

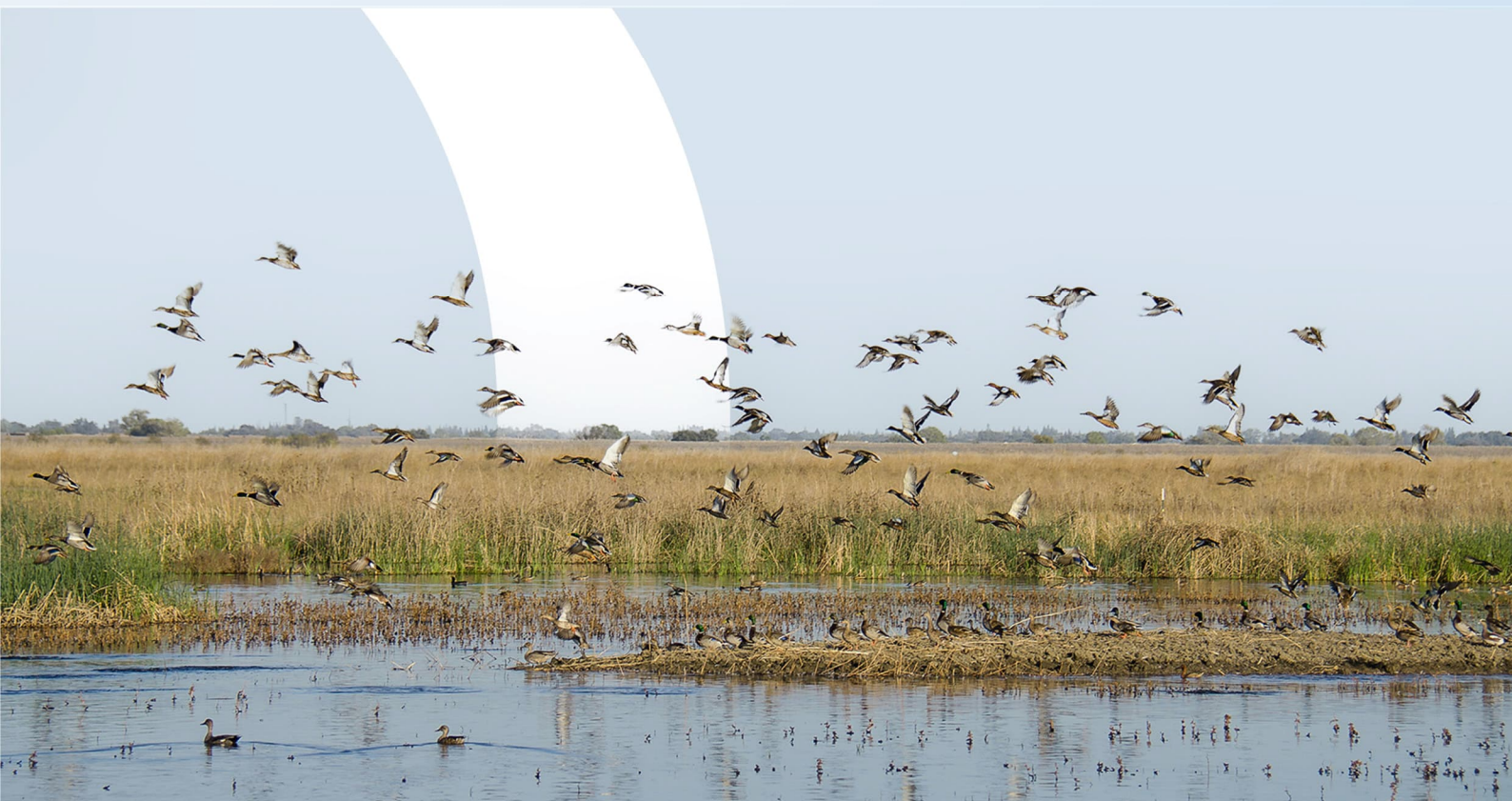


Rutland County Council

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# LOCAL PLAN 2021 – 2041 HABITATS REGULATIONS ASSESSMENT

Preferred Options (Regulation 18) Consultation –  
HRA Review





Rutland County Council

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# LOCAL PLAN 2021 - 2041 HABITATS REGULATIONS ASSESSMENT

Preferred Options (Regulation 18) Consultation – HRA  
Review HRA Review

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### APPENDIX A

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### APPENDIX B

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# 1. INTRODUCTION

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## 1.1. THE RUTLAND COUNTY COUNCIL (RCC) LOCAL PLAN

- 1.1.1. The current Rutland County Council (RCC) Local Plan sets out the planning policies for Rutland to 2026. It comprises three documents, the Core Strategy Development Plan Document (DPD) 2011; the Site Allocations and Policies DPD 2014; and the Minerals Core Strategy and Development Control Policies DPD 2010.
- 1.1.2. RCC is currently reviewing the Local Plan to cover the planning period to 2041, and to combine the three existing DPDs into a single Local Plan. The plan will provide for any additional new housing, employment or other development that may be needed over the extended plan period.
- 1.1.3. RCC is completing the plan preparation process on the following broad timeline:
- Issues and Options (Reg. 18) Consultation (May 2022);
  - Preferred Options Local Plan (Reg. 18) Consultation (November 2023 – January 2024);
  - Submission Draft Local Plan (Reg. 19) Consultation (autumn 2024);
  - Submission to the Secretary of State for independent examination (January 2025)
- 1.1.4. Work had previously been undertaken to prepare a new Local Plan covering 2018-2036. However, in accordance with Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, the Rutland Local Plan 2018-2026 was withdrawn in 2020.

## 1.2. HABITATS REGULATION ASSESSMENT

- 1.2.1. Regulations 105 and 107 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations')<sup>1</sup> transpose the provisions of Articles 6(3) and 6(4) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') as they relate to land-use plans in England and Wales. Regulation 105 states that if a land-use plan is “(a) *is likely to have a significant effect on a European site<sup>2</sup> or a European offshore*

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<sup>1</sup> The 2017 Regulations have been amended by the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019* to reflect the UK's exit from the EU, although these largely carried forward the provisions and terminology of the 2017 Regulations and do not fundamentally alter their interpretation. This report therefore primarily refers to the 2017 Regulations and (where appropriate for clarity) the relevant provisions of the Habitats Directive.

<sup>2</sup> As noted, the 2019 amendment to the Habitats Regulations largely carried forward the provisions and terminology of the 2017 Regulations, and so the term 'European site' is currently retained and for all practical purposes the definition is essentially unchanged. European sites are therefore: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agreed the site as a 'Site of Community Importance' (SCI) (if this was before 31 Jan 2020); any classified Special Protection Area (SPA); and any candidate SAC (cSAC). However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new

*marine site*<sup>3</sup> (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site” then the plan-making authority must “...make an appropriate assessment of the implications for the site in view of that site’s conservation objectives” before the plan is given effect.

- 1.2.2. The plan can only be given effect if it can be concluded (following an ‘appropriate assessment’) that the plan “...will not adversely affect the integrity” of a site, unless the provisions of Regulation 107 are met.
- 1.2.3. The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA)<sup>4</sup>. An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a plan’s implementation (either on its own or ‘in combination’ with other plans or projects)<sup>5</sup> and, if so, whether there will be any ‘adverse effects on site integrity’<sup>6</sup>. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.

### 1.3. THIS REPORT

- 1.3.1. Regulation 105 essentially provides a test that the final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development, with the emerging policies or options reviewed during development to ensure that potentially adverse effects on European sites can be identified at an early stage, and avoided or mitigated through the plan development process. This is undertaken in consultation with Natural England (NE) and other appropriate consultees.
- 1.3.2. WSP (formerly Wood Environment and Infrastructure UK Ltd) is supporting RCC with its HRA of the Local Plan. RCC consulted on the Local Plan ‘Issues and Options’ between June and September

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wild birds directive’) are applied; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (NPPF para. 181) when considering development proposals that may affect them. “European site” is therefore used in this document in its broadest sense, as an umbrella term for all of the above designated sites. Note, it is likely that this term will be supplanted at some point in the future although an appropriate UK-wide alternative has not yet been established (e.g. the NPPF in England has adopted the term ‘Habitats sites’ to refer collectively to those sites defined by Regulation 8, whereas the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019* uses the term ‘National Site Network’).

<sup>3</sup> ‘European offshore marine sites’ are defined by Regulation 18 of *The Conservation of Offshore Marine Habitats and Species Regulations 2017* (as amended); these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

<sup>4</sup> The term ‘Appropriate Assessment’ has been historically used to describe the process of assessment; however, the process is more accurately termed ‘Habitats Regulations Assessment’ (HRA), with the term ‘Appropriate Assessment’ limited to the specific stage within the process.

<sup>5</sup> Also referred to as the ‘test of significance’.

<sup>6</sup> Also referred to as the ‘integrity test’.

2022; this was accompanied by an HRA baseline report (“*Habitats Regulations Assessment – Review of Baseline and Key Issues*” report<sup>7</sup>) that provided

- an outline of the proposed approach and scope of the Local Plan HRA;
- a summary of the environmental and European site baseline and any known data gaps or environmental aspects subject to future studies; and
- informal guidance for RCC on any HRA-related issues or risks that may be relevant to the Options selection process, and/or which may need to be considered when developing the Local Plan.

1.3.3. WSP has subsequently undertaken ‘critical friend’ reviews of potential allocation sites<sup>8</sup> and the emerging Local Plan policies, prior to the publication of the Preferred Options (Regulation 18) plan.

1.3.4. This report accompanies the Preferred Options (Regulation 18) plan that is being published for consultation between 13 November 2023 and 8 January 2024. As with the *Review of Baseline and Key Issues* report **it does not constitute a formal ‘HRA screening’ or Appropriate Assessment** as the plan is still in development and so any screening or appropriate assessment conclusions would be premature; however, the principles of HRA are applied to Preferred Options to (a) provide an initial assessment of the likely HRA conclusions, were the plan adopted as currently drafted and (b) identify additional data requirements and/or additional measures that may be required to ensure that the Submission Draft Plan (Regulation 19) has no adverse effects on any European sites.

1.3.5. This report therefore adopts the broad layout and anticipated content of the final (Submission Draft) HRA report and so replicates some data and content from the *Review of Baseline and Key Issues* report (with these data reviewed and updated as required). The report includes the following aspects:

- Details of the approach to the HRA of the Local Plan (Section 2).
- A summary of the baseline condition of the European sites and features that are potentially vulnerable (i.e. both exposed and sensitive) to the likely effects of the Local Plan, and the impact pathways (Section 3).
- A summary of the initial screening assessments undertaken as part of the HRA of the emerging policies and proposals of the Local Plan, identifying those European sites and features that will not be affected by plan proposals, and those plan aspects (policies or allocations) which will not significantly affect any European sites (Section 4).

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<sup>7</sup> Wood (2022) *Local Plan Issues and Options Consultation: Habitats Regulations Assessment – Review of Baseline and Key Issues*. Report for Rutland County Council. Available at: <https://www.rutland.gov.uk/sites/default/files/2022-12/Habitat%20Regulation%20Assessment%20%28HRA%29%20Scoping%20Report.pdf>

<sup>8</sup> Note, the review of the potential allocation sites did not determine whether sites should or should not be allocated, but rather identified potential HRA-related risks and the measures (e.g. policy controls or additional data collection) that may be required to ensure that these risks are avoided.



- Appropriate assessments for those European sites and features that are vulnerable to aspects of the Local Plan, taking account of avoidance or mitigation measures included in the Preferred Options (Reg. 18) plan (Section 5).
- Identification of additional data requirements and/or additional measures that may be required to ensure that the Submission Draft (Reg. 19) plan (Section 5).
- An indication of the anticipated conclusion for the HRA of the Local Plan, assuming a submission consistent with the Preferred Options (Reg. 18) plan (Section 6).

