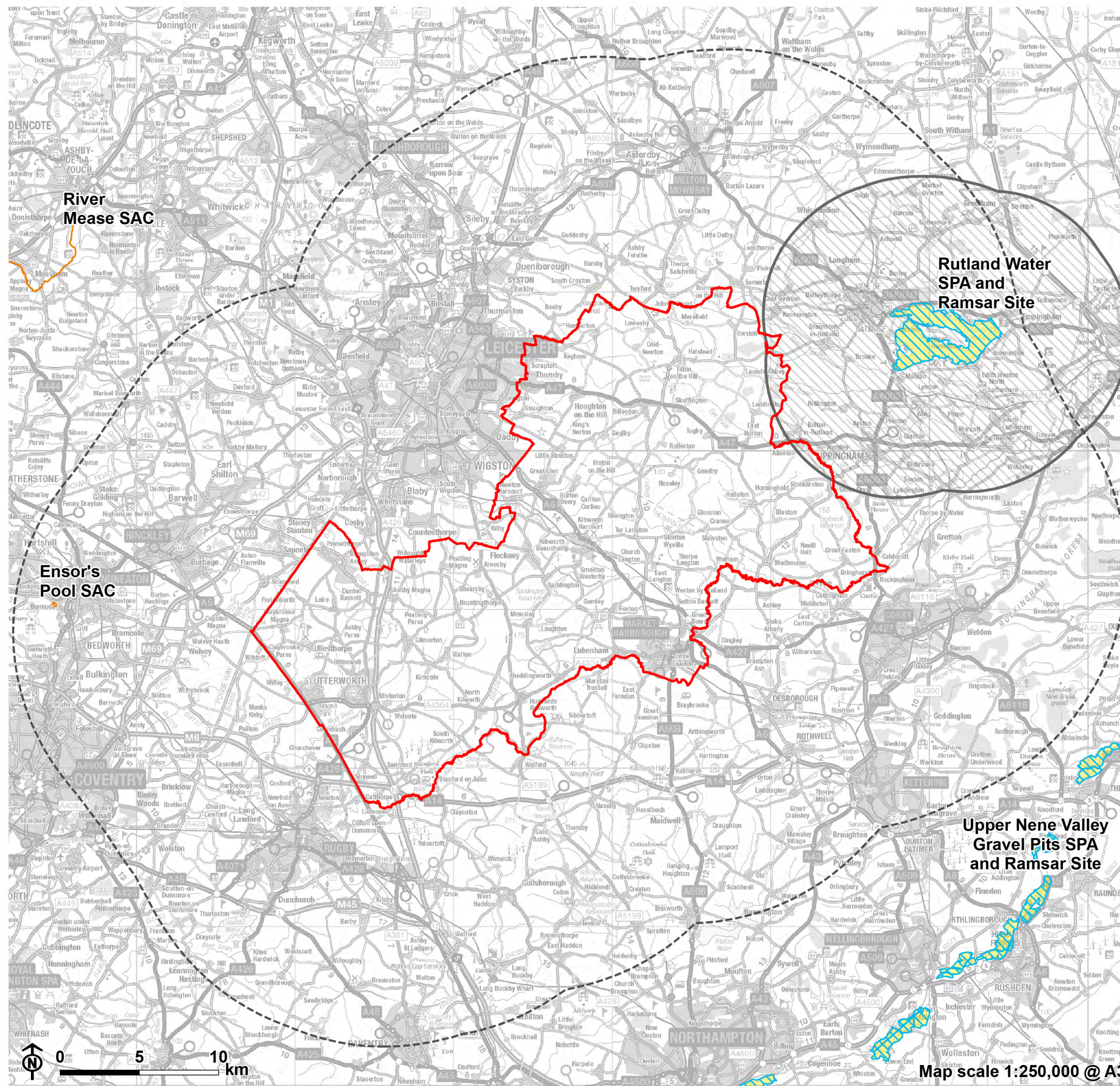
February 2025

Appendix A

Figures



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



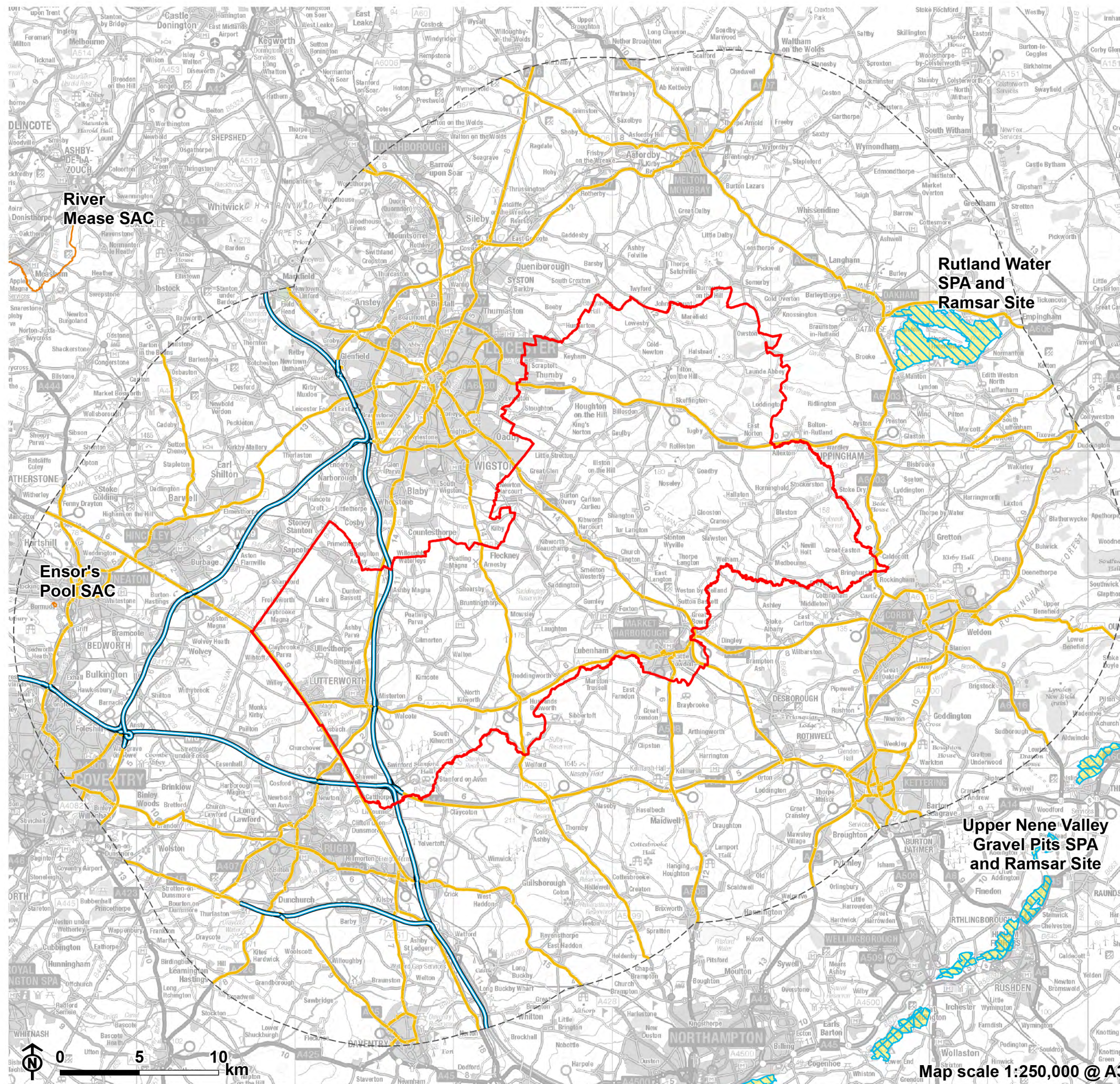
- Harborough District
- 15km Buffer
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Ramsar site
- Rutland Water - Zone of Influence (8km)



Map scale 1:250,000 @ A3



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



- Harborough District
- 15km Buffer
- A Road
- Motorway
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Ramsar site

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 38], Standard Data Forms or Ramsar Information Sheets available from the JNCC website [See reference 39] and Supplementary Advice Notes [See reference 40], 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 41].

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.

Appendix C

Screening Assessment

C.1 The sections below detail which types of impacts on European sites could potentially result from each of the policies and site allocations in the Proposed Submission Draft Local Plan. Where uncertain or likely significant effects are identified, these are required to be considered further via Appropriate Assessment

Overall Development Strategy

Policy DS01 Development Strategy: Delivering Homes

C.2 Likely activities (operation) to results as a response of the proposal:

- Development of at least 6,422 new homes.

