



Oadby and Wigston Local Plan:

Regulation 18B Preferred

Options Consultation Draft

Habitats Regulations Assessment Screening
Report

Oadby and Wigston Borough Council

Final report

Prepared by LUC

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Oadby and Wigston Local Plan: Regulation 18B Preferred Options Consultation Draft

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Chapter 1

Introduction

1.1 LUC has been commissioned by Oadby and Wigston Borough Council (hereafter referred to as ‘the Council’) to carry out a Habitats Regulations Assessment (HRA) of the new Oadby and Wigston Local Plan. This iteration of HRA report assesses the impacts of the Regulation 18B Preferred Options Consultation Draft Local Plan and it should be read in conjunction with that document.

Context for the Borough of Oadby and Wigston Local Plan

1.2 Oadby and Wigston Borough is a relatively compact, highly urbanised Borough that lies directly south of the city of Leicester and shares boundaries with Harborough District to the east and Blaby District to the south and west. The Borough’s built-up areas fall within the Leicester Principal Urban Area (PUA) and include the three settlements of Oadby, Wigston and South Wigston.

1.3 The Borough’s current Local Plan was adopted in April 2019. The Local Plan, together with the Adopted Policies Map, sets out the spatial development strategy and planning policies for the Borough over the period up to 2031. The Borough’s Local Plan is supplemented by a series of Supplementary Planning Documents (SPDs) and local planning guidance. There are currently no made (adopted) Neighbourhood Plans in Oadby and Wigston Borough.

1.4 The new Local Plan is being prepared to cover the period 2020 to 2041. It will include an updated spatial strategy and identify development allocations, also defining the boundaries for other land use designations such as Green Wedges, Local Green Spaces and open spaces for sports, recreation or play.

Once adopted, the new Local Plan will act as the basis for determining planning applications in the Borough.

The requirement to undertake Habitat Regulations Assessment of Development Plans

1.5 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007 [See reference 1]; the currently applicable version is the Habitats Regulations 2017, (as amended) [See reference 2]. When preparing its development plan, Oadby and Wigston Borough Council is therefore required by law to carry out an HRA. The Council can commission consultants to undertake the HRA work on its behalf and this (the work documented in this report) is then reported to and considered by Oadby and Wigston Borough 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 paragraph 1.18). 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 4].

1.6 HRA refers to the assessment of the potential effects of a development plan on one or more sites afforded the highest level of protection in the UK: SPAs and SACs. These were classified under European Union (EU) legislation but since 1st January 2021 are protected in the UK by the Habitats Regulations 2017 [See reference 5] (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. Before EU exit day, designation of SACs also had regard to the coherence of the 'Natura 2000' network of European sites. After EU exit day, regard is had to the importance of such sites for the coherence of the UK's 'national site network'.
- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive [See reference 7]), and for regularly occurring migratory species not listed in Annex I.

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

- Any references to Natura 2000 in the 2017 Regulations and in guidance now refer to the new 'national site network'.
- The national site network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations.
- Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats.

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

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

- proposed SACs

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

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

1.10 For simplicity, this report uses the term 'European sites' to refer to all types of designated site for which Government guidance [See reference 13] requires an HRA.

1.11 The overall purpose of an HRA is to conclude whether or not a proposal or policy, or a whole development plan would adversely affect the integrity of the European site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

Stages of Habitats Regulations Assessment (HRA)

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

1.13 LUC has been commissioned by Oadby and Wigston Borough Council to carry out HRA work on the Council's behalf, and the outputs will be reported to and considered by the Council as the competent authority, before adopting the Local Plan.

1.14 The HRA also requires close working with Natural England as the statutory nature conservation body [See reference 14] in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

Requirements of the Habitat Regulations Assessment

1.15 In assessing the effects of a Local 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'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, proceed to Step 2.
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3.
 - [Steps 1 and 2 are undertaken as part of Stage 1: HRA Screening, described in the next section.
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation

objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.

- [This step is undertaken during Stage 2: Appropriate Assessment, as described in the next section]
- Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site.
 - [This step follows Stage 2 where a finding of 'no adverse effect' is concluded. If it cannot be, it proceeds to Step 5 as part of Stage 3 of the HRA process]
- Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI).
 - [This step is undertaken during Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation, as described in the next section.]

Typical stages

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

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

Tasks

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

Outcome

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

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

Tasks

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

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

Outcome

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

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

Tasks

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

Outcome

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

1.17 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

1.18 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).

1.19 The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should 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."

1.20 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.

1.21 This HRA also fully 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.

1.22 In undertaking this HRA, LUC has fully 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 fully considered in this HRA.

1.23 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.”

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

1.25 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.

1.26 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.

1.27 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”.”

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

Structure of this report

1.29 This chapter has introduced the background to the preparation of the Borough of Oadby and Wigston Local Plan and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2: The Borough of Oadby and Wigston Local Plan – summarises the structure and content of the Regulation 18B Preferred Options Consultation 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 Screening conclusions for the Borough of Oadby and Wigston Local Plan and describes the next steps in the Plan preparation and HRA processes.

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

- Appendix A presents a map showing the European sites in and around Oadby and Wigston 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 Local Plan policies.

Chapter 2

Regulation 18B Preferred Options Consultation Draft Borough of Oadby and Wigston Local Plan

2.1 This Chapter summaries the contents of the Preferred Options Consultation Draft Local Plan, including the vision, strategic objectives and policies.

Vision

2.2 The Regulation 18B Preferred Options Consultation Draft Local Plan sets out a vision for how the Borough might look in 2041 given the influence of the Local Plan. The vision is as follows:

In 2041, the Borough of Oadby and Wigston will be a safe, clean and attractive place in which to live, work and visit. It will have a resilient and prosperous economy, secure environment, vibrant centres and healthy empowered communities. The Borough will be continuing to promote sustainable economic growth, as well as making the best use of its natural and heritage assets.

Growth will contribute to residents health, happiness and well-being in the Borough through the timely delivery of well-designed, beautiful and high-quality development that will meet their needs, whatever their income, stage of life and ability. High quality development will continue raising the level in terms of environmental standards, quality of life and local distinctiveness.

The Borough will deliver sustainable housing and employment growth by making local services and destinations more spatially linked by walking and cycling and through the promotion of sustainable transport solutions. In turn, this will enable thriving local economies by supporting sustainable business growth, investment and attracting new businesses.

Entrepreneurship and equality will be encouraged through enabling better education, skills and employment opportunities for all.

The Borough will progress towards net zero and be resilient to climate change through adaptation and mitigation measures whilst reducing its carbon footprint through energy efficiency measures and nature-based solutions.

Residents in the Borough will have the opportunity to enjoy peaceful, harmonious, high quality and healthy active lifestyles in communities that are in keeping with the character and local distinctiveness of the area and offer a range of; high quality new homes which meet local needs; job opportunities; high quality sporting facilities and other important services and facilities. The Borough and its assets will be accessible to all through sustainable modes of transport.