## 2. APPROACH TO HRA OF THE LOCAL PLAN

### 2.1. OVERVIEW

- 2.1.1. European Commission guidance<sup>9</sup> and established case-practice suggests a four-stage process for addressing Articles 6(3) and 6(4), and hence Regulations 105 and 107 (see Box 1), although not all stages will necessarily be required:

#### Box 1 – Stages of HRA

##### Stage 1 – Screening or ‘Test of significance’

This stage identifies the likely effects of a project or plan on a European site, either alone or ‘in combination’ with other projects or plans, and considers whether these effects are likely to be significant. The ‘screening’ test or ‘test of significance’ is a low bar, intended as a trigger rather than a threshold test: a plan should be considered ‘likely’ to have an effect if the competent authority is unable (on the basis of objective information) to exclude the possibility that the plan or project could have significant effects on any European site, either alone or in combination with other plans or projects; an effect will be ‘significant’ simply if it could undermine the site’s conservation objectives. Note that mitigation measures should not be taken into account at the ‘screening’ stage, in accordance with the People over Wind (Court of Justice of the European Union (ECJ) Case C-323/17); this reinforces the idea of screening as a ‘low bar’ and makes ‘appropriate assessments’ more common.

##### Stage 2 – Appropriate Assessment (including the ‘Integrity test’)

An ‘appropriate assessment’ (if required) involves a closer examination of the plan or project where the effects on relevant European sites are significant or uncertain, to determine whether any sites will be subject to ‘adverse effects on integrity’ if the plan or project is given effect. The scope of any ‘appropriate assessment’ stage is not set, and the assessments will not be extremely detailed in every case (particularly if mitigation is clearly available, achievable, and likely to be effective). The assessments must be ‘appropriate’ to the effects and proposal being considered, and sufficient to ensure that there is no reasonable doubt that adverse effects on site integrity will not occur (or sufficient for those effects to be appropriately quantified should Stages 3 and 4 be required).

##### Stage 3 – Assessment of Alternative Solutions

Where adverse effects remain after the inclusion of mitigation, Stage 3 examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European sites. A plan or project that has adverse effects on the integrity of a European site cannot be permitted if alternative solutions are available, except for imperative reasons of overriding public interest (IROPI; see Stage 4).

##### Stage 4 – Assessment Where No Alternative Solutions Exist and Where Adverse Impacts Remain

This stage assesses compensatory measures where it is deemed that there are no alternatives that have no or lesser adverse effects on European sites, and the project or plan should proceed for imperative reasons of overriding public interest (IROPI). The EC guidance does not deal with the assessment of IROPI, although the IROPI need to be sufficient to override the adverse effects on European site integrity, taking into account the compensatory measures that can be secured (which must ensure the overall coherence of the ‘national site network’).

<sup>9</sup> *Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (EC 2002).

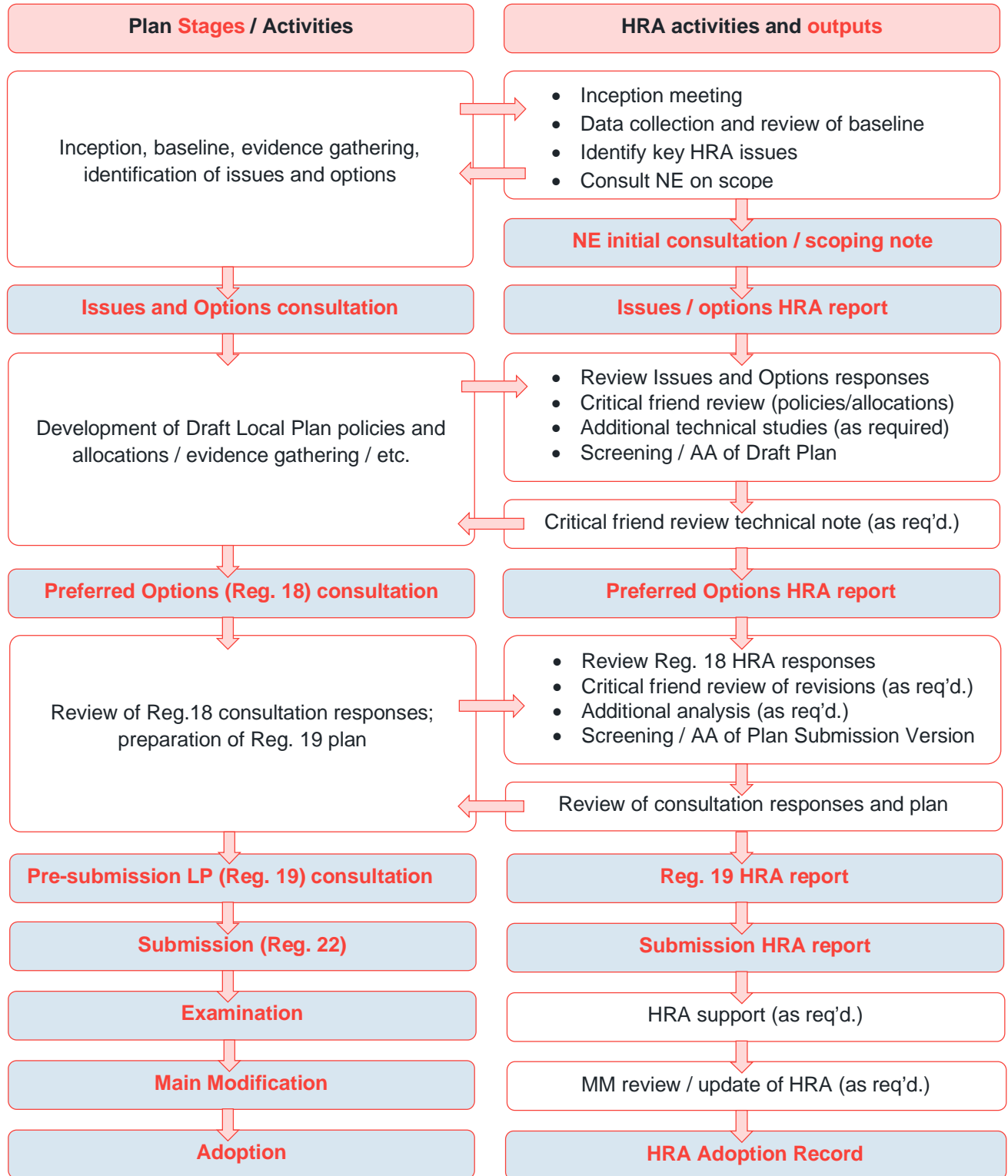
- 2.1.2. HRAs of local planning documents rarely proceed beyond Stage 2, as alternatives to policies or allocations that adversely affect the integrity of a European site<sup>10</sup> are almost always available.
- 2.1.3. The stages in Box 1 (if required) are used to ensure compliance with the Habitats Regulations and so principally reflect the stepwise legislative tests applied to the final, submitted project or plan; there is no statutory requirement for HRA (or its specific stages) to be completed for draft plans or similar developmental stages. Attempting to rigidly apply these steps to the emerging or interim stages of strategic plans is not always appropriate, and often reduces the clarity and usefulness of the HRA as a plan-shaping process for both plan-makers and consultees.
- 2.1.4. Consequently there is inherent flexibility for the HRA process to be run in a manner that provides maximum benefit for plan-development and sound decision-making, whilst still ultimately meeting the legislative tests.
- 2.1.5. The HRA of the RCC plan therefore employs an iterative and consultative approach to HRA, with outputs tailored to each stage of the plan development and consultation process, and the requirements of the key stakeholders, rather than trying to force the guideline HRA stages on to the emerging plan. The HRA therefore contributes to the plan evidence-base, so assisting with the development of sustainable policies from the beginning of the plan-making process rather than being a purely retrospective ‘test’ applied towards the end.
- 2.1.6. Figure 2.1 below provides an overview of our preferred approach to the HRA of Local Plans, identifying the relationships between the HRA process / key outputs and the plan development / consultation points (Reg. 18 etc.). Note, this is indicative and additional outputs may be appropriate to support RCC as the plan evolves.
- 2.1.7. In summary, the early stages of the process are relatively iterative and do not look like a ‘formal’ HRA – so, for example, the Issues and Options HRA report did not attempt to ‘screen’ the Issues and Options (partly as these will be too broad for any such assessment to be meaningful, although guidance would be provided to RCC if any options would clearly risk unavoidable adverse effects if pursued), but rather set out the local baseline and intended HRA scope, discuss potential data gaps, and identify the key HRA-related issues for the Local Plan to address in its development.
- 2.1.8. The HRA reporting aligns more closely with the guideline stages as the Local Plan develops, with the Preferred Options being accompanied by a ‘Draft Local Plan HRA’ report (this report) that includes a detailed ‘screening’ and ‘appropriate assessment’ of the Preferred Options Draft Plan,

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<sup>10</sup> Note, the UK European sites are no longer legally part of the ‘Natura 2000’ network of protected sites, with this being replaced in the UK by the ‘national site network’ which comprises all existing SACs and SPAs and any new SACs and SPAs designated under the 2019 Regulations (Ramsar sites do not form part of the network). This also has relevance if compensation measures are required for an adverse effect, as the relevant metric is the overall coherence of the ‘national site network’. The 2019 Regulations establish management objectives for the ‘national site network’ which contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

setting out the HRA-related evidence and the anticipated conclusion (if the plan were to be adopted as drafted, recognising that the HRA can only be completed for the final, adopted plan). This report would then be updated for subsequent consultation stages to reflect consultation responses and plan amendments.

**Figure 2-1 - Indicative HRA process for Local Plans**



## 2.2. GUIDANCE

2.2.1. The following guidance has been used during the review and assessment of the Publication Local Plan:

- UK Government (2019). *Appropriate assessment: Guidance on the use of Habitats Regulations Assessment* [online]. Available at: <https://www.gov.uk/guidance/appropriate-assessment> [Accessed October 2023].
- Tyldesley, D. & Chapman, C. (2023). *The Habitats Regulations Assessment Handbook* [online]. DTA Publications Limited. Available at: <https://www.dtapublications.co.uk/handbook/>. [Accessed October 2023].
- EC (2018). *Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. Commission Notice C(2018) 7621 final, Brussels, 21.11.2018.
- Natural England (2020). *Guidance on how to use Natural England's Conservation Advice Packages in Environmental Assessments*. Natural England, Peterborough.
- European Commission (2018). *Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. European Union, 1-86.
- Defra (2012). *The Habitats and Wild Birds Directives in England and its seas: Core guidance for developers, regulators & land/marine managers* [online]. Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82706/habitats-simplify-guide-draft-20121211.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf). [Accessed October 2023].
- PINS Note 05/2018: *Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta*. [withdrawn].
- SNH (2019). SNH Guidance Note: *The handling of mitigation in Habitats Regulations Appraisal – the People Over Wind CJEU judgement* [online]. Scottish Natural Heritage. Available at: <https://www.nature.scot/sites/default/files/2019-08/Guidance%20Note%20-%20The%20handling%20of%20mitigation%20in%20Habitats%20Regulations%20Appraisal%20-%20the%20People%20Over%20Wind%20CJEU%20judgement.pdf>. [Accessed October 2023].

2.2.2. Additional topic-specific guidance (for example, in relation to the assessment of air quality effects) is identified within the relevant assessment sections.

## 2.3. CONSULTATION AND PLAN EVOLUTION

2.3.1. The HRA process is completed alongside the development of the Plan, and the HRA reports issued at each stage of the plan development reflect the assessment and process at that point in time.