C.3 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Air pollution
- Recreation and urban impacts
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.4 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy DS02 Development Strategy: Creating jobs and diversifying the economy

C.5 Likely activities (operation) to results as a response of the proposal:

- Development of a minimum of 16.4ha of employment land for business uses.
- Development of 340,000sqm floorspace for strategic distribution/large-scale warehousing at Magna Park.
- Development of 2,300sqm of retail and food/beverage floorspace within the site allocations listed in SA01.

C.6 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.7 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy DS03 Development Strategy: Tackling climate change and enhancing the natural environment

C.8 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires development proposals to adhere to a range of criteria relating to sustainable development but will not directly result in development. The requirements in the policy for development to prioritise sustainable transport modes should help to mitigate increases in air pollution resulting from development, which could otherwise impact on European sites.

C.9 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.10 No.

Policy DS04 Development Strategy: Preserving and enhancing our heritage and rural character

C.11 Likely activities (operation) to results as a response of the proposal:

- None. This policy sets out measures seeking to protect the local character, landscape and heritage assets and to maintain the distinctiveness of settings. The policy will not directly result in development.

C.12 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.13 No.

Policy DS05 Development Strategy: Supporting Strategic Infrastructure

C.14 Likely activities (operation) to results as a response of the proposal:

- Development of infrastructure.

C.15 Potential impacts if policy is implemented:

- Physical damage/disturbance

- Non-physical disturbance
- Non-toxic contamination
- Air pollution

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.16 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Key Development Sites

Policy SA01: Site Allocations

C.17 Likely activities (operation) to results as a response of the proposal:

- Residential development.

C.18 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Air pollution
- Recreation and urban impacts
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.19 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy SA02: Land South of Gartree Road

C.20 Likely activities (operation) to results as a response of the proposal:

- Mixed use development.

C.21 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.22 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy SA03: North of Market Harbourough

C.23 Likely activities (operation) to results as a response of the proposal:

- Mixed use development.

C.24 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.25 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy SA04: Scraftoft East

C.26 Likely activities (operation) to results as a response of the proposal:

- Residential development and supporting infrastructure.

C.27 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.28 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Strategic Policies for Housing

Policy HN01 Housing Need: Affordable Homes

C.29 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires a proportion of homes on residential developments to be affordable but will not itself directly result in development.

C.30 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.31 No.

Policy HN02 Housing Need: Mix of New Homes

C.32 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires residential developments to deliver an appropriate mix of housing types, tenures and sizes and to meet accessibility standards but will not itself result directly in development.

C.33 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.34 No.

Policy HN03 Housing Need: Housing Type and Density

C.35 Likely activities (operation) to results as a response of the proposal:

- None. This policy relates to density standards that will apply to residential developments but will not directly result in development.

C.36 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.37 No.

Policy HN04 Housing Need: Supported and Specialist Housing

C.38 Likely activities (operation) to results as a response of the proposal:

- Specialist residential development.

C.39 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.40 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy HN05 Housing Need: Self and Custom Build Housing

C.41 Likely activities (operation) to results as a response of the proposal:

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- None. This policy requires larger housing developments to provide a certain proportion of self and custom build plots, but will not directly result in development.

C.42 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.43 No.

Policy HN06 Housing Need: Gypsy and Traveller and Travelling Showpeople Accommodation

C.44 Likely activities (operation) to results as a response of the proposal:

- Development of sites and accommodation for Gypsies and Travellers and Travelling Showpeople.

C.45 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts

- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.46 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Directing Development to the Right Place

Policy AP01: Development in Settlements

C.47 Likely activities (operation) to results as a response of the proposal:

- Residential mixed use, employment and other built development.

C.48 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts
- Air pollution

- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.49 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy AP02: Development in Town, District and Local Centres

C.50 Likely activities (operation) to results as a response of the proposal:

- Retail, leisure and other town centre developments.

C.51 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.52 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy AP03: Development in the Countryside (Residential)

C.53 Likely activities (operation) to results as a response of the proposal:

- Residential development.