Residents will be able to enjoy a strong network of multi-functional green and blue infrastructure including parks, waterways and the open countryside which provide health and environmental benefits for all. The Borough's historic and natural environment will be conserved and enhanced, with a focus on improving biodiversity and increasing natural capital.

The Spatial Objectives

2.3 To ensure the Vision and strategy are effectively delivered, the Local Plan sets out 15 Spatial Objectives which are grouped within four overarching themes:

- Vibrant town centres
 - Spatial Objective 1: Regeneration of town and district centres
 - Spatial Objective 2: Wigston town centre
 - Spatial Objective 3: Oadby district centre
 - Spatial Objective 4: South Wigston centre
- A prosperous economy
 - Spatial Objective 5: Improved employment opportunities
 - Spatial Objective 6: Accessible transport links
- Healthy empowered communities
 - Spatial Objective 7: Growth of the urban areas
 - Spatial Objective 8: A balanced housing market
 - Spatial Objective 9: Healthy lifestyles
- Climate resilient, safe, clean and attractive
 - Spatial Objective 10: Climate change
 - Spatial Objective 11: High quality and sustainable design
 - Spatial Objective 12: Conserving and enhancing green and blue infrastructure
 - Spatial Objective 13: Enhancing local heritage
 - Spatial Objective 14: Green Wedges and the countryside
 - Spatial Objective 15: Kilby Bridge regeneration

Policies

2.4 The Preferred Options Consultation Draft Local Plan presents 37 emerging draft policies, within the following chapters:

- Combating Climate Change
- Housing
- Commercial Development
- Transport and Community Infrastructure
- Design and the Built Environment
- Natural Environment
- Monitoring and Implementation

2.5 At this stage, there are no preferred site allocations identified within the Local Plan. Instead, the Council has provided information about the options being considered, and allocations will be identified in the next iteration of the Local Plan.

Chapter 3

Method

3.1 This chapter describes the methodology that is being used for the HRA of the Borough of Oadby and Wigston Local Plan.

Screening Assessment

3.2 HRA Screening of the Local Plan has been undertaken in line with current available guidance and sought 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 and their conservation objectives

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. 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. This 15km distance has been agreed with Natural England for HRAs elsewhere and is considered precautionary. However, to align with the previous HRA of the adopted Borough of Oadby and Wigston Local Plan, whereby a highly precautionary buffer of 25km was used, this assessment has also applied a buffer of 25km.

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 21]. 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 22]. Natural England’s conservation objectives [See reference 23] for the SPA 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 25km of Oadby and Wigston Borough

European sites	Closest distance / location from Oadby and Wigston
Rutland Water Ramsar site	23.2km north-east
Rutland Water SPA	23.2km north-east
Ensor’s Pool SAC	24.6km south-west
River Mease SAC	24.1km north-west

Assessment of ‘likely significant effects’ of the Borough of Oadby and Wigston Local Plan

3.9 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 [See reference 24] (as amended), an assessment has been undertaken of the ‘likely significant effects’ of the plan. The assessment has been carried out in order to identify which draft policies would be 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. As preferred site allocations are not identified in the Consultation Draft Local Plan, these cannot be subject to HRA Screening at this stage.

3.10 Consideration has been given to the potential for the development proposed 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.
- Changes to hydrology, including water quantity and quality.

3.11 This thematic/ impact category approach will allow for consideration to be given to the cumulative effects of site allocations once they are identified, rather than focussing exclusively on individual developments proposed in the plan.

3.12 A risk-based approach involving the application of the precautionary principle was 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 draft policy would have a significant effect on the integrity of a European site.

3.13 A detailed Screening assessment was carried out (**Appendix C**) to document consideration of the potential for likely significant effects resulting from each policy in the plan.

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

Interpretation of 'likely significant effects'

3.15 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.

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

An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44). An effect should be considered 'significant', "if it undermines the conservation objectives" (para 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" (para 47).

3.17 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.”

3.18 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’.

3.19 The HRA Screening assessment therefore considers whether the policies in the Regulation 18B Preferred Options Consultation Draft Local Plan could have likely significant effects either alone or in combination.

Mitigation provided by the plan

3.20 Some of the potential effects of the plan could be mitigated through the implementation of other policies in the plan itself, such as the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at European sites). Nevertheless, in accordance with the ‘People over Wind’ judgment, avoidance and mitigation measures cannot be relied upon at the Screening stage, and therefore, where such measures exist, they will be considered at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in combination, could not be ruled out.

Assessment of potential in-combination effects

3.21 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.

3.22 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 the 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 Appropriate Assessment stage. This approach accords with recent guidance on HRA [\[See reference 26\]](#).

3.23 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.

3.24 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. 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 Oadby and Wigston Local Plan will also be identified and reviewed.

3.25 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.
- Proposals in draft plans formally published or submitted for final consultation, examination or adoption.

Appropriate Assessment

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 27]. 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 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 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.
- Result in the loss of key features **[See reference 28]**.

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, the Appropriate Assessment will set out the potential impacts and make a judgement (based on the information available)

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on whether the impact will have an adverse effect on the integrity of the European site. Consideration will be given to the potential for mitigation measures to be implemented that could reduce the likelihood or severity of the potential impacts such that there would not be an adverse effect on the integrity of the European site.

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 emerging Borough of Oadby and Wigston Local Plan on European sites within 25km of the Borough 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 Consultation Draft Local Plan are not expected to result in development and therefore will not result in significant effects on European sites. This is the case for the following policies:

- Policy 2: Regeneration Schemes and Large Scale Change
- Policy 3: Infrastructure and Development Contributions
- Policy 4: Sustainable Development
- Policy 5: Climate Change
- Policy 6: Flood Risk and Sustainable Water Management
- Policy 8: Renewable and Low Carbon Energy
- Policy 9: Affordable housing
- Policy 10: Housing Density
- Policy 11: Gypsy, Travellers and Travelling Show People

- Policy 12: Housing Choices
- Policy 13: Urban Infill Development
- Policy 14: Management of New and Existing Identified Employment Areas
- Policy 15: Retail and Related Policies
- Policy 16: Hot Food Takeaways
- Policy 17: Sustainable Transport and Initiatives
- Policy 18: Active Design and Travel
- Policy 19: Improving Health and Wellbeing
- Policy 20: Car Parking and Electric Vehicle Charging
- Policy 21: Community Facilities and Indoor Sports Facilities
- Policy 22: Open Space, Outdoor Sport and Recreational Facilities
- Policy 23: Public Realm
- Policy 24: High Quality Design and High Quality Materials
- Policy 25: Landscape and Character
- Policy 26: Culture and Historic Environment Assets
- Policy 27: Development in Conservation Areas
- Policy 28: Sustainable Design and Construction
- Policy 29: Phone masts
- Policy 37: Monitoring and Implementation

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. This is the case for the following policies:

- Policy 7: Preventing Pollution
- Policy 30: Green and Blue Infrastructure
- Policy 31: Protecting Biodiversity and Geodiversity
- Policy 32: Local Green Space
- Policy 33: Green Wedges
- Policy 34: Countryside
- Policy 35: Trees, Woodlands and Hedgerows
- Policy 36: Soils and Agricultural Land

Likely significant effect predicted

4.4 One policy has been identified as having a likely significant effect on European sites as a result of the development that would result from the policy:

- Policy 1: Spatial Strategy for Development within the Borough – this policy sets out the overall scale of housing and employment development to be delivered over the Local Plan period. It will result in housing and employment development as well as supporting infrastructure and could result in increased vehicle traffic, recreation activities and demand for water abstraction and treatment.