2.3.2. The consultations to date are as follows:

- initial consultation on the intended approach to HRA, undertaken alongside the SEA Scoping Report consultation (21 March – 25 April 2022);
- the 'Issues and Options' Reg. 18 consultation HRA document (30 June 2022 – 30 September 2022); and
- the 'Preferred Options' Reg. 18 consultation HRA document (this report).



- 2.3.3. Appropriate HRA reports will be produced to accompany the future plan consultation stages; additional consultations on specific technical aspects are undertaken and documented as required.

## 2.4. STUDY AREA

- 2.4.1. The zone of influence of a Local Plan varies according to the aspect being considered (for example, noise effects would rarely extend more than a few hundred metres from the source), and so it is not usually appropriate to employ 'arbitrary' spatial buffers to determine those European sites that should be considered within an HRA.
- 2.4.2. However, as distance is a strong determinant of the scale and likelihood of most effects, the considered use of a suitably precautionary search area as a starting point for the assessment (based on an understanding of both the likely plan outcomes and European site interest features) has some important advantages. Using buffers allows the systematic identification of European sites using GIS, so minimising the risk of sites or features being overlooked, and ensures that sites for which there are no reasonable impact pathways can be quickly and transparently excluded from any further screening or assessment. It also has the significant advantage of providing a consistent point of reference for consultees following the assessment process, allowing the screening to focus on the potential effects, rather than on explaining why certain sites may or may not have been considered in relation to a particular aspect of the plan.
- 2.4.3. Most Local Plan HRAs adopt a 15km buffer for the identification of European sites that may be exposed to significant effects, with sites beyond this distance considered as required. The HRA of the RCC plan therefore considers:
- all European sites within 15km of the Council's administrative area (see Table 3.2);
  - any additional sites that may be hydrologically linked to the Local Plan's zone of influence; and
  - any additional sites identified by Natural England following the SA Scoping Consultation (particularly in relation to air or water quality, see below).
- 2.4.4. This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. **Note, at the screening stage the assessment essentially assumes that there will be 'no effect' (and hence no possibility of 'in combination' effects) on European sites not included within the scope.**

## 2.5. DATA COLLECTION

- 2.5.1. The screening and appropriate assessment stages take account of the baseline condition of the European sites and their interest features<sup>11</sup>, including (where reported) data on
- the site boundaries and the boundaries of the component SSSIs;
  - the conservation objectives;

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<sup>11</sup> The interest features are taken to be the qualifying features; and other site features that may be relevant to site integrity, particularly 'typical species' (for SACs) and within-site supporting habitats for SPAs.

- information on the attributes of the European sites that contribute to and define their integrity;
- the condition, vulnerabilities and sensitivities of the sites and their interest features, including known pressures and threats;
- the approximate locations of the interest features within each site (if reported); and
- designated or non-designated 'functional habitats' (if identified).

2.5.2. These data are derived from:

- the most recent JNCC-hosted GIS datasets;
- the Standard Data forms for SACs and SPAs and Information Sheets for Ramsar sites;
- Article 12 and 17 reporting;
- the published site Conservation Objectives;
- Supplementary Advice to the conservation objectives (SACO) where available<sup>12</sup>;
- Site Improvement Plans (SIPs);
- Core Management Plans (Wales); and
- the supporting Site of Special Scientific Interest's favourable condition tables where relevant and where no SACOs applicable to the features are available.

2.5.3. Note:

- For SPAs, the qualifying features are taken as those identified on the most recent JNCC datasets and citations where these post-date the 2nd SPA Review (i.e. it will be assumed that any amendments suggested by the SPA review have been made) unless otherwise identified to us by NE; any site-specific issues relating to the SPA Review can be addressed in the screening and appropriate assessment of the preferred options (see below).
- The conservation objectives for Ramsar sites are taken to be the same as for the corresponding SACs / SPAs (where sites overlap); SSSI Definition of Favourable Condition (FCTs) are used for those features not covered by SAC/SPA designations.

2.5.4. Where possible the site data is used to identify other features that may be relevant to site integrity, particularly '**typical species**' (for SACs), within-site **supporting habitats**, and designated or non-designated '**functional habitats**'.

2.5.5. A '**typical species**' is broadly described by EC guidance as being any species (or community of species) which is particularly characteristic of, confined to, and/or dependent upon the qualifying Annex I habitat feature at a particular site. This may include those species which:

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<sup>12</sup> NE has published 'Supplementary advice on conserving and restoring site features' for most European sites in England which describe in more detail the range of ecological attributes which are most likely to contribute to a site's overall integrity, and the targets each qualifying feature needs to achieve in order for the site's conservation objectives to be met.

- are critical to the composition or structure of an Annex I habitat (e.g. constant species identified by the National Vegetation Classification (NVC) community classification);
- exert a critical positive influence on the Annex I habitat's structure or function (e.g. a bioturbator (mixer of soil/sediment), grazer, surface borer or predator);
- are consistently associated with, and dependent upon, the Annex I habitat feature for specific ecological needs (e.g. feeding, sheltering), completion of life-cycle stages (e.g. egg-laying) and/or during certain seasons/times; or
- are particularly distinctive or representative of the Annex I habitat feature at a particular site.

2.5.6. Within-site **supporting habitats** are those which support the population(s) of the qualifying species and which are therefore critical to the integrity of the feature.

2.5.7. '**Functional habitats**' are generally taken to be habitats or features outside a European site boundary that are important or critical to the functional integrity of the site habitats and / or its interest features. These might include, for example:

- 'buffer' areas around a site (e.g. dense scrub areas preventing public access; areas of land that reduce the effects of agricultural run-off; etc.);
- specific features or habitats relied on by mobile species during their lifecycle (e.g. high-tide roosts for waders; significant maternity colonies for bats known to hibernate within an SAC; areas that are critical for foraging or migration; etc).

## 2.6. REVIEWING THE EMERGING PLAN

2.6.1. The principles<sup>13</sup> of 'screening' are applied to the emerging plan and its components (i.e. the policies and allocations) as part of an iterative review process, to ensure that:

- any necessary technical assessments focus on those plan aspects that are likely to result in significant effects on European sites; and
- that the policies of the adopted plan are drafted to provide appropriate overarching safeguards that help (alongside any subsequently identified mitigation) to ensure that the adopted plan will have no significant effects or no significant adverse effects.

2.6.2. The outcomes of the HRA reviews are reported as appropriate at each consultation stage; this reporting may outline anticipated conclusions in relation to specific plan aspects. The outcomes of these reviews are re-visited throughout plan evolution to ensure that they remain robust, and that the overall performance of the plan in relation to the safeguarding of European sites meets expectations.

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<sup>13</sup> i.e. exploring whether significant effects on European sites are possible; note, from a strict procedural perspective the tests in Regulation 105 (including the 'test of significance') can only be formally applied to the plan intended for adoption and not to its various phases or iterations; therefore the term 'screening' is used advisedly when applied to assessments completed at earlier stages of the plan development.

2.6.3. The reviews are intended to be a coarse filter for identifying potential effect pathways that cannot be self-evidently discounted, and hence those aspects where further investigation ('appropriate assessment') is required to determine the scale or nature of any effects and / or any bespoke mitigation that is necessary, rather than detailed assessments in their own right.

## 2.7. SCREENING / ASSESSMENT OF THE DRAFT PLANS

- 2.7.1. The Preferred Options (Reg. 18) and Submission (Reg. 19) draft plans are accompanied by HRA documents that include a 'screening' and 'appropriate assessment', setting out the HRA-related evidence and the anticipated conclusion (if the plan were to be adopted as drafted, recognising that the HRA can only be completed for the final, adopted plan).
- 2.7.2. The 'screening' in these HRAs identifies the following aspects and excludes them from the scope of the appropriate assessment:
- those European sites that are **not** vulnerable (i.e. both exposed and sensitive) to the outcomes of the plan); and
  - the policies and allocations that cannot have significant effects, alone or in combination, or which cannot be assessed at the plan level (e.g. policies that support development or other changes but which are too general to allow any specific assessments of effects (i.e. the locations, scale, quantum etc. are not specified below the geographical level of the plan, assuming that the type of development proposed is not such that significant effects would be unavoidable regardless of these aspects).
- 2.7.3. **The 'screening' does not take into account 'mitigation', in accordance with 'People over Wind' (see below).**
- 2.7.4. The '**appropriate assessment**' determines whether any aspect of the plan will have 'adverse effects on integrity' for any European sites, taking into account the sites' conservation objectives and conservation status. Site integrity (in HRA terms) is "*the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated*" (EC Guidance 'Managing Natura 2000' (2018)).
- 2.7.5. Where a site or interest feature has a 'favourable' conservation status then a 'no adverse effects on integrity' conclusion can be reached provided that this status will not be undermined by the plan or project at hand; if the conservation status is 'unfavourable' then the plan or project must not reduce the conservation status further or create conditions that would make it more difficult for the site or feature to reach 'favourable' conservation status. It should be noted that this is not simply a test of whether there are negative effects; an effect may be negative but not undermine the site's conservation objectives. The integrity test incorporates the precautionary principle, whereby plans

or projects should not be approved unless there is no reasonable scientific doubt that adverse effects on site integrity will not occur<sup>14</sup>.

- 2.7.6. Appropriate assessments are therefore used to provide a more detailed examination of those plan aspects where significant effects are likely, or (commonly) where there is a residual uncertainty which the assessment is intended to resolve or a mitigation measure requires examination. The 'appropriate assessment' stage may therefore conclude that the proposals are likely to have an adverse effect on the integrity of a site (in which case they should be abandoned or modified); or that the effects will be 'significant' but not adverse (i.e. an effect pathway exists, but those effects will not undermine site integrity, perhaps due to mitigation proposed for inclusion within the plan); or that the effects would, if screening were re-visited, be 'not significant' (i.e. the anticipated effect is subsequently shown to be nugatory or *de minimis*<sup>15</sup>).
- 2.7.7. The approaches used for appropriate assessments vary according to the sites affected and the effect-pathways.
- 2.7.8. Consideration of '**in combination**' effects is not a separate assessment but is integral to both the screening and appropriate assessment stages (although it should be noted that effects that are nil or nugatory and indistinguishable from background variations cannot operate 'in combination' and so can be excluded at the screening stage).
- 2.7.9. There is limited guidance available on the scope of the 'in combination' element, particularly with regard to which plans should be considered. However, the assessment should not be limited to plans at the same level in the planning hierarchy and there is consequently a wide range of plans that could have potential 'in combination' effects with the Local Plan.
- 2.7.10. The plans identified by the SA will provide the basis for the assessment of 'in combination' effects; these plans are reviewed to identify any potential effects and then considered (as necessary) within the screening and appropriate assessment stages. The assessment does not generally include national strategies, national policy or legislation since the Local Plan must be compliant with these. It is considered that 'in combination' effects are most likely in respect of other regional and sub-regional development plans and strategies.

## 2.8. NOTES ON MITIGATION AND AVOIDANCE

- 2.8.1. The development of avoidance or mitigation measures is important to the HRA and plan development process. 'Avoidance measures' are those that are implemented during the iterative plan development process (for example, abandoning a policy or allocation that is likely to have

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<sup>14</sup> It should be noted that 'no reasonable scientific doubt' does not mean 'absolute certainty' (which is rarely achievable in any case, particularly at the plan level where detail on specific future developments is often unavailable); sufficient certainty may be achieved through the use of suitably conservative assumptions (e.g. in modelling) or evidence from best-practice elsewhere, taking into account any advice from the relevant statutory bodies. The plan-making authority can then put in place a legally enforceable framework that provides certainty by ensuring that the potential adverse effects identified using the best-available information will not be realised.

<sup>15</sup> In the absence of avoidance or mitigation measures, as per 'People over Wind'.

unavoidable adverse effects if implemented)<sup>16</sup>; mitigation measures are used where significant effects are identified in order to prevent adverse effects on a site's integrity<sup>17</sup>.