C.54 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Recreation and urban impacts
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.55 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy AP04: Development in the Countryside (Commercial/ Non-Residential)

C.56 Likely activities (operation) to results as a response of the proposal:

- Employment development.

C.57 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.58 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy AP05: Locating Renewable and Low-Carbon Energy Development

C.59 Likely activities (operation) to results as a response of the proposal:

- Renewable and low carbon energy development.

C.60 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.61 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Development Standards

Policy DM01: High Quality Inclusive Design

C.62 Likely activities (operation) to results as a response of the proposal:

- None. This policy sets out requirements relating to the design of new developments but will not directly result in development.

C.63 Potential impacts if policy is implemented:

- There are no potential impacts expected if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.64 No.

Policy DM02: Amenity and Wellbeing

C.65 Likely activities (operation) to results as a response of the proposal:

- None. This policy sets out requirements for new development which aim to protect the amenity and wellbeing of its occupiers and those nearby, but will not directly result in development.

C.66 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.67 No.

Policy DM03: Heritage Asset Conservation and Design Standards

C.68 Likely activities (operation) to results as a response of the proposal:

- None. This policy seeks to ensure that new developments conserve heritage assets and their settings but will not directly result in development.

C.69 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.70 No.

Policy DM04: Landscape Character and Sensitivity

C.71 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires development to be designed and located so as to be sensitive to its landscape setting but will not directly result in development.

C.72 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.73 No.

Policy DM05: Green and Blue Infrastructure and Open Space

C.74 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires developments to contribute to the green and blue infrastructure network and to meet accessibility standards relating to open spaces. The policy will not directly result in development and may help to mitigate recreational pressure at European sites by ensuring access to green infrastructure for recreational purposes.

C.75 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.76 No.

Policy DM06: Transport and Accessibility

C.77 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires developments to provide safe access and avoid adverse impacts on the highways network. It will not directly result in development and the measures set out in the policy may help to reduce air quality impacts from new development which could otherwise adversely affect European sites.

C.78 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.79 No.

Policy DM07: Managing Flood Risk

C.80 Likely activities (operation) to results as a response of the proposal:

- None. This policy seeks to avoid development in high flood risk areas and requires development to be subject to appropriate flood risk assessments. It will not directly result in development.

C.81 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.82 No.

Policy DM08: Sustainable Drainage

C.83 Likely activities (operation) to results as a response of the proposal:

Appendix C Screening Assessment

- None. This policy requires developments to incorporate sustainable drainage systems but will not directly result in development.

C.84 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.85 No.

Policy DM09: Sustainable Construction and Climate Resilience

C.86 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires developments to achieve the specified standards of design in relation to climate resilience but will not directly result in development.

C.87 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.88 No.

Policy DM10: Biodiversity and Geodiversity Protection and Enhancement

C.89 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires developments to contribute towards protecting and improving biodiversity but will not directly result in development.

C.90 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.91 No.

Policy DM11: Managing Impacts on Land and Water Quality

C.92 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires developments to protect water resources and requires development to be prioritised on land of low agricultural value, but the policy will not directly result in development.

C.93 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.94 No.

Policy DM12: Protection and Enhancement of Community Facilities

C.95 Likely activities (operation) to results as a response of the proposal:

- Development of new community, education or cultural facilities.

C.96 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance

- Non-toxic contamination
- Air pollution
- Recreation and urban impacts
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.97 This is uncertain. Effects will depend largely on the specific type and location of facilities that may be developed which is not yet known.

Policy DM13: Existing Business Uses – Retention and Redevelopment

C.98 Likely activities (operation) to results as a response of the proposal:

- Redevelopment of existing employment sites.

C.99 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance
- Non-toxic contamination
- Air pollution
- Disturbance to hydrological regimes

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.100 This is uncertain. Further consideration is therefore required at the Appropriate Assessment stage.

Policy DM14: Shopfront Design

C.101 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires shopfront developments to respect the character and visual amenity of the area but will not directly result in development.

C.102 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.103 No.

Policy DM15: Outdoor Advertising and Signage Design

C.104 Likely activities (operation) to results as a response of the proposal:

- None. This policy requires outdoor advertising and signage to respect the character and appearance of buildings and areas but will not directly result in development.

C.105 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.106 No.

Policy DM16: Telecommunications Infrastructure

C.107 Likely activities (operation) to results as a response of the proposal:

- Development of telecommunications infrastructure.