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 (onsite)

4.6 Any development resulting from the Local Plan would take place within the boundary of Oadby and Wigston Borough; therefore, only European sites within the Borough boundary could be affected by physical damage or loss of habitat within the site boundaries. No European sites are located within the Borough.

Therefore, no likely significant effect is predicted in relation to any European sites as a result of onsite physical damage and loss from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Physical damage and loss – functionally linked land (offsite)

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 are identified as:

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

■ River Mease SAC

Rutland Water SPA and Ramsar site

4.8 Rutland Water SPA and Ramsar site support a diverse range of species of birds which are a qualifying feature of the sites. These are mobile species, which rely on habitat within the SPA and Ramsar site and functionally linked habitat in the wider area, that provides important foraging habitat for these species.

4.9 Natural England has advised that the species recognised distance for the consideration of offsite functionally linked land is generally 2km, but for certain species, including most notably golden plover and lapwing, a greater distance of 5km may be appropriate [See reference 29]. Increased distances may also be appropriate where significant landscape scale features provide important functional linkages within European sites, for example, where river catchment flood plains and valleys extend considerable distances from a European site. No such landscape scale features have been identified in this case and therefore the above buffers have been considered appropriate to be applied for Rutland Water SPA and Ramsar site.

4.10 As the SPA and Ramsar site do not support either golden plover or lapwing, a distance of 2km has been applied. Given that the European sites lie 23.2km from the boundary of Oadby and Wigston Borough, no likely significant effect is predicted from physical damage and loss of functionally linked land, either alone or in-combination with other plans and projects.

Ensor's Pool SAC

4.11 Ensor's Pool SAC is designated for supporting populations of White-clawed crayfish (*Austropotamobius pallipes*). This species occurs patchily in standing waterbodies. Due to the distance of Oadby and Wigston Borough (24.6 km) from the SAC and the limited dispersal of this species, it is considered that

impacts from the Local Plan would be unlikely to occur as a result of physical damage and loss of linked habitats upon which this species may depend, either alone or in-combination with other plans and projects.

River Mease SAC

4.12 River Mease SAC is designated for supporting populations of Spined loach (*Cobitis taenia*) and Bullhead (*Cottus gobio*). These species occur patchily in a variety of waterbodies, including small streams, large rivers and both large and small drainage ditches. However, due to the distance between the SAC and Oadby and Wigston Borough (24.1km from the Borough boundary), the lack of hydrological connectivity and the limited dispersal of this species, it is considered that impacts from the Local Plan would not be likely to occur as a result of physical damage and loss of linked habitats upon which this species may depend, either alone or in-combination with other plans and projects.

Therefore, no likely significant effect is predicted in relation to any of the European sites as a result of offsite physical damage and loss of functionally linked land from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Non-physical disturbance – onsite

4.13 Noise and vibration effects, e.g. during the construction of new housing or employment development, are most likely to disturb bird and bat species and are thus a key consideration with respect to European sites where these species are the qualifying features. Artificial lighting at night (e.g. from streetlamps, flood lighting and security lights) has the potential to affect species where it occurs in close proximity to key habitat areas, such as key roosting sites of birds.

4.14 It has been assumed that the effects of noise, vibration and light are most likely to be significant within a distance of 500 metres. There is also evidence of 300 metres being used as a distance up to which certain bird species can be disturbed by the effects of noise [See reference 30]; however it has been assumed (on a precautionary basis) that the effects of noise, vibration and light pollution are capable of causing an adverse effect if development takes place within 500m of a European site with qualifying features sensitive to these disturbances. All European sites are located significantly more than 500m from the Oadby and Wigston Borough boundary.

Therefore, no likely significant effect is predicted in relation to any European sites as a result of non-physical disturbance from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Non-physical disturbance – Functionally Linked Habitat (offsite)

4.15 Non-physical disturbance 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. As noted earlier in this section, European sites with qualifying species that rely on habitat outside of the designated site include Rutland Water SPA and Ramsar site and River Mease SAC. [For further detail on the use of offsite functional habitat in relation to the Local Plan, refer to section on 'Physical Damage and Loss' above]. Due to the distance of these European sites from the Oadby and Wigston Borough boundary and the limited dispersal of qualifying species in relation to Ensor's Pool SAC and River Mease SAC, no likely significant effects on those sites are predicted from non-physical disturbance of functionally linked land, either alone or in-combination with other plans and projects.

Therefore, no likely significant effect is predicted in relation to any of the European sites as a result of non-physical disturbance of functionally linked land from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such 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 which 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 are located beyond 500m from the Oadby and Wigston Borough boundary.

Therefore, no likely significant effects are predicted in relation to any of the European sites as a result of non-toxic contamination from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Non-toxic contamination – functionally linked land

4.19 Non-toxic contamination of functionally linked land could result in likely significant effects on European sites where contamination occurs at habitat which 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
- River Mease

4.20 Ensor's Pool SAC was screened out of the assessment as it is not hydrologically connected to the wider landscape and therefore species are not reliant on offsite functionally linked habitat.

4.21 Recognised distance for the species consideration of offsite functionally linked land is generally 2km (+ 500m), as described earlier in this chapter. For certain species (e.g. golden plover and lapwing) and where significant landscape scale features provide important functional linkages within European sites, a greater distance of 5km may be appropriate [See reference 31]. No such landscape scale features have been identified in this case and therefore the above buffers have been considered appropriate to be applied for River Mease SAC, Rutland Water SPA and Ramsar site.

4.22 River Mease and Rutland Water SPA and Ramsar site are located over 20km from the Oadby and Wigston Borough boundary at 24.1 km and 23.2 km away respectively.

Therefore, no likely significant effects are predicted in relation to any European sites as a result of non-toxic contamination at functionally linked land from development proposed within the Local Plan, either alone or in combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Air pollution

4.23 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.

4.24 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.

4.25 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.

4.26 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.

4.27 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 32], 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.

4.28 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.

4.29 There are a number of 'A' roads and Motorways within the Oadby and Wigston Borough boundary as illustrated in **Figure A.2** in **Appendix A**. Most of these roads are more than 200m from the European sites that are the focus of this HRA.

4.30 Rutland Water SPA and Ramsar site are located within 200m of the A6003 and A606 (1.69% of the total proportion of the SPA and Ramsar site lie within 200m of these roads). However, due to the distance of the sites from Oadby and Wigston Borough (23.2km) and the lack of direct link to the Borough, the A-roads identified were not considered to be strategic roads for the Borough and it is unlikely that the sites would be impacted as a result of increased traffic from development within the Plan area.