- 2.8.2. Avoidance or mitigation measures should aim to reduce the probability or magnitude of impacts on a European site until 'no likely significant effects' or 'no adverse effects on integrity' are anticipated, and they will generally involve the development and adoption of (for example) wording changes to policies, or additional safeguarding policies. Measures must be specific and targeted, and likely to work; it is not appropriate to re-state existing legislation or policy, for example by adding "*and must have no significant effect on any European site*" (or similar) to every policy. The avoidance or mitigation measures should also reflect the limited influence that the Council can exert on non-planning issues and should not generally exceed requirements set by national planning policy or guidance.
- 2.8.3. The 'People Over Wind' judgment creates some issues for the application of avoidance and mitigation measures in the HRA process, stating that "*...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site*"; as noted, this contrasts with established practice in this area (based on the 'Dilly Lane' judgment)
- 2.8.4. There is limited guidance on the practical implementation of the 'People over Wind' judgment , particularly for plan-level HRAs where the assessment process is usually concurrent with plan development and where measures are invariably incorporated into the plan before the formal 'screening' of the final version takes place. Indeed, many 'recommendations' derived from an iterative policy review process might be interpreted as 'avoidance' or 'mitigation' measures if viewed solely in terms of their implications for European sites, making it difficult to distinguish between basic good policy practice and 'mitigation'.
- 2.8.5. For example, generic policies promoting the use of Sustainable Drainage Systems (SuDS); or safeguarding designated sites (including European sites); or requiring that developers ensure utility provision in advance of occupation, are fairly standard inclusions in virtually all land-use plans but will all act to moderate potential environmental changes that could affect European sites. However, it would clearly be illogical to attempt to screen a hypothetical version of the plan that did not include such policies, particularly if these are included independently of the HRA results.
- 2.8.6. The broader context of the 'People over Wind' case suggests that the judgment is principally focusing on those instances where specific measures are included or relied on to avoid or mitigate a specific effect that has been identified, and which would otherwise be significant; the judgment argues that the effectiveness of any such measures should be examined through an appropriate

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<sup>16</sup> Note, the term 'avoidance measures' in this context is not synonymous with the representation of 'mitigation' used in the People over Wind judgment.

<sup>17</sup> Although it should be noted that not all 'likely significant effects' will require mitigation measures: the effect may be considered to be likely to be significant (i.e. has the potential to undermine the conservation objectives) but may be shown on further examination to be too limited to have any risk of adversely affecting site integrity.

assessment stage. It is therefore arguable that an exhaustive examination of a plan's genesis to see if any aspects might count as 'mitigation' for screening purposes is not necessary, or (arguably) consistent with the intent of the Habitats Directive or the 'People over Wind' judgment.

- 2.8.7. Therefore, the screening **does not** take account of specific measures that are included in response to a specific identified effect on a European site, and which are intended to avoid or reduce that effect. However, generic policy safeguards that would be included regardless of the presence of European sites are essentially just 'the plan' and are not considered to be 'mitigation' unless there is a specific effect or pathway that they are intended or relied on to obviate. Aspects requiring specific investigations to understand the problem (and hence the mitigation requirements), or which rely on established mitigation to avoid an effect, are subject to AA.

## 2.9. UNCERTAINTY AND 'DOWN THE LINE' ASSESSMENT

- 2.9.1. For most policies, even at the strategic level, it will be clear if adverse effects are likely at an early stage, and in these instances the policy should not be included within the plan since plans should not include proposals which would be likely to fail the Habitats Regulations tests at the project application stage. For other options, however, the effects may be uncertain and it is therefore important that this uncertainty is addressed either through additional investigation or (if this is not possible) appropriate mitigation measures that provide certainty that the predicted effect will not occur or will not adversely affect site integrity.
- 2.9.2. It is usually possible to incorporate caveats or measures within policy text that are sufficient to ensure that adverse effects will not occur. However, for other policies this may not be possible because there is insufficient available information about the nature of the development that is being proposed through the policy to enable a robust conclusion to be reached. In these instances, it may be appropriate and acceptable for assessment to be undertaken 'down-the-line' at a lower tier in the planning hierarchy. For this to be acceptable, the following conditions must be met:
- the higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas;
  - the lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and
  - HRA of the plan at the lower tier is required as a matter of law or Government policy.
- 2.9.3. This approach is applied as appropriate to the screening and appropriate assessment stages.

### 3. BASELINE SUMMARY AND IMPACT PATHWAYS

#### 3.1. EFFECT PATHWAYS AND KEY REGIONAL PRESSURES

- 3.1.1. The provisions of the Habitats Regulations ensure that ‘direct’ (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the RCC Local Plan. Indeed, local plans will generally assist the safeguarding of European sites through their protective policies. However, there will be a number of areas where the direction, controls or influence provided by a plan can result in outcomes that can affect European site interest features.
- 3.1.2. Most potential effect pathways are associated with broad ‘quantum of development’ or population growth aspects, and whilst a local plan is not necessarily the main driver of these effects, they do have a key role in managing them locally through the site allocation process. In this context, the main aspects through which the Local Plan could affect European sites in the study area are:
- through individual allocations or supported developments that are ‘directed’ to a specific location or area; or
  - through ‘in combination’ effects resulting from the cumulative impacts of development associated with the Local Plan and with the plans and programmes of external authorities (such as neighbouring LPAs).
- 3.1.3. These aspects could affect European sites on their own, through typical development-related mechanisms operating at the local scale in relation to specific allocations (e.g. noise, lighting, etc.; see **Table 3.1**); or collectively by exacerbating regional pressures (e.g. pressures on water supply).

**Table 3-1 - Typical effect pathways and environmental changes associated with terrestrial development**

Pressure / Threat	Common environmental changes
Hydrological changes	Temperature changes Salinity changes Water flow changes Flood regime changes
Pollution and other chemical changes	Non-synthetic and synthetic compound contamination Radionuclide contamination Introduction of other substances (solid, liquid or gas) De-oxygenation Nutrient enrichment Organic enrichment
Physical loss	Physical loss of habitat Physical change to another habitat
Physical damage	Habitat structure changes Changes in suspended solids Siltation rate changes



Pressure / Threat	Common environmental changes
Other physical pressures	Litter Electromagnetic changes Noise changes Introduction of light Barrier to species movement Death or injury by collision
Biological pressures	Visual disturbance Genetic modification and translocation of indigenous species Introduction or spread of non-indigenous species Introduction of microbial pathogens Exploitation / harvesting of species Removal of non-target species during exploitation / harvesting

- 3.1.4. Significant effects or significant adverse effects as a result of individual allocations ‘alone’ are typically unlikely to be avoidable as most environmental changes have a limited ‘zone of influence’ (for example, noise effects on species will rarely be significant over 500m from the source based on natural rates of attenuation alone). However, the Local Plan HRA must also consider the potential for development supported by the plan to operate ‘in combination’ both internally (e.g. between allocations) or with external plans and programmes (e.g. cumulative housing growth regionally). ‘In combination’ changes are often of an inherently larger scale or operate over larger areas.
- 3.1.5. There is obviously a wide range of potential mechanisms and pathways for ‘in combination’ effects depending on the European sites and features. However, there are a few key mechanisms by which local plans (etc.) can operate cumulatively to affect European sites; these are noted below, and provide the broad framework for assessing potential ‘in combination’ effects associated with the Local Plan:
- **Recreational pressure:** Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. Local plans can influence recreational pressure through their allocations and associated controls.
  - **Urbanisation:** Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. This would include varied aspects such as fly-tipping or vandalism, predation by cats, or the dispersal of invasive species, although the effects of these aspects depend on proximity, accessibility and the interest features of the sites. This is generally only realised where allocations are close to a designated site.
  - **Atmospheric pollution:** The most relevant air pollutants to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO<sub>2</sub>, typically from combustion of coal and heavy fuel oils), nitrogen oxides (NO<sub>x</sub>, mainly from vehicles) and ammonia (NH<sub>3</sub>, typically from agriculture). These pollutants affect habitats and species mainly through acidification and eutrophication. Local Plans will generally have few specific point-sources for air emissions and such emissions would typically be controlled through project-level permissions; the main issue for

local plans is the assessment of ‘in combination’ effects due to air quality changes that might be associated with the quantum of development growth proposed / supported by a Local Plan, particularly in relation to traffic and N-deposition.

- **Water resources and flow regulation:** The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by local plans; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is therefore managed through specific consenting regimes that are independent of local plans. Increased housing growth (which is likely to be supported by a local plan) increases demand on public water supply abstractions, some of which are associated with European sites; however, the consenting regimes are subject to HRA and, importantly, water companies are required to produce 25-year Water Resource Management Plans (WRMPs) that take into account predicted population growth and protected sites when considering future water resource provision. It is therefore very unlikely that development within one local planning authority area could have direct and consequential effects on a European site if growth is in line with water company predictions, particularly as most water companies operate conjunctive-use systems that do not rely on single-source provision. This aspect is most typically managed through policy.
- **Water quality:** Most waterbodies and watercourses are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates. Point sources are usually discrete discharge points, such as wastewater treatment works (WTW) outfalls, which are generally managed through specific consenting regimes that are independent of local plans. In contrast, diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by local plans is likely to increase demand on wastewater treatment works, and potentially increase run-off which could indirectly affect downstream European sites – although there will inevitably be attenuation as distance from the source increases.

3.1.6. In addition, many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site during their life-cycle. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on ‘functional habitats’ beyond the designated site boundary.

3.1.7. It should be noted that RCC is completing various reports and studies to update the environmental baseline for the Local Plan, some of which will be relevant to the HRA baseline including:

- Biodiversity (2023);
- Strategic Flood Risk Assessment (2023);
- Water Cycle Study (update of existing WCS).
- Renewable Energy Study Solar PV and Wind Turbine Potential (2023).

3.1.8. These are available at <https://www.rutland.gov.uk/planning-building-control/local-plan/new-local-plan/local-plan-evidence-base/environment-evidence>.

## 3.2. EUROPEAN SITE SUMMARIES

3.2.1. As noted, the HRA of the Local Plan will consider potential effects on:

- all European sites within 15km of the Council’s administrative area (see Table 3.2);

- any additional sites that may be hydrologically linked to the Local Plan’s zone of influence; and
- any additional sites identified by Natural England following the SA Scoping Consultation.

3.2.2. This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. This area includes the following European sites. **Note, at the screening stage the assessment would essentially assume that there will be ‘no effect’ (and hence no possibility of ‘in combination’ effects) on European sites not included within the scope.**

**Table 3-2 - European sites within 15km of RCC boundary**

Site	Location relative to the RCC boundary
Rutland Water SPA	Site central within the RCC area.
Rutland Water Ramsar	Site central within the RCC area.
Barnack Hills & Holes SAC	Former quarry south-east of Stamford, ~5.5km from the RCC boundary.
Grimsthorpe SAC	Disused quarry ~6km outside the north-west boundary of the RCC area.
Baston Fen SAC	Flooded borrowpit near Thurlby, ~7.2km east of the RCC boundary.

3.2.3. Initial consultations with Natural England have not identified any additional sites that are likely to require assessment.

3.2.4. With regard to downstream receptors, most of Rutland lies within the catchment of the River Welland (which drains to the Wash, approximately 50km downstream, and hence **The Wash SPA; The Wash Ramsar; and The Wash and North Norfolk Coast SAC**), although parts of the far north and north-western areas of the county are within the catchments of the River Wreake (and hence the Soar and ultimately the **Humber Estuary SPA and Humber Estuary Ramsar**) and the River Witham (also the Wash). These designated sites are all a substantial distance downstream, such that the only plausible mechanism for effects on the sites themselves would be via cumulative effects on water quality; however, these European sites have not been identified as sites that are in unfavourable condition due to excessive nutrients (such that ‘nutrient neutrality’<sup>18</sup> is being deployed or considered as mitigation) in recent NE advice to LPAs<sup>19</sup>, and all other potential water quality effects can be managed through the development of appropriate policies.