C.108 Potential impacts if policy is implemented:

- Physical damage/disturbance
- Non-physical disturbance

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.109 This is uncertain. Effects will depend largely on the specific type and location of telecommunications infrastructure that may be developed which is not yet known.

Monitoring and Delivery

Policy IM01: Monitoring and review of the Local Plan

C.110 Likely activities (operation) to results as a response of the proposal:

- None. This policy relates to how the delivery of Local Plan policies will be monitored and will not itself result in new development.

C.111 Potential impacts if policy is implemented:

- There are no potential impacts likely if this policy is implemented.

Is the policy likely to have significant effects and therefore need to be scoped into the Appropriate Assessment?

C.112 No.

Appendix D

HRA Scoping Consultation Responses

Hinckley and Bosworth Council

- It is noted that there isn't a question related to another supporting document listed in the evidence i.e. the HRA Scoping Report (January 2024). This document at para. 5.8 highlights the additional evidence required in three topic areas i.e. recreation, air quality and integrated water management, all of which have potential to also inform the SA.
- Appendix A.1 of the HRA Scoping report (January 2024) is a map of European Sites within and beyond the 15km buffer zone to the administrative boundary. The map includes the River Mease SAC. However, the River Mease SAC is not discussed within the body of the HRA report. The previous HRA produced for the Adopted Local Plan included reasons for the River Mease SAC to be excluded for further evaluation. The Standing Advice from Natural England relating to the River Mease SAC (2022) can be found at [River Mease standing advice Jan 2022 Final.pdf \(nwleics.gov.uk\)](#). Natural England's Standing Advice reflects case law relating to "embedded" mitigation and certainty. Competent authorities should therefore only authorise a plan or project if they have made certain that it will not adversely affect the integrity of a European site. This means that no reasonable scientific doubt remains as to the absence of effects. Appendix A.2 of the HRA Scoping Report (January 2024) relates to strategic roads within the district and within 15kms of the district. The district boundary shown in red is contiguous with the A5. For further evidence on the topic of air pollution, it is considered all roads within the primary network should be listed and illustrated.
- Response: The River Mease SAC is located approximately 23km from the Harborough District boundary and therefore falls beyond the 15km buffer zone and is not included in the HRA. The map includes the SAC as it also shows surrounding European Sites beyond the buffer zone for context. In line with standard practice in HRA, the assessment of air

Appendix D HRA Scoping Consultation Responses

quality impacts focuses on the strategic road network i.e. 'A' roads and motorways and in particular on those roads that are within 200m of European sites, as detailed in this full HRA report.

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 21st May 1992 on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’)
- 7 Directive 2009/147/EC of 30th 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](#)

References

- 11 [Department for Levelling Up, Housing and Communities \(2012\) National Planning Policy Framework](#)
- 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 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment – Guidance on the use of Habitats Regulations Assessment](#)
- 15 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
- 16 [David Tyldesley and Associates \(undated\) The HRA Handbook \(Section A3\)](#) (A subscription based online guidance document)
- 17 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 18 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.
- 19 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](#)
- 20 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.
- 21 [Natural England \(undated\) Site Improvement Plans by region](#)
- 22 [Natural England \(undated\) Conservation Objectives for European Sites](#)

References

- 23 The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012)
- 24 ECJ Case C-127/02 “Waddenzee” January 2004
- 25 [David Tyldesley and Associates \(undated\) The HRA Handbook \(Section A3\)](#) (A subscription based online guidance document)
- 26 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
- 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 [Dover District Council and Natural England \(2023\) Statement of Common Ground](#)
- 29 Wealden c SSCLG [2017] EWHC 351 (Admin)
- 30 AECOM (2024). Harborough District Council – Air Quality Report. Local Plan 2020 to 2041.
- 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 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. European Commission Environment DG, November 2001.

References

- 36 JBA Consulting (2024). Joint Water Cycle Scoping Study.
- 37 Severn Trent (2022). Draft Water Resources Management Plan 2024 Main Narrative.
- 38 [Natural England \(undated\) Site Improvement Plans: East of England](#)
- 39 [Joint Nature Conservation Committee website](#)
- 40 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 41 [Natural England \(undated\) Conservation Objectives for European Sites](#)

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