Therefore, no likely significant effects are predicted in relation to any of the European sites as a result of increased air pollution from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Recreation

4.31 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.

4.32 The Borough of Oadby and Wigston Local Plan will result in housing growth and associated population increase in the Borough. Where increases in population are likely to result in significant increases in recreational visits to a European site, the potential for likely significant effects will require assessment.

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

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

4.35 Using a precautionary approach and based on the findings of the Monitor of Engagement with the Natural Environment (MENE) survey [See reference 33], a ZOI of 8km has been applied to all non-coastal European sites where an alternative ZOI is not available. ZOIs are typically based on the distance that 75% of visitors travel from; therefore given that 79% of visitors travel 1-5 mile (<8km), 8km is deemed appropriate to use as a precautionary ZOI in this assessment. There are no ZOIs available for the European sites that are the focus of this HRA; therefore the 8km distance has been used as a starting point for consideration.

4.36 River Mease SAC and Ensor Pools SAC are located more than 8km from the Oadby and Wigston Borough boundary, and therefore are considered unlikely to be impacted by increased recreational pressure from development within Oadby and Wigston, and so have been screened out of the assessment.

4.37 In relation to Rutland Water SPA and Ramsar site, a non-specific ZOI has not been applied as this site and the surrounding area are known to be an important destination for undertaking recreational activities, including watersports, fishing, cycling, birdwatching and walking. In addition to this, large events are also held on the banks of the reservoir each year. Rutland Water SPA and Ramsar site are designated for qualifying bird species, which are particularly sensitive to impacts from recreational disturbance and therefore increases in recreational pressure has the potential to result in a likely significant effect on these European sites. Although, Oadby and Wigston Borough is located 23.2km from these European sites, due to the significance of the sites for recreational activities and taking a precautionary approach, Rutland Water SPA and Ramsar site have been screened in for further consideration at the Appropriate Assessment stage.

Therefore, likely significant effects are predicted in relation to Rutland Water SPA and Ramsar site as a result of increased recreational pressure from development within the Local Plan, and as such further consideration is required at the Appropriate Assessment stage.

Changes in water quantity and quality

4.38 An increase in demand for water abstraction and treatment resulting from any growth 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.

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

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

4.40 Rutland Water SPA and River Mease SAC have been identified in Natural England's Site Improvement Plans to be susceptible to impacts from increased water abstraction and treatment.

Water Quantity

4.41 There is one main river flowing through Oadby and Wigston Borough that is recognised by the Environmental Agency, which is River Sence (tributary to the River Soar) located in the south of the Borough. There are also two smaller

water bodies within Oadby and Wigston Borough which include Grand Union Canal (at the south and adjacent to the River Sence) and Wash Brook (at the north).

4.42 A review of the Leicester City and Leicestershire Strategic Water Cycle Study (WCS) [See reference 34] identified Oadby and Wigston to be located within the catchment of the River Soar. The WCS outlines that there are few water resource pressures within the catchment. Oadby and Wigston Borough is supplied by Severn Trent Water and is located within the Strategic Grid Water Resource Zone. Rutland Water SPA and Ramsar site and River Mease SAC are not hydrologically connected to the main water catchment area and do not lie within the water resource zone which supplies Oadby and Wigston Borough. Ensor's Pool SAC is not considered likely to be affected by changes in hydrology as a result of development in Oadby and Wigston due to its isolation, distance from the Borough and lack of connectivity to water resources used to supply water and therefore has been screened out from further consideration.

Therefore, no likely significant effects are predicted in relation to any of the European sites as a result of changes in water quantity from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Water Quality

4.43 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 discharges from wastewater treatment works.

4.44 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 organisms 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 habitat sites being in unfavourable condition.

4.45 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 and River Mease SAC as they receive regular inflow of sewage and unregulated sewage from sewage treatment works and 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.

4.46 Following advice published by Natural England in 2022 [[See reference 35](#)], it was identified that River Mease SAC was in unfavourable condition as a result of excessive phosphorus levels and therefore proposed development that could result in an increase in nutrients into the river catchment would be required to demonstrate nutrient neutrality. In spite of this, Oadby and Wigston Borough is not located within the catchment of the River Mease and as such is not identified as a Local Planning Authority affected by impacts relating to nutrient neutrality for this European site.

4.47 In addition to this, Rutland Water SPA and Ramsar site and Ensor's Pool SAC are not identified as being in unfavourable condition and given the distance of these European sites from Oadby and Wigston Borough they were found not to support the Oadby and Wigston catchment areas.

Therefore, no likely significant effect is predicted in relation to any of the European sites as a result of water quality from development proposed within the Local Plan, either alone or in-combination with other plans or projects, and as such no further consideration is required at the Appropriate Assessment stage.

Summary of Screening Assessment

4.48 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 yellow.

Table 4.1: Summary of Screening conclusions

European sites	Physical damage and loss (on and offsite)	Non-physical disturbance (on and offsite)	Non-toxic contamination	Air pollution	Recreation	Water quantity	Water quality
Rutland Water SPA	Screened out	Screened out	Screened out	Screened out	Screened in	Screened out	Screened out
Rutland Water Ramsar site	Screened out	Screened out	Screened out	Screened out	Screened in	Screened out	Screened out
Ensor’s Pool SAC	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
River Mease SAC	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out

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 [\[See reference 36\]](#) 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 Oadby and Wigston 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 Oadby and Wigston 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 Regulation 18B Preferred Options Consultation Draft Oadby and Wigston 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.

Rutland Water SPA and Ramsar Site

Recreational Disturbance

5.6 The Screening assessment identified potential recreational disturbance effects as a result of the Oadby and Wigston Local Plan on Rutland Water SPA and Ramsar site. This was a highly precautionary Screening conclusion given its distance from the Local Plan area at 23km. However, given that Rutland Water SPA and Ramsar is a major recreational draw and that the qualifying bird species of these designated sites are particularly sensitive to impacts from recreational disturbance, impacts were considered at the Appropriate Assessment in relation to proposed development in the Local Plan area in combination with other plans and projects.

5.7 The SPA and Ramsar site are located just over 23km from Oadby and Wigston Borough at the nearest point, and much of the growth resulting from the Local Plan will take place at locations even further from the SPA and Ramsar site (proposed site allocations are not yet known). The November 2023 HRA Report for Rutland County Council's emerging new Local Plan considered the potential for recreational disturbance on the SPA and Ramsar site. It noted that detailed visitor surveys for Rutland Water have not been undertaken, but that a Zone of Influence is usually identified based on the distance from which at least 75% of visitors originate, which is usually 6-7km. Any development occurring in Oadby and Wigston would be significantly further away than this. The HRA for the Rutland Local Plan also noted that the activities most likely to disturb bird species (i.e. dog walking) are most likely to be undertaken by local residents, which will not include visitors originating from Oadby and Wigston

Borough. It is anticipated that local residents will utilise green and open space in the local surrounds of the Borough.