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<sup>18</sup> Poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for European sites being in unfavourable condition, and substantial reductions are needed to achieve favourable conservation status. ‘Nutrient neutrality’ is a mitigation approach that potentially allows new developments to be approved provided that there is no net increase in nutrient loading within the catchments of the affected European site.

<sup>19</sup> Letter from NE to LPA Chief Executives and Heads of Planning, 16 March 2022; Re. Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.

- 3.2.5. The following sections provide a summary of the European sites within 15km of the RCC area, including a contextual overview of each site; their interest features; their condition; and the current pressures and threats identified for each site<sup>20</sup>. These are based on the citations, the Site Improvement Plans (SIPs), information on the condition of the underlying SSSIs, and any supplementary advice provided by Natural England<sup>21</sup>. A summary of the conservation objectives is subsequently provided.
- 3.2.6. The extent of each site in favourable or unfavourable condition has been estimated using the Natural England condition assessments for the corresponding SSSI units, although it must be noted that the boundaries of the component SSSI units (to which the condition assessments relate) do not always match the European site boundaries exactly (i.e. the SSSIs are often larger) and it is not always possible to split SSSI units to determine the precise area of the European site (or interest feature) that is in each condition category.
- 3.2.7. The potential mechanisms by which the Local Plan could affect these sites are discussed in **Section 3.1**. There are many factors currently affecting the European sites over which the Local Plan will have no or little influence; analysis of the available European site data and the SSSI condition assessments indicates that the most common reasons for an ‘unfavourable’ condition assessment of the component SSSI units are due to inappropriate management of some form (e.g. over- or under-grazing, scrub control, water-level management etc.).

## **RUTLAND WATER SPA / RUTLAND WATER RAMSAR**

### **Overview**

- 3.2.8. Rutland Water is located centrally within the county of Rutland and was created in 1975 by damming the River Gwash to create the second largest lake by surface area in England. Following completion it rapidly became an important site for wintering waterbirds, particularly waterfowl using the lake during the moulting period, and it was submitted for designation as an SPA and Ramsar site in 1991.
- 3.2.9. The reservoir is fed primarily by abstractions from the River Nene upstream of Peterborough, and from the River Welland; catchment inflow is relatively small. It is operated by Anglian Water Services (AWS) to provide potable water to the west of its region, with Peterborough being a major recipient of the stored water.

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<sup>20</sup> The Natural England Site Improvement Plans identify ‘pressures’, which are factors that are known to be currently affecting a site, and ‘threats’ which are factors that may not be exerting a pressure at the moment but which have the potential to do so based on local site knowledge.

<sup>21</sup> NE has published ‘*Supplementary advice on conserving and restoring site features*’ for Baston Fen SAC, Rutland Water SPA/Ramsar, Grimsthorpe SAC, and Barnack Hills and Holes SAC, which describe in more detail the range of ecological attributes which are most likely to contribute to a site’s overall integrity, and the targets each qualifying feature needs to achieve in order for the site’s conservation objectives to be met.

- 3.2.10. The site is also a significant and well-used regional visitor attraction, with the dominant activities being water sports (principally sailing, canoeing and windsurfing); birdwatching; fishing; and walking and cycling along several maintained trails including a 23-mile perimeter path.
- 3.2.11. The western end of the site is a nature reserve managed by Leicestershire and Rutland Wildlife Trust and Anglian Water; this covers approximately 45% of the site and comprises the shallower sections of the reservoir at the top of the Gwash valley and a mosaic of wetlands, meadows, woodlands and lagoons where other recreational activity (principally sailing and fishing) is restricted and public access is closely managed.
- 3.2.12. The reservoir and its margins are covered by two designations: Rutland Water Ramsar, and Rutland Water SPA. The Ramsar designation covers most of the nature reserve and the areas of open water outside of this; the SPA is larger, and includes some additional areas of woodland and grassland around the site margins. Rutland Water SPA and Rutland Water Ramsar are principally designated for the reservoir's non-breeding waterbird assemblage.
- 3.2.13. In addition, recent consented changes to the water abstraction regime at Rutland Water required the provision of compensatory wetland habitats for water birds, some of which are currently outside the SPA boundary at the eastern end of the site; it is Government policy (NPPF para. 181) that areas identified, or required, as compensatory measures for adverse effects on European sites be given the same protection and so these areas are treated as part of the SPA for assessment purposes.

### Interest Features

- 3.2.14. The SPA has the following qualifying features:
- Qualifying individual species not listed in Annex I of the Wild Birds Directive (Article 4.2):
    - Gadwall *Anas strepera* (non-breeding);
    - Northern shoveler *Anas clypeata* (non-breeding).
    - Qualifying assemblage of waterbird species (Article 4.2), including:
      - Great crested grebe *Podiceps cristatus* (non-breeding);
      - Mute swan *Cygnus olor* (non-breeding);
      - Eurasian wigeon *Anas Penelope* (non-breeding);
      - Eurasian teal *Anas crecca* (non-breeding);
      - Tufted duck *Aythya fuligula* (non-breeding);
      - Common goldeneye *Bucephala clangula* (non-breeding);
      - Goosander *Mergus merganser* (non-breeding); and
      - Common coot *Fulica atra* (non-breeding).
- 3.2.15. Note, the above assemblage species are noted in the citation, although the composition of the assemblage will vary over time.
- 3.2.16. The site meets the following Ramsar criteria:
- Criterion 5 (Assemblages of international importance):
    - Species with peak counts in winter: 19274 waterfowl (5-year peak mean 1998/99-2002/2003).
  - Criterion 6 (Species/populations occurring at levels of international importance):
    - Gadwall *Anas strepera* (spring/autumn);
    - Northern shoveler *Anas clypeata* (spring/autumn).

- 3.2.17. The site's diversity of habitats is important in supporting these species. Four broad supporting habitats at the site are considered important for the SPA waterbird assemblage and its component species; these are:
- Open standing water associated with the main reservoir and other adjacent waterbodies;
  - Neutral grassland;
  - Fen, marsh and swamp associated with the open water;
  - Broadleaved, mixed and yew woodland, including wet woodland.
- 3.2.18. No specific areas of known 'functional land' are identified away from the SPA or Ramsar; the compensatory lagoons that are currently outside the SPA boundary at the eastern end of the site arguably comprise 'functional land' (i.e. not designated and important for site integrity) but these are treated as per the SPA for HRA purposes, in line with the NPPF. The qualifying features of the sites may make use of other habitats outside the site boundary, although most of the features are strongly associated with the wetland and open water habitats of the SPA / Ramsar rather than exclusively terrestrial habitats, and are primarily attracted to the site for this reason.
- 3.2.19. The SPA is most important during the passage and winter periods although the supplementary advice notes that the waterbird assemblage is present within the SPA throughout the year.

#### **Condition, Pressures and Threats**

- 3.2.20. The SSSI underpinning the SPA and Ramsar sites is currently in 'favourable' condition (based on NE's 2021 assessment), and the SIP does not identify any pressures currently affecting site integrity. The SIP identifies several threats, principally:
- water abstraction (related to the operational requirements of the reservoir);
  - water level management (principally relating to the compensatory lagoons, but linked to the operation of the reservoir for water abstraction);
  - direct impacts from 3rd parties (relates to unregulated activities occurring near the sites such as private firework displays or hot-air balloon flights);
  - invasive species (Rutland Water has been colonised by several invasive non-native species including zebra mussel);
  - water pollution (primarily from diffuse sources (agriculture), plus regulated and unregulated sewage discharges (e.g. wastewater treatment works and septic tanks respectively));
  - planning permission (principally relates to cumulative effects of windfarms and developments locally);
  - public access / disturbance (principally relates to the need to audit existing recreational activities prior to considering future proposals for recreational use of the reservoir, and ensuring management is compliant with the Habitats Regulations);
  - fishing (relates to the need for a fisheries management strategy).
- 3.2.21. The SSSI condition assessment notes that the populations of two species (pochard and goosander) are failing the site-specific targets, with population declines of a third (mallard) noted as a concern. These species will contribute to the waterbird assemblage feature (goosander is specifically noted in the citation). The reasons for this are not clear, although the NE condition assessment for the SSSI concludes that "*It is evident from the WeBS data that the declines in the peak annual counts of non-*

*breeding mallard, pochard and goosander at Rutland Water are likely to be linked with extrinsic factors associated with broad-scale shifts in species distribution rather than local pressures at a site-specific level'* and hence the site is categorised as being in favourable condition.

## **BARNACK HILLS & HOLES SAC**

### **Overview**

- 3.2.22. Barnack Hills & Holes SAC is a small (23.5 ha.) former limestone quarry that has been subject to quarrying since the Roman period. The soil is very alkaline and has a rich plant community which is characteristic of eastern England and which is now scarce in Britain, including an upright brome *Bromopsis erecta* tor-grass *Brachypodium pinnatum* type (NVC community CG5), along with a number of nationally scarce species of flora. The site is particularly notable for its orchids particularly the population of man orchid *Aceras anthropophorum* which is considered to be the largest population in the UK. It also supports a rich assemblage of other orchid species and many other species typical of limestone grassland. The underlying SSSI is also of interest for its invertebrate fauna.
- 3.2.23. The site is primarily managed through sheep grazing, which takes place annually. The SAC is classified as 'access land' under the *Countryside and Rights of Way Act 2000*, although access rights have recently been restricted under Section 26(3)(a) of the Act to address the principal access concern (dogs affecting site integrity by worrying livestock (so affecting grazing) and through other incidental effects).
- 3.2.24. This site is located approximately 5.5km from the RCC boundary in the village of Barnack.

### **Interest Features**

- 3.2.25. The SAC has the following qualifying features:
- Annex I habitats:
    - Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (\* important orchid sites)
- 3.2.26. Note, "orchid rich sites" is a priority habitat. The supplementary advice provides some guidance on the 'typical species' considered to be associated with the site; these include:
- the components of the CG5 Upright brome *Bromopsis erecta* -Tor-grass *Brachypodium pinnatum* grassland;
  - the typical orchid species including fragrant orchid *Gymnadenia conopsea*, pyramidal orchid *Anacamptis pyramidalis*, bee orchid *Ophrys apifera*; man orchid *Orchis morio*; early purple orchid *Orchis purpurea*; common spotted orchid *Dactylorhiza fuchsia*; and frog orchid *Coeloglossum viride*; and
  - nationally scarce plant species including Man Orchid *Aceras anthropophorum*, Pasque flower *Pulsatilla vulgaris*, fine-leaved sandwort *Minuartia hybrida*, rarespring sedge *Carex ericetorum* and the mosses *Tortella inflexa* and *Weissia controversa*;
  - endangered or vulnerable plant species including purple milk vetch *Astragalus danicus*, mountain everlasting *Antennaria dioica*, common dodder *Cuscuta epithimum*, night-flowering campion *Silene noctiflora*; and

- nationally rare invertebrates including chalkhill blue *Lysandra coridon*; brown argus *Aricia agestis* and marbled white *Melanargia galathea* and glow-worms *Lampyrus noctiluca*.

3.2.27. No non-designated areas of land outside the site boundary are identified as being functionally important to the maintenance of site integrity.

### Condition, Pressures and Threats

3.2.28. The SSSI underpinning the SAC is currently in 'favourable' condition; as noted, access rights have been restricted to address the principal access concern (dogs affecting site integrity by worrying livestock (so affecting grazing) and other incidental effects). The SIP identifies the following pressures and threats for the site:

- Pressures:
  - Public access / disturbance.
- Threats:
  - Changes in species distributions.
  - Air pollution: impact of atmospheric nitrogen deposition.

## GRIMSTHORPE SAC

### Site overview

- 3.2.29. Grimsthorpe SAC is a small (0.35 ha.) part of a disused stone quarry (known as 'Elsea Pit'), which is notable for its rich limestone grasslands and population of the rare Early gentian *Gentianella anglica*; there is no public access.
- 3.2.30. Other notable species include purple milk-vetch *Astragalus danicus*, clustered bellflower *Campanula glomerata*, wild marjoram *Origanum vulgare*, quaking-grass *Briza media*, autumn gentian *Gentianella amarella* and wild thyme *Thymus polytrichus*.
- 3.2.31. Grimsthorpe SAC is located approximately 6km from the RCC boundary, east of the village of Creeton.

### Interest Features

- 3.2.32. The SAC has the following qualifying features:
- Annex I habitats:
    - Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*);
  - Annex II species:
    - Early gentian *Gentianella anglica*.
- 3.2.33. The supplementary advice provides guidance on the 'typical species' considered to be associated with the site; these include Tor grass *Brachypodium pinnatum*, Erect brome *Bromopsis erecta*, clustered bellflower *Campanula glomerata*, common rock-rose *Helianthemum nummularium*, horseshoe vetch *Hippocrepis comosa*, rough hawkbit *Leontodon hispidus/L. saxatilis* and salad burnet *Sanguisorba minor*.



- 3.2.34. No areas of 'functional land' are identified in relation to this site, and the site does not support interest features (including mobile species) that will be functionally dependent on habitats outside the site boundary.

### **Condition, Pressures and Threats**

- 3.2.35. The SIP does not identify any current pressures on the site, which is in 'favourable' condition; air pollution (N-deposition) is the only identified threat, although it should be noted that the site is over 200m from the nearest roads and so this is principally in relation to broader diffuse pollution.

## **BASTON FEN SAC**

### **Site overview**

- 3.2.36. Baston Fen SAC is located approximately 7.2km from the RCC boundary, east of the village of Thurlby. The site is part of the Counter Drain, a narrow slow-flowing drainage channel approximately 2.3km long by 10m wide located adjacent to Baston Fen. The interest feature of the SAC is the Spined loach, and the drain also supports a diverse community of aquatic and emergent plants.
- 3.2.37. The SAC has an indirect hydrological relationship with the adjacent River Glen: water from the river is allowed to flood Baston Fen annually, with the water subsequently draining to the SAC. There is not thought to be substantive direct hydraulic connectivity between the SAC and the river (such that river levels directly affect water levels in the drain), and the primary water resource feed to the Counter Drain is surface water flow derived from the local catchment rather than baseflows from groundwater aquifers (Entec 2003). Water levels across Baston Fen and in the SAC are managed by the Welland and Deeping Internal Drainage Board (IDB) and the Lincolnshire Wildlife Trust (LWT).
- 3.2.38. The relationship between the SAC population of Spined loach and the River Glen is not certain. The species is present within the River Glen and the wider River Welland catchment (including in other drains on Baston Fen and the non-designated sections of the Counter Drain), and fish may be transferred between the River Glen and the SAC during the annual flood releases (although this has not been established). It is therefore possible that Spined loach populations within the SAC are dependent to some extent on the integrity of sections of river channel and riparian areas that lie outside of the site boundary, including headwater areas and tributaries that may be used for spawning and juvenile development. A tributary of the River Glen (the West Glen River) runs for approximately 3km through the RCC area near Essendine.

### **Interest Features**

- 3.2.39. The SAC has the following qualifying features:
- Annex II species:
    - Spined loach (*Cobitis taenia*).
- 3.2.40. The supporting habitat for the qualifying features is 'standing open water' associated with large drainage channels, and the invertebrate community and component vegetation of these habitats can be considered as 'typical species' important to site integrity, although the supplementary advice is not specific in this regard.

- 3.2.41. Non-designated habitats outside the site boundary may be functionally important to the maintenance of site integrity, principally sections of the River Glen, Counter Drain and Gravel Drain including headwater areas and tributaries that may be used for spawning and juvenile development and which may be important for sustaining populations within the site. The population of spined loach in the non-designated sections of the Counter Drain is currently greater than within the SAC, possibly due to drain management.

#### **Condition, Pressures and Threats**

- 3.2.42. The SIP does not identify any current pressures on the site, which is in 'unfavourable recovering' condition, although 'siltation' and 'changes in species distribution' are identified as threats.
- 3.2.43. The siltation issue is currently being addressed through a ditch management plan, which involves some de-silting and vegetation clearance; 'species distribution' is identified as a threat due to concerns over apparent declines in the numbers of spined loach since 1998 and the absence of a regular monitoring programme.
- 3.2.44. No other threats (e.g. water quality changes) are identified by the SIP although there is a theoretical risk of changes in water quality within the River Glen affecting the SAC due to the water-level management regime. This may be an issue if allocations or other developments are proposed or promoted by the RCC plan within the catchment of the West Glen River (principally, the area immediately around Essendine).

#### **CONSERVATION OBJECTIVES**

- 3.2.45. The Conservation Objectives and Supplementary advice documents for the SACs and SPAs benchmark Favourable Conservation Status (FCS) for each feature. Guidance<sup>22</sup> from the UK Statutory Nature Conservation Bodies (SNCBs) provides a broad characterisation of FCS, stating that it "*relates to the long-term distribution and abundance of the populations of species in their natural range, and for habitats to the long-term natural distribution, structure and functions as well as the long-term survival of its typical species in their natural range. It describes a situation in which individual habitats and species are maintaining themselves at all relevant geographical scales and with good prospects to continue to do so in the future*".
- 3.2.46. The conservation objectives for the sites noted above have been revised by Natural England in recent years to improve the consistency of assessment and reporting. As a result, the high-level conservation objectives for all sites are effectively the same:
- 3.2.47. For SACs:
- *With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'...), and subject to natural change; ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to*

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<sup>22</sup> JNCC (2018). *Favourable Conservation Status: UK Statutory Nature Conservation Bodies Common Statement* [online]. Available at: <https://data.jncc.gov.uk/data/b9c7f55f-ed9d-4d3c-b484-c21758cec4fe/FCS18-InterAgency-Statement.pdf>. [Accessed March 2022].

*achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring [as applicable to each site];*

- *The extent and distribution of the qualifying natural habitats;*
- *The extent and distribution of the habitats of qualifying species;*
- *The structure and function (including typical species) of the qualifying natural habitats;*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which the qualifying natural habitats rely;*
- *The supporting processes on which the habitats of qualifying species rely;*
- *The populations of qualifying species; and,*
- *The distribution of qualifying species within the site.*

3.2.48. For SPAs:

- *With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’...), and subject to natural change; 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.*

3.2.49. The conservation objectives for Ramsar sites are taken to be the same as for the corresponding SACs / SPAs (where sites overlap). The conservation objectives are considered when assessing the potential effects of plans and policies on the sites; information on the sensitivities of the interest features also informs the assessment.

3.2.50. As noted, NE has published ‘Supplementary advice on conserving and restoring site features’ for Baston Fen SAC, Rutland Water SPA/Ramsar, Grimsthorpe SAC, and Barnack Hills and Holes SAC, which describe in more detail the range of ecological attributes which are most likely to contribute to a site’s overall integrity, and the minimum targets each qualifying feature needs to achieve in order to meet the site’s conservation objectives. These are considered at the screening and appropriate assessment stages, as necessary.

## 4. PREFERRED OPTIONS 'SCREENING'

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### 4.1. PREFERRED OPTIONS PLAN SUMMARY

- 4.1.1. The current Rutland County Council (RCC) Local Plan comprises three DPDs (the Core Strategy DPD 2011, the Site Allocations and Policies DPD 2014, and the Minerals Core Strategy and Development Control Policies DPD 2010) and sets out the planning policies for Rutland to 2026. RCC is currently reviewing the Local Plan to cover the planning period to 2041, and to combine the three existing DPDs into a single Local Plan.
- 4.1.2. The Preferred Options Local Plan sets out the strategic vision, objectives and spatial strategy for the County, as well as the planning policies which will help to determine the future location, scale, type and design of new development in Rutland.
- 4.1.3. The Preferred Options Local Plan is available at <https://www.rutland.gov.uk/planning-building-control/local-plan/new-local-plan>. In broad terms, the Preferred Options Local Plan includes:
- provision for 2706 homes over the plan period (the quantum of growth), including 650 homes in a cross-boundary site at Stamford North;
  - policies providing geographical direction for development (typically specific housing and minerals site allocations, but also implicit location preferences for certain activities or sectors prescribed through (for example) areas of search);
  - policies broadly supporting development or other changes, but which do not specify a quantum or location;
  - various development control policies that set out RCC's tests or expectations when considering proposals, such as safeguarding policies, environmental protection policies or policies relating to design or other qualitative criteria.
- 4.1.4. These aspects could affect European sites on their own, through typical development-related mechanisms operating at the local scale in relation to specific allocations (e.g. noise, lighting, etc.; see Table 3.1); or collectively by exacerbating regional pressures (e.g. pressures on water supply or sewerage treatment).
- 4.1.5. It should be noted that the St. George's Barracks site is not allocated for development in the Preferred Options plan (in contrast to the withdrawn Rutland Local Plan 2018-2026), with the site instead identified as an 'opportunity area' that will be subject to a separate DPD (which would need to be subject to a separate HRA at that point). Policy SS5 is needed to ensure that a policy framework is in place to guide the development of proposals and to help ensure any redevelopment is sustainable and holistically planned and aligned to the spatial strategy set out in this plan. Policy SS5 indicates that this site may potentially deliver between 350 – 500 homes; these are not included in the calculation for meeting housing need and would therefore be "additional" if the site were to come forward. If pursued it would not replace the allocated greenfield sites. The Preferred Options HRA does not therefore consider this site as a potential allocation (as development proposals for the site remain uncertain at the point of preparing the Local Plan, and it would in any case be subject to a future DPD) but does provide an initial assessment of the likely effects of adjusting the distribution of housing to reflect future allocation of this site.

## 4.2. REVIEW / ‘SCREENING’ OF PLAN COMPONENTS: POLICIES AND ALLOCATIONS

### REVIEW OF PREFERRED OPTIONS POLICIES

- 4.2.1. When considering the likely effects of a policy, it is recognised that some policy ‘types’ cannot usually result in impacts on any European sites. Different guidance documents suggest various classification and referencing systems to help identify those policies that can be ‘screened out’ on that basis; the general characteristics of these policy types are summarised in **Table 4.1**.

**Table 4-1 - Policy ‘types’ that can usually be screened out**

Broad Policy Type	Notes
General statements of policy / aspiration	The European Commission recognises* that plans or plan components that are general statements of policy or political aspirations cannot have significant effects; for example, general commitments to sustainable development. This may include policies that support development or other changes but which are too general (e.g. locations, scale, quantum etc. not specified below the geographical level of the plan) to allow any specific assessments of effects, provided that the type of development proposed is not such that significant effects would be unavoidable regardless of location etc.
General design / guidance criteria or policies that cannot lead to or trigger development	A general ‘criteria based’ policy expresses the tests or expectations of the plan-making body when it comes to consider proposals, or relates to design or other qualitative criteria which do not themselves lead to development (e.g. controls on building design; requirements for affordable homes; etc); however, policies with criteria relating to specific proposals or allocations should not be screened out.
External plans / projects	Plans or projects that are proposed by other plans or permissions regimes and which are referred to in the plan being assessed for completeness (for example, Highways Agency road schemes; specific waste development proposals promoted by a County Minerals and Waste Plan; DCO applications being advanced separately from the plan at hand); however, these would be considered as part of the plan-level ‘in combination’ assessment.
Environmental protection policies	Policies designed to protect the natural or built environment will not usually have significant or adverse effects (although they may often require modification if relied on to provide sufficient safeguards for other policies).
Policies which make provision for change but which could have no conceivable effect	Policies or proposals that cannot affect a European site (due to there being no impact pathways and hence no effect; for example, proposals for new cycle path several kilometres from the nearest European site; criteria for a development’s appearance; etc.) or which cannot undermine the conservation objectives, either alone or in combination, if impact pathways exist.