5.8 There are safeguarding and mitigation against the impacts of recreational activities built into the emerging policies in the Oadby and Wigston Local Plan. For example, Policy 30: Green and Blue Infrastructure seeks to protect and enhance the Borough's network of green and blue infrastructure, encouraging health and active lifestyles. Policy 33: Green Wedges protects the Borough's Green Wedges, recognising their value as a recreational resource amongst other things. Policy 22: Open Space, Outdoor Sport and Recreational Facilities (Non-Strategic), also outlines protection and provision for open spaces and recreational facilities within the Borough.

5.9 It is therefore concluded that the Oadby and Wigston Local Plan would not result in adverse effects on the integrity of Rutland Water SPA and Ramsar site, either alone or in-combination with other plans.

Chapter 6

Conclusion and Next Steps

6.1 At the Screening stage, likely significant effects on European sites, either alone or in-combination with other plans and projects, have been identified in relation to the following policy:

- Policy 1: Spatial Strategy for Development within the Borough

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

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

6.3 No likely significant effects were identified in relation to the River Mease SAC or Ensor Pools SAC and therefore no further consideration is required in relation to these European sites at the Appropriate Assessment stage.

6.4 The Appropriate Assessment has considered further the potential for recreation-related impacts on Rutland Water SPA and Ramsar site and has concluded that adverse effects on the integrity of these sites are not expected, either as a result of the Borough of Oadby and Wigston Local Plan alone or in combination with other plans and projects.

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 Regulation 18B Preferred Options Consultation Draft Local Plan to confirm that the conclusions of the assessment are considered appropriate at this stage of plan-making.

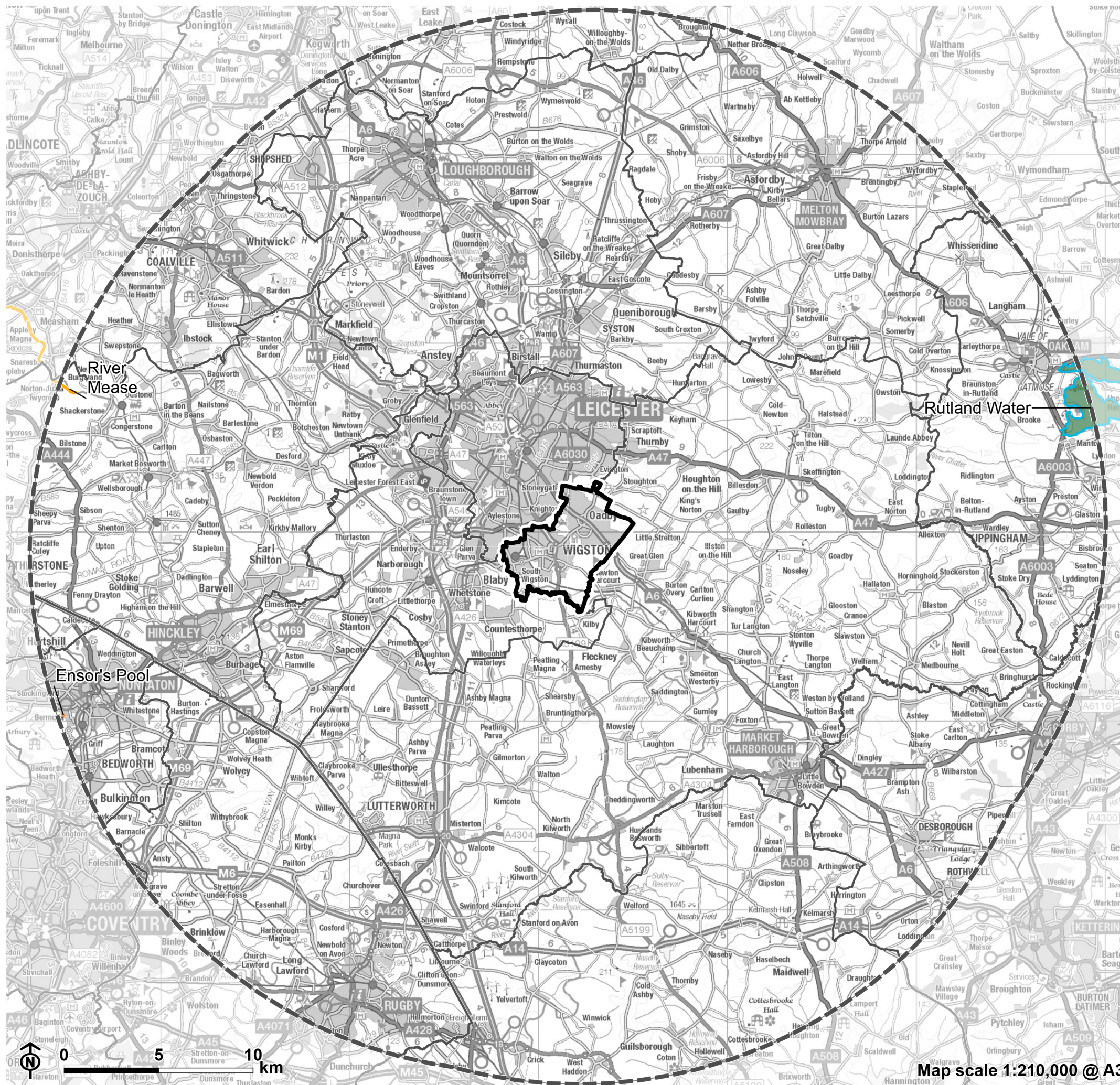
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March 2024

Appendix A

Figures

Figure A.1: European Sites within 25km of
Oadby and Wigston Borough

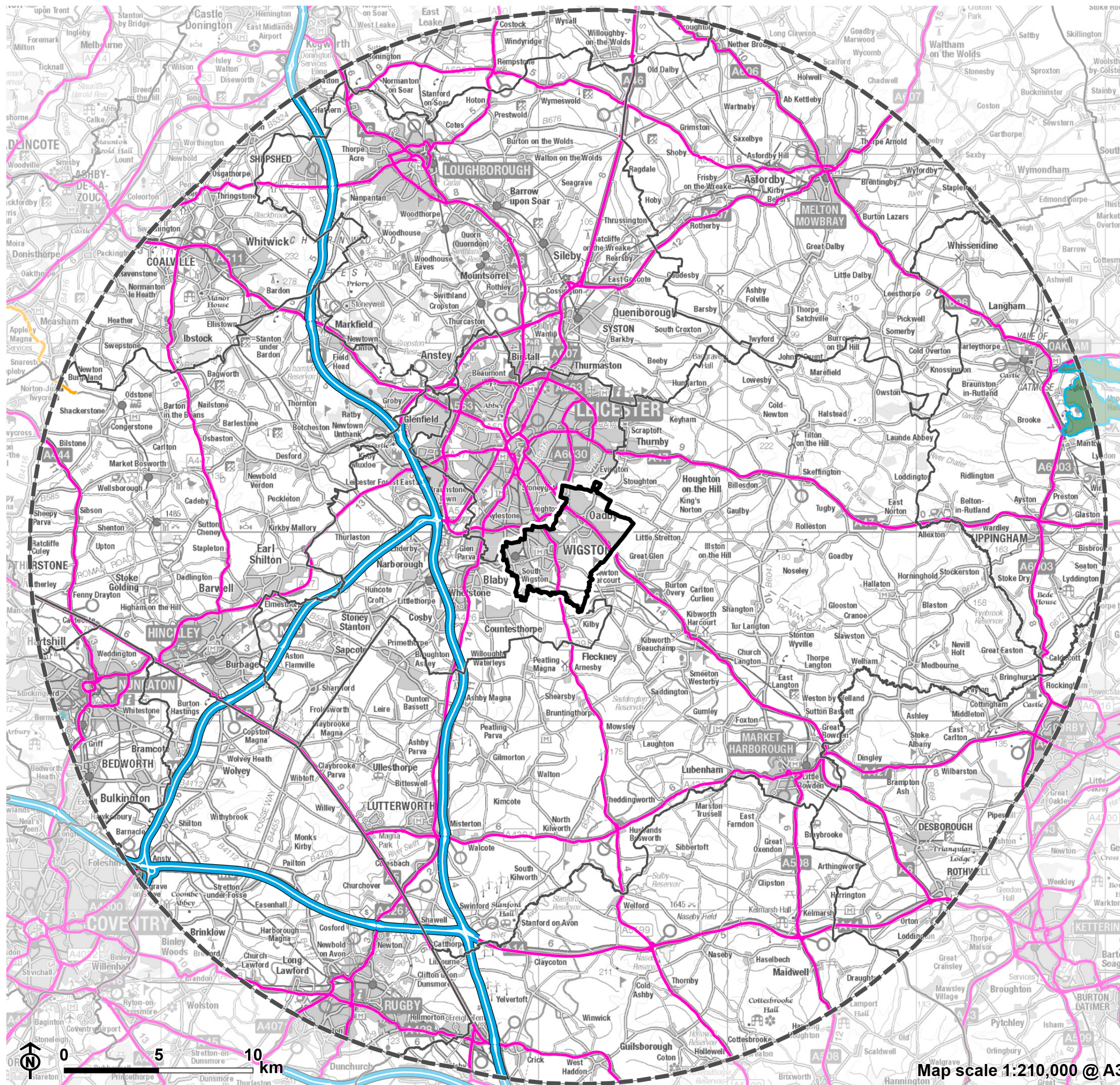


- Oadby and Wigston Borough Council
- Site boundary 25km buffer
- Neighbouring local authority
- Ramsar site
- Special Protection Area
- Special Area of Conservation



Map scale 1:210,000 @ A3

Figure A.2: Strategic Roads within Oadby and Wigston Borough



- Oadby and Wigston Borough Council
- Site boundary 25km buffer
- Neighbouring local authority
- Ramsar site
- Special Protection Area
- Special Area of Conservation
- Strategic road network**
- Motorway
- A Road

Map scale 1:210,000 @ A3

Appendix B

Attributes of European sites

B.1 This appendix contains information about the European sites considered in 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 37], Standard Data Forms or Ramsar Information Sheets available from the JNCC website [See reference 38] and Supplementary Advice Notes [See reference 39], 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 40].

B.2 The sites are all located outside the Oadby and Wigston Borough.

Rutland Water SPA

Area (ha)

- 1555.24

Location

- Approximately 23.2 km North East of Oadby and Wigston Borough.

Qualifying features

- Article 4, Annex I species (wintering):
 - Waterbird assemblage

Appendix B Attributes of European sites

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

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 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, Nutall'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

6.6 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.

Species of interest are:

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

Non-qualifying habitats and species upon which the qualifying habitats and/or species depend

Birds

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 and 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

Appendix B Attributes of European sites

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 behavior. Throughout the breeding season, they are most often found in shallow lakes. They prefer shallow water ranging from 3 to 5 m 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 15 m. 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

Other comments

- Positive pressures were identified as Modification of cultivation practices and Mowing / cutting of grassland.

Rutland Water Ramsar Site

Area (ha)

- 1555.24

Location

- Approximately 23.2 km North East of Oadby and Wigston Borough.

Qualifying features

Qualifying species:

- Article 4, Annex I species (peak count in spring/autumn):
 - *Anas strepera*: Gadwall
 - *Anas clypeata*: Northern shoveler

Qualifying species for future considerations:

- Article 4, Annex I species (peak count in spring/autumn):
 - Mute Swan (*Cygnus olor*)

Key vulnerabilities and environmental conditions to support site integrity

- No threats specified. See threats associated with Rutland Water SPA for threats likely to also affect the Ramsar site.

Natural England conservation objectives

- No specific conservation objectives outlined. See conservation objectives associated with Rutland Water SPA.

Non-qualifying habitats and species on which the qualifying habitats and/or species depend

- In general, the qualifying species of the Ramsar rely on:
 - The sites ecosystem as a whole (see list of habitats below).
 - Maintenance of populations of species that they feed on (see list of diets below).
 - Off-site habitat, which provide foraging habitat for these species.
 - Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Birds

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.

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.

Other comments

- Different recreational activities were recorded at the Site, such as walking, cycling, fishing, bird watching, sailing, windsurfing, canoeing, etc.

Ensor's Pool SAC

Area (ha)

- 3.86

Location

- Approximately 24.6 km West of Oadby and Wigston Borough.

Qualifying species:

- Annex II species:
 - White-clawed crayfish (*Austropotamobius pallipes*)

Key vulnerabilities and environmental conditions to support site integrity

- Vulnerable to changes in abiotic conditions
- Ensor`s Pool SAC is an abandoned clay pit on the Western edge of Nuneaton, North Warwickshire. The pool is 3.79 ha in size with an average depth of 8m and is ground water fed. It is designated as SAC because is held 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

- 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

Appendix B Attributes of European sites

- The populations of qualifying species, and,
- The distribution of qualifying species within the site.
- Species of interest are:
 - *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

Non-qualifying habitats and species on which the qualifying habitats and/or species depend

- In general, the qualifying species of the SAC, SPA and Ramsar rely on:
 - The sites ecosystem as a whole (see list of habitats below).
 - Maintenance of populations of species that they feed on (see list of diets below).
 - Off-site habitat, which provide foraging habitat for these species.
 - Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Species

White-clawed crayfish (*Austropotamobius pallipes*)

- Habitat: clear aquatic habitats, especially in hard-water streams and rivers
- Diet: invertebrates, carrion, water plants and dead organic matter

Other comments

- N/A

River Mease SAC

Area (ha)

- 3.86

Location

- Approximately 24.1 km West of Oadby and Wigston Borough.