- 4.2.2. It must be noted that it is inappropriate to uncritically apply a policy classification tool (as in **Table 4.1**) to all policies of a certain type. There will be some occasions when a policy or similar may have

potentially significant effects, despite being of a ‘type’ that would normally be screened out. Moreover, many policies will have a number of elements to them which may meet different criteria.

- 4.2.3. The criteria in **Table 4.1** have been applied to a review of the Preferred Options policies within the Local Plan to identify the following broad policy groups:
- **‘No effect’** policies: policies that will have ‘no effect’ (i.e. policies that, if included as drafted, self-evidently would not have any effect on a European site due to the type of policy or its operation; for example, a policy controlling town centre shop signage; a policy setting out sustainable development criteria that developments must meet). Note that ‘no effect’ policies cannot have in-combination effects.
  - **‘No likely significant effect’** policies: policies where impact pathways exist but the effects will not be significant (alone or in-combination).
  - **‘Likely significant effect’** policies: policies where the precise effects on European sites (either alone or in combination) are uncertain or significant, or where measures have been incorporated into the policy to mitigate potential effects, and hence require additional investigation (appropriate assessment). Note that further investigation will often demonstrate that there is no significant effect or allow the suitability of any incorporated mitigation measures to be confirmed.
- 4.2.4. Reflecting these policy groups, a colour coding system (see **Table 4.2**) has been used for the purposes of screening the Local Plan policies in **Appendix A**.

**Table 4-2 - Colour coding for ‘screening’ of Local Plan policies**

	No effect or no LSE – policy will not or cannot affect any European sites and can therefore be screened out (subject to a brief review of the final policy prior to adoption).
	Policies with mitigating/moderating elements that do not have significant effects but which are relied on (at least in part) to ensure that significant or significant adverse effects from specific pathways do not occur; these are examined through AA.
	Policies that have potential pathways for effects that require examination through appropriate assessment; note, this does not imply such policies will have adverse effects or even (potentially) significant effects; rather it is an assessment flag.

- 4.2.11. It should be noted that the inclusion of a policy in the ‘yellow’ category does not mean that significant effects are inevitable since in many instances the assessments reflect uncertainties that need to be explored through further analysis (and it would be possible to undertake an appropriate assessment stage and still conclude (following a further screening) that there will be no significant effects).
- 4.2.12. The review considers the policies collectively and individually, and so takes the non-specific cross-cutting protective policies within the plan into account although cross-cutting or overarching policies are not relied on where specific mitigation for specific effects is considered necessary for the policy (this is particularly relevant for policies that provide broad or non-specific support for development but which are screened out because they do not define or direct particular developments or activities; in these instances the plan’s protective policies will form a key part of the overall decision-making process). The review also considers any internal tensions within the plan that may be relevant to HRA.

4.2.13. In summary, the vast majority of the planning policies contained in the Preferred Options Local Plan are categorised as ‘no effect’ or ‘no significant effect’ policies (see Appendix A). However, the policies in Table 4.3 are explored further through appropriate assessment.

**Table 4-3 - Policy aspects requiring examination through appropriate assessment**

<b>Policies</b>	<b>Screening rationale</b>
<b>Policy CC8</b> Renewable Energy	The identification of areas as being suitable for wind turbine developments may imply that this is based on a full range of strategic environmental considerations (e.g. effects on broad-front migration routes to Rutland Water); policy has a spatial component.
<b>Policy SS5</b> St. George’s Barracks Opportunity Area	Policy relates to the possible future development of St. George’s Barracks which is close to Rutland Water and has the potential to affect the site through a range of mechanisms to which the site is potentially vulnerable (e.g. wastewater discharge, recreational pressure). Strictly the policy might be considered a ‘no LSE’ policy as it does not itself allocate the site or act as a trigger for development although the policy includes ‘mitigating’ elements which are intended to minimise effects on the SPA/Ramsar and which have therefore been considered as part of the AA. Although SGB is not allocated in this plan its potential future use for housing is considered within the AA for Rutland Water.
<b>Policy H1</b> Sites proposed for residential development	Policy identifying quantum of development and broad locations for this. The policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and aspects of it need to be examined through appropriate assessment. The effectiveness of cross-cutting mitigating policies requires review.
<b>Policy H2</b> Cross-boundary development opportunity – Stamford North	The policy allocates Land at Quarry Farm (Stamford) but this is contingent / dependent on a contiguous allocation in South Kesteven being brought forward.
<b>Policy E1</b> Strategic employment land allocations	Allocates land for employment; the policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and aspects of it need to be examined through appropriate assessment.
<b>Policy SC4</b> Pollution control	Strictly the policy is a ‘no LSE’ policy as it does not itself trigger development although the policy includes ‘mitigating’ elements / criteria that would need to be met in relation to water discharges and which have therefore been considered as part of the AA.
<b>Policy SC7</b> Creation of New Open Space	The policy has some specific elements that will moderate / provide some mitigation for visitor pressure; these are accounted for in the AA but it is recognised that the moderating effects will be small.

## REVIEW OF PREFERRED OPTIONS SITE ALLOCATIONS

4.2.14. The allocation sites (housing, employment, retail, minerals, waste) proposed by RCC have been reviewed to identify those which (if developed) could result in significant effects on a European site that are not obviously avoidable with the standard project-level measures that would be required to

meet existing regulatory regimes. The assessment largely focuses on the identification of specific effects that might be associated with specific allocations (and which may therefore require the inclusion of allocation-specific mitigation within the plan) rather than the broader ‘quantum of development’ effects<sup>23</sup>. The risk of effects is obviously strongly dependent on how a particular development is implemented at the project stage and in most cases potential effects can be avoided using best-practice and standard scheme-level avoidance measures which do not necessarily need to be specified for each allocation.

- 4.2.15. Virtually all of the Preferred Options allocations will have no significant effects alone due to their small size, the habitats affected, the absence of impact pathways, and their distance from the nearest European sites. There are minor residual uncertainties in relation to possible functional land associations for allocations around eastern Oakham. There are also uncertainties related to St. George’s Barracks due to the scale of this potential site and its proximity to Rutland Water SPA/Ramsar, although it should be noted that this site is not allocated in the Preferred Options Local Plan. These aspects are explored further in Section 5.

### **4.3. REVIEW / ‘SCREENING’ OF EUROPEAN SITES**

- 4.3.1. European sites or interest features within a study area can often be excluded from further assessment at an early stage in the assessment process (‘screened out’) because the plan or project will self-evidently have either ‘no effect’ or ‘no significant effect’ on these sites (i.e. the interest features are not sensitive to the environmental changes associated with the plan or project; or will not be exposed to those changes due to the absence of any reasonable impact pathways); or, if both exposed and sensitive, the effects of the environmental changes will clearly be inconsequential to the achievement of the conservation objectives).
- 4.3.2. The following sections provide a brief summary of the screening of the European sites and their interest features based on the baseline data summarised in Section 3 and the policies and proposals of the Preferred Options Draft Local Plan. It should be noted that this aspect of the screening process is a ‘low bar’, with sites, aspects or features only ‘screened out’ if they will self-evidently be unaffected by the Local Plan (i.e. it is aiming to identify those aspects that will clearly have ‘no effect’ or ‘no significant effect’ (alone or in combination) due to an absence of impact pathways). It does not attempt a detailed quantification if significant effects via particular pathway cannot be simply or self-evidently excluded (this is completed at an ‘appropriate assessment’ stage, when mitigation is also accounted for).
- 4.3.3. When screening it is appropriate to assume that all relevant lower-tier consents and permissions (etc.) will be correctly assessed and controlled, and that any activities directly or indirectly supported by the Local Plan will adhere to the relevant legislative and regulatory requirements and all normal best-practice (e.g. it would be inappropriate to assume that normal controls on, for example, the

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<sup>23</sup> Effects due to the overall quantum of development are essentially a within-plan ‘in combination’ effect and are considered in relation to specific European sites in Section 4.3.



installation of a new discharge to a watercourse would not be correctly followed). The screening also recognises that there are some aspects over which the Local Plan will have no control (e.g. agricultural practices).

## RECREATIONAL PRESSURE

- 4.3.4. Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. For example: some bird species are more sensitive to disturbance associated with walkers or dogs than others; some habitats will be more sensitive to trampling or mechanical disturbance than others; some sites will be more accessible than others.
- 4.3.5. The most typical mechanisms for recreational effects are through direct damage of habitats, or disturbance of certain species. Damage will most often be accidental or incidental, but many sites are particularly sensitive to soil or habitat erosion caused by recreational activities and require careful management to minimise any effects (for example, through provision and maintenance of 'hard paths' (boardwalks, stone slabs etc.) and signage to minimise soil erosion along path margins).
- 4.3.6. Disturbance of species due to recreational activities can also be a significant problem at some sites, although the relationship (again) is highly variable and depends on a range of factors including the species, the time of year and the scale, type and predictability of disturbance. Most studies have focused on the effects on birds, either when breeding or foraging. For example, a long-term monitoring project by Natural England on the Thanet Coast has found that turnstones (a shoreline-feeding waterbird) are particularly vulnerable to disturbance from dogs, which interrupts their feeding behaviour and can prevent them from gaining sufficient body fat for overwintering or migration. Finney *et al.* (2005), meanwhile, noted that re-surfacing the Pennine Way significantly reduced the impact of recreational disturbance on the distribution of breeding Golden plover, by encouraging walkers to remain on the footpath.
- 4.3.7. In contrast, some species are largely unaffected by human disturbance (or even benefit from it) which can result in local or regional changes in the composition of the fauna. The scale, type and predictability of disturbance is also important; species can become habituated to some disturbance (e.g. noise), particularly if it is regular or continuous. Unpredictable disturbance is most problematic.
- 4.3.8. Most recreational activities with the potential to affect European sites are 'casual' and pursued opportunistically (e.g. walking, walking dogs, riding) rather than structured (e.g. organised group activities or trips to specific discrete attractions), which means that it can be difficult to quantify or predict either the uptake or the impacts of these activities on European sites and (ultimately) harder to control or manage effects. It also means that it is difficult to explore in detail all of the potential aspects of visitor pressure at the strategy level. However, it is possible for plans and strategies to influence recreational use of European sites through the planning process, for example by increasing the amount of green space required within or near developments if potentially vulnerable European sites are located nearby.