Qualifying features

Qualifying species, primary selection reason:

- Annex II species:
 - Spined loach (*Cobitis taenia*) and Bullhead (*Cottus gobio*)

Qualifying species/habitats, but not primary selection reason:

- Annex I habitats:
 - Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
- Annex II species:
 - White-clawed crayfish (*Austropotamobius pallipes*) and Otter (*Lutra lutra*)

Key vulnerabilities and environmental conditions to support site integrity

- Water pollution
- Drainage
- Inappropriate weirs dams and other structures
- Siltation
- Water abstraction
- Invasive non-native species

Natural England conservation objectives

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

Non-qualifying habitats and species on which the qualifying habitats and/or species depend

- For each habitat, more specific examples have been provided:
 - Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation - Floating mats of white-flowered species (*Ranunculus* sp.) are characteristic of river channels in early to mid-summer. They may modify water flow, promote fine sediment deposition, and provide shelter and food for fish and invertebrate animals. There are several variants of this habitat in the UK, depending on geology and river type. In each, *Ranunculus* sp. species are associated with a different assemblage of other aquatic plants.
- In general, the qualifying species of the SAC, SPA and Ramsar rely on:
 - The sites ecosystem as a whole (see list of habitats below).
 - Maintenance of populations of species that they feed on (see list of diets below).
 - Off-site habitat, which provide foraging habitat for these species.
 - Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Fish

Spined loach (*Cobitis taenia*)

- Habitat: sandy substrate with patchy, dense macrophytes as refuges from predators. It is restricted to fine sediments by its specialised feeding mechanism. Though it can tolerate silt and mud, it prefers sand. This can be found in variety of situations from streams to large lakes.
- Diet: food particles (0.2 – 0.75 mm) from sandy substrate

Bullhead (*Cottus gobio*)

- Habitat: natural over modified rivers, bottom of fast, stony rivers and streams of freshwater and wetlands. It is beneficial to have presence of well structured riparian zone of deciduous woodland to provide allochthonous input of woody debris and leaf litter; good channel form with natural sediment and flow regimes providing pool/riffle structure, ensuring bed gravels are exposed on riffles, and woody material & silt is deposited in pools.
- Diet: benthic invertebrates, such as insects (as mayfly and caddisfly larvae), crustaceans and the eggs of other fish

Crustaceans

White-clawed crayfish (*Austropotamobius pallipes*)

- Habitat: clear aquatic habitats, especially in hard-water streams and rivers. They need to be fully submerged with big enough amply cover; they like stable flows, adequately aerated.
- Diet: aquatic macrophytes (including filamentous algae), aquatic invertebrates (slow enough to be caught), other crayfish, carrion, small live fish, water plants and dead organic matter

Mammals

Otter (*Lutra lutra*)

- Habitat: They forage in water and nest on land. They inhabit rivers, canals, streams, freshwater, lakes, wetlands, swamp forests, rice fields, coastlines (ocean shores, fjords), caves and terrestrial habitats adjacent to waterways. Covered dens and nesting sites are found in earth tunnels, tree roots, boulder piles, shrubs and banks. Within its territory, 1-4 mi,

Appendix B Attributes of European sites

each river otter has fixed locations for getting into and out of the water, rolling, sunbathing, and sliding on “otter stairways”.

- Diet: fish, crustaceans, clams, small mammals, amphibians, birds, eggs, insects, worms and a small amount of vegetation.

Other comments

- N/A

Appendix C

Screening Assessment

C.1 The Screening assessment presented in this appendix considers which types of impacts on European sites could potentially result from each of the policies in the emerging Borough of Oadby and Wigston Local Plan. Where uncertain or likely significant effects are identified, these are required to be considered further via Appropriate Assessment.

Spatial Strategy policies

Policy 1: Spatial strategy for Development within the Borough

- This policy introduces the overall spatial strategy for the new Local Plan and indicates that the Local Plan will deliver 5,040 new homes over the Plan period in order to meet local needs and making a contribution to the unmet housing needs of Leicester City. Given the limited availability of brownfield land within the existing urban area, some development will be directed to greenfield land. Specific sites are not identified at this stage although potential areas of greenfield land are identified to the south and east of Wigston, the south and west of Oadby and to the east of Oadby. The emerging policy also provides for the delivery of 8.22ha of employment land.

Likely activities (operation) to result as a consequence of the policy

- Housing development.

Appendix C Attributes of European sites

- Employment development.
- Increased vehicle traffic.
- Increased recreation activities.
- Increased demand for water abstraction and treatment.

Potential effects if policy implemented

- Physical damage or loss of habitat.
- Non-physical disturbance.
- Non-toxic contamination.
- Air pollution.
- Erosion/trampling from recreation activities.
- Changes in hydrology.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- Yes

Policy 2: Regeneration scheme and large scale change

- This policy requires larger development proposals to produce a masterplan, development brief, design code and phasing plan as well as an appropriate transport assessment. The policy will not itself result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No

Policy 3: Infrastructure and Developer Contributions

- This policy seeks to ensure that development schemes that cannot be mitigated through planning conditions are addressed through development contributions. The policy specifies that developer contributions will be used to deliver the infrastructure required to facilitate sustainable growth, but will not itself directly result in development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Combating Climate Change policies

Policy 4: Sustainable development

- This policy requires development proposals in the Borough to mitigate and adapt to climate change, but will not directly result in development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 5: Climate change

- This policy sets out the Council's approach to addressing climate change and specifies that development proposals should meet certain criteria in relation to climate change mitigation and adaptation. The policy will not, however, result directly in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 6: Flood risk and Sustainable water management

- This policy sets out the Council's approach to flood risk management and seeks to direct development towards areas with lowest flood risk. It will not result directly in development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 7: Preventing Pollution

- This policy requires proposals for development to consider the potential impacts of exposure to pollutants and requires development to be designed and located to ensure that established noise and other nuisance generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. It also specifies that planning permission will not be granted where development would cause unacceptable pollution, but will not directly result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 8: Renewable and Low Carbon Energy

- This policy requires that new developments must incorporate renewable and low carbon energy production on-site to meet at least 10% of the predicted total annual energy requirements. The policy provides in-principle support for renewable energy proposals, but will not result directly in development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Housing policies

Policy 9: Affordable housing

- This policy specifies the level of affordable housing that must be provided in different settlements but will not itself lead directly to new housing development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 10: Housing Density

- This policy sets out density targets for new developments but will not itself result directly in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 11: Gypsy, Travellers and Traveling Show people

- This policy commits to identifying land for accommodation for Gypsies, Travellers and Travelling Show people if evidence suggests a need to do so. The policy sets out criteria that will apply in the potential future identification of sites but will not itself result directly in development. It is also noted that the policy requires sites not to have adverse impacts on environmentally sensitive areas, which would include European sites.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 12: Housing Choices

- This policy requires new residential development proposals to incorporate a range of dwelling types, tenures and sizes to meet the identified local needs, but it will not lead directly to new housing development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 13: Urban Infill Development

- This policy sets out in-principle support for proposals for urban infill development and identifies criteria that will apply to any such proposals; however the policy will not itself lead directly to new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Commercial Development policies

Policy 14: Management of New and Existing Identified Employment Areas (IEA)

- This policy sets out the Council's approach to the management of new and existing employment areas, resisting proposals that will result in the loss of employment uses unless specified criteria are met. The policy will not itself result directly in new development as it does not allocate new employment areas.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 15: Retail and Related Policies

- This policy supports retail uses in the defined policy areas of the town and district centres. Any new development proposals in those areas will be

located away from sensitive European sites and are not likely to be large-scale. The policy also specifies that the sequential and impact test will be applied when determining proposals for new retail development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 16: Hot Food Takeaways

- This policy aims to balance out concentration of hot food takeaways and manage their effect on the surrounding economy and environment by setting out specific criteria against which any proposals for development of this type will be assessed. The policy will not itself result directly in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Transport and Community Infrastructure policies

Policy 17: Sustainable Transport and Initiatives

- This policy supports and encourages development proposals that promote an improved and integrated transport network, favouring non-car based modes of travel. While the policy states that the Council will use developer contributions to fund improved infrastructure, it will not itself result directly in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 18: Active Design and Travel

- This policy sets out the ways in which the Council will promote improved accessibility, create safer roads, reduce the environmental impacts of vehicle movements, enhance the pedestrian environment and facilitate highway improvements. However, it will not result directly in infrastructure works or other built development. In addition, the measures in the policy may reduce the impacts of new development on European sites as a result of increased pollution from vehicle traffic.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 19: Improving Health and Wellbeing

- This policy sets out criteria that will apply to proposals for new development in order to ensure that they maintain and improve peoples' health and wellbeing. However, the policy will not itself result directly in development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 20: Car parking and Electric Vehicle Charging

- This policy requires new developments to ensure that there is suitable provision of car parking, which could be seen as facilitating car use – however, the policy will not itself result in new development that could generate additional traffic. In addition, the policy encourages the provision of electric vehicle charging facilities which will help to manage emissions from vehicle traffic.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 21: Community Facilities and Indoor Sports Facilities

- This policy provides guidance on managing the loss, refurbishment, replacement and establishment of new community facilities in the Borough. It supports in principle the provision of new community facilities but does not make any specific allocations and will not itself directly lead to new development. The policy also prioritises the refurbishment of existing facilities and/or utilizing existing developments, prior to delivering new developments.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 22: Open Space, Outdoor Sport and Recreational Facilities

- This policy protects existing open space, outdoor sports and recreational facilities, and will not result in new built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Design and the Built Environment policies

Policy 23: Public Realm

- This policy requires proposals for new development to incorporate high quality public realm onsite or make contributions to offsite provision. The policy will not itself result directly in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 24: High Quality Design and High Quality Materials

- This policy requires new developments to incorporate the highest standards of inclusive design and the use of high quality materials; however the policy will not itself result directly in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 25: Landscape and Character

- This policy seeks to ensure that all new developments conserve and/or enhance the distinctive landscapes in the Borough. The policy will not result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 26: Culture and Historic Environment Assets

- This policy seeks to ensure that new developments avoid the loss or damage of cultural and historic environments, and showcase them where possible. The policy will not result in new built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 27: Development and Conservation Areas

- This policy seeks to ensure that development within a Conservation Area conserves and preserves, or ideally enhances, the special built and natural character of the area. The policy will not itself result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 28: Sustainable Design and Construction

- This policy sets out criteria relating to sustainable design and construction which will apply to proposals for development; however the policy will not itself result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 29: Phone masts

- This policy sets out criteria that will apply to proposals for new phone masts; however it will not itself result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Natural Environment policies

Policy 30: Green and Blue Infrastructure (GBI)

- This policy seeks to maintain, preserve and enhance the green and blue infrastructure network. It will not result in new built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 31: Protecting Biodiversity and Geodiversity

- This policy seeks to protect biodiversity and geodiversity and will not result in new built development. The policy will help to mitigate against the potential impacts of development proposed elsewhere in the Local Plan on biodiversity, including European sites.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 32: Local Green Space

- This policy seeks to protect local green space designations and will not result in built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 33: Green Wedges

- This policy seeks to ensure the protection of green wedges and will not result in built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 34: Countryside

- This policy provides protection to the countryside as well as important hedgerows and trees, and will not result in built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 35: Trees, Woodlands and Hedgerows

- This policy seeks to protect existing trees, woodland and hedgerows, and increase their presence. It will not result in built development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- N/A.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Policy 36: Soils and Agricultural Land

- This policy seeks to minimise the impact that new development has on soil and agricultural land, during and post-construction. The policy will not itself result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

Monitoring and Implementation policies

Policy 37: Monitoring and Implementation

- This policy sets out the Councils approach to monitoring the achievement of the indicators and targets set out within the Local Plan monitoring framework. It will not result in new development.

Likely activities (operation) to result as a consequence of the policy

- None.

Potential effects if policy implemented

- None.

Is the policy likely to have significant effects and therefore needs to be screened into the Appropriate Assessment?

- No.

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- 2 HM Government (2017) The Conservation of Habitats and Species Regulations 2017 (SI No. 2017/1012), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI No. 2019/579).
- 3 [HM Government \(2016\) Planning Practice Guidance \(PPG\) \(as amended, 2021\)](#)
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- 6 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’)
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- 8 [European Commission \(2008\) 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 \(as amended\)](#)
- 10 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021\) Habitats regulations assessments: protecting a European site](#)
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- 15 [Department for Levelling Up, Housing and Communities \(2016\) Planning Practice Guidance \(PPG\) \(as amended, 2021\)](#)
- 16 [Tyllesley, D. & Associates \(2023\) The HRA Handbook, Section A3](#)
- 17 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.
- 18 [Natural England \(2014-2020\) Conservation Objectives for European Sites](#)
- 19 In line with the CJEU judgement in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.
- 20 In addition to European site citations and conservation objectives, key information sources for understanding factors contributing to the integrity of European sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England. [Natural England \(undated\) Site Improvement Plans by region](#)
- 21 Chapman, C. & Tyllesley, D. (2016) Functional linkage: “How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects – a review of authoritative decisions”. Natural England Commissioned Reports, Number 207.
- 22 [HM Government \(2023\) Improvement plans \(IP\)](#)
- 23 [Natural England \(2014-2020\) Conservation Objectives for European Sites](#)
- 24 [HM Government \(2017\) The Conservation of Habitats and Species Regulations 2017 – Regulation 105](#)
- 25 [Judgement of the Court \(Grand Chamber\) \(2004\) Landelijke Vereniging tot Behoud van de Waddenzee & Nederlandse Vereniging tot Bescherming](#)

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- [van Vogels vs. Staatssecretaris van Landbouw, Natuurbeheer en Visserij & Coöperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij UA \(Case C-127/02, Article 234 EC\)](#)
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- 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.
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- 37 [Natural England \(undated\) Site Improvement Plans by region](#)
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