**Table 4-4 - Summary of European site screening in relation to visitor pressure**

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	The site is within the LPA area and potentially vulnerable to visitor pressure, although public access / disturbance is identified as a threat rather than a pressure in the SIP (i.e. public access is not currently having adverse effects on site integrity), and the threat principally relates to uncertainties regarding the capacity of the site for additional recreational facilities and activities. There is nothing in the site data to suggest local residential growth is a potentially significant threat although some allocations are relatively close to the site.	Yes
Barnack Hills and Holes SAC	The SAC is approximately 5.4km from the Council's administrative boundary, and around 6.2km from the nearest allocation on the north side of Stamford (Quarry Farm, although the delivery of this allocation depends on South Kesteven council). The SIP indicates that the main pressure on the site is public access / disturbance; this is principally because the area of the SAC is classified as 'open access land' under the <i>Countryside and Rights of Way Act 2000</i> , although access rights have recently been restricted under Section 26(3)(a) of the Act to address the principal access concern (dogs affecting site integrity by worrying livestock and other incidental effects). It is understood that this restriction is having a positive effect. The distance to the site and its small size (~23.5 ha.) will substantially limit its attractiveness to visitors from Rutland, and significant increases in recreational pressure will not occur as a result of the RCC plan, alone or in combination.	No
Grimsthorpe SAC	The SAC is approximately 6km from the Council's administrative boundary, and around 7.5km from the nearest allocations. There is no public access to the site, and recreational pressure is not identified as a pressure or a threat in the SIP; therefore, the RCC plan will not have significant effects on this site due to changes in recreational pressure, alone or in combination.	No
Baston Fen SAC	The SAC is approximately 7.2km from the Council's administrative boundary, and around 8.6km from the nearest allocations. There is no public access to the vast majority of the site, and recreational pressure is not identified as a pressure or a threat in the SIP; therefore, the RCC plan will not have significant effects on this site due to changes in recreational pressure, alone or in combination.	No

## URBANISATION

- 4.3.9. Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. Typically, this would include aspects such as fly-tipping or vandalism, although the effects of these aspects again depend on the interest features of the sites: for example, predation of some species by cats is known to be sizeable (Woods *et al.* 2003) and can be potentially significant for some European sites. Recreational pressure is arguably one type of effect associated with urbanisation, although this is usually considered separately as it is less closely associated with proximity; as a broad guide, urbanisation effects are more likely when developments (etc.) are within a few hundred metres of a designated site, whereas people will typically travel further for recreation.

- 4.3.10. Where sensitive sites are involved, development buffers of around 400m are typically used to minimise the effects of urbanisation: for example, Natural England has identified a 400m zone around the Chichester and Langstone Harbours SPA within which housing development should not be located due to the potential effects of urbanisation (particularly, the risk of chick predation by cats, which cannot be mitigated). Similarly, LPAs near the Thames Basin Heaths SPA have adopted a 400m zone around the SPA boundary where there is a presumption against new residential development as the impact on the SPA is considered likely to be adverse.
- 4.3.11. It should be noted that the bird species at these sites are particularly sensitive due to their breeding behaviours; the qualifying features of Rutland Water SPA will have a substantially lower exposure to potential effects due to their behavioural characteristics and use of the reservoir.
- 4.3.12. Urbanisation effects as a result of the Local Plan will not occur for the European sites located outside the RCC boundary due to the separation distances. With regard to Rutland Water SPA / Ramsar, one allocation is partly within 400m of the site (Allocation H1.11: Land off Cemetery Road, Manton) although urbanisation effects would not be expected in relation to this site due to its small size (10 dwellings) and the separation provided by the rail line; and the low exposure / sensitivity of the qualifying features. The next nearest allocations are over 400m away (Allocation H1.4, the 'Officer's Mess'). Significant urbanisation effects would not therefore be expected although the effects of these allocations will be considered as part of the recreational pressure assessment.

### **ATMOSPHERIC POLLUTION**

- 4.3.13. A number of pollutants have a negative effect on air quality; however, the most significant and relevant to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO<sub>2</sub>, typically from combustion of coal and heavy fuel oils although this has declined substantially), nitrogen oxides (NO<sub>x</sub>, mainly from vehicles) and ammonia (NH<sub>3</sub>, principally from agriculture, although catalytic converters are a significant source), which (together with secondary aerosol pollutants<sup>24</sup>) are deposited as wet or dry deposits. These pollutants affect habitats and species mainly through acidification and eutrophication.
- 4.3.14. Acidification increases the acidity of soils, which can directly affect some organisms and which also promotes leaching of some important base chemicals (e.g. calcium), and mobilisation and uptake by plants of toxins (especially metals such as aluminium).
- 4.3.15. Air pollution contributes to eutrophication within ecosystems by increasing the amounts of available nitrogen (N)<sup>25</sup>. This is a particular problem in low-nutrient habitats, where available nitrogen is frequently the limiting factor on plant growth, and results in slow-growing low-nutrient species being

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<sup>24</sup> Secondary pollutants are not emitted, but are formed following further reactions in the atmosphere; for example, SO<sub>2</sub> and NO<sub>x</sub> are oxidised to form SO<sub>4</sub><sup>2-</sup> and NO<sub>2</sub><sup>-</sup> compounds; ozone is formed by the reaction of other pollutants (e.g. NO<sub>x</sub> or volatile organic compounds) with UV light; ammonia reacts with SO<sub>4</sub><sup>2-</sup> and NO<sub>2</sub><sup>-</sup> to form ammonium (NH<sub>4</sub><sup>+</sup>).

<sup>25</sup> Nitrogen that is in a form that can be absorbed and used by plants.

out-competed by faster growing species that can take advantage of the increased amounts of available N.

- 4.3.16. Overall in the UK, there has been a significant decline in SO<sub>x</sub> and NO<sub>x</sub> emissions in recent years and a consequential decrease in acid deposition. In England, SO<sub>x</sub> and NO<sub>x</sub> have declined by 97% and 72% respectively since 1970 (Defra, 2018) which is the result of a switch from coal to gas, nuclear and renewables for energy generation, and increased efficiency and emissions standards for cars. These emissions are generally expected to decline further in future years. In contrast, emissions of ammonia have remained largely unchanged; they have declined by 10% in England since 1980 (Defra, 2018), but since 2008 have started to increase slightly.
- 4.3.17. The effect of SO<sub>x</sub> and NO<sub>x</sub> decreases on ecosystems has been marked, particularly in respect of acidification; the key contributor to acidification is now thought to be deposited nitrogen, for which the major source (ammonia emissions) has not decreased significantly. Indeed, eutrophication from N-deposition (again, primarily from ammonia) is now considered the most significant air quality issue for many habitats.
- 4.3.18. The UK Air Pollution Information System (APIS) has been interrogated to identify those European sites and features in the study area where critical loads<sup>26</sup> for nutrient-N deposition and acidification are met or exceeded. APIS provides a comprehensive source of information on air pollution and the effects on habitats and species and although there are limitations to the data (see SNIFFER, 2007), particularly related to the scale at which data can be modelled, this provides the best basis for assessing the impacts of air emissions associated with the Local Plan in the absence of site-by-site monitoring data.
- 4.3.19. Table 4.2 summarises the APIS data for SACs and SPAs with features that are directly sensitive to air quality in the study area. It should be noted that critical load values are generally provided for habitats rather than species, and that watercourses are not included as eutrophication of most watercourses due to air emissions is negligible compared to run-off from agricultural land.

**Table 4-5 - Summary of APIS interrogation**

Site	Air quality sensitive features	Over CL?	
		Acid	N
Rutland Water SPA / Ramsar	<ul style="list-style-type: none"> <li>• Open standing water associated with the main reservoir and other adjacent waterbodies*</li> <li>• Neutral grassland*</li> <li>• Fen, marsh and swamp associated with the open water*</li> <li>• Broadleaved, mixed and yew woodland, including wet woodland*</li> </ul>	n/a - n/a +	n/a - - ++
Barnack Hills and Holes SAC	<ul style="list-style-type: none"> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</li> </ul>	-	+

<sup>26</sup> 'Critical Loads' are the threshold level for the deposition of a pollutant above which harmful indirect effects can be shown on a habitat or species, according to current knowledge (APIS, 2023).

Site	Air quality sensitive features	Over CL?	
		Acid	N
Grimsthorpe SAC	<ul style="list-style-type: none"> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>)</li> <li>• Early gentian <i>Gentianella anglica</i></li> </ul>	-	+
Baston Fen SAC	<ul style="list-style-type: none"> <li>• Spined loach <i>Cobitis taenia</i>.</li> </ul>	n/a	n/a

4.3.20. In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan does not provide for any new significant point-sources). The Department of Transport's *Transport Analysis Guidance*<sup>27</sup> states that “beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant” and therefore this distance is used to determine the potential exposure of the European sites to any local effects associated with the Local Plan. Environment Agency (EA) guidance (EA, 2007) also states that “Where the concentration within the emission footprint in any part of the European site(s) is less than 1% of the relevant long-term benchmark (EAL, Critical Level or Critical Load), the emission is not likely to have a significant effect alone or in combination irrespective of the background levels”.

**Table 4-6 - Summary of European site screening in relation to air quality**

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	There are two A- or B-roads within 200m of the SPA / Ramsar (the A6003 and the A606). The qualifying features of the SPA/Ramsar are not considered directly sensitive to air quality changes under normal scenarios; rather, any sensitivity is related to changes that might occur in the supporting habitats, principally in relation to N-deposition. For most wetland habitats (particularly waterbodies) eutrophication via agricultural run-off and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor in these ecosystems; however, some of the supporting terrestrial habitats have a degree of sensitivity to N-deposition.	Yes
Barnack Hills and Holes SAC	The site is over 200m from the nearest classified numbered road (the B1443 at Barnack); the roads immediately adjacent to the site are minor roads that will self-evidently not see substantial increases in traffic due to the Local Plan, given their location and negligible value as through-routes to or from the Rutland area. The site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in Rutland, alone or in combination with other plans or projects.	No

<sup>27</sup> See <http://www.dft.gov.uk/webtag/documents/expert/unit3.3.3.php#013>; accessed 15/06/14.

Site	Notes	Screen in?
Grimsthorpe SAC	The site is over 200m from the nearest public road (the B1176 at Creeton); the site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in Rutland, alone or in combination with other plans or projects.	No
Baston Fen SAC	The site is over 200m from the nearest classified numbered road (the A15 at Thurlby); there is a minor road (Black Drove) immediately adjacent to the site but this will self-evidently not see substantial increases in traffic due to the RCC Local Plan, given its location and negligible value as through-routes to or from the Rutland area. The site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in Rutland, alone or in combination with other plans or projects.	No

## WATER RESOURCES

- 4.3.21. The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by the Local Plan; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is managed through specific consenting regimes that are independent of the Local Plan.
- 4.3.22. Development supported or managed by the Local Plan is likely to increase demand for water, which could indirectly affect some European sites in the study area. When assessing the potential effects of increased water demand it is important to understand how the public water supply (PWS) system operates and how it is regulated with other water resource consents.
- 4.3.23. Potable water in Rutland is supplied by Severn Trent Water (roughly the areas to the west and north-west of Rutland Water) and Anglian Water. The Severn Trent Water supply area in Rutland is covered by its Rutland Water Resource Zone (WRZ), which receives all of its water via bulk supply transfers from Anglian Water.
- 4.3.24. Anglian Water abstracts from ground- and surface-water sources; the Rutland area is covered by its North Rutherford WRZ and Bourne WRZ, where water supply is mainly from large pumped storage reservoirs such as Rutland Water or Grafham Water. However, the supply network is complex and there are a number of strategic inter-zone transfers and so direct and specific supply relationships cannot necessarily be made and it is rarely possible or appropriate to identify a particular 'source' for water supply to a specific area. Consequently, direct effects on specific European sites as a result of development within the RCC cannot necessarily be identified or quantified.
- 4.3.25. More importantly, the water resources planning process helps to ensure that growth in water demand does not affect European sites. The *Water Industry Act 1991*, as amended by the *Water Act 2003* and *Water Act 2014*, requires that all water companies must publish a Water Resources Management Plan (WRMP) that sets out their strategy for managing water resources across their supply areas over the next 25 years and beyond. WRMPs use calculations of Deployable Output (DO) to establish supply/demand balances; this enables water companies to identify those WRZs

with potential supply deficits over the planning period<sup>28</sup>. The calculations account for any reductions in abstraction that are required to safeguard European sites<sup>29</sup> and so the WRMP process (with other regulations) helps ensure (as far as is achievable) that future changes in demand will not affect any European sites<sup>30</sup>.

- 4.3.26. Anglian Water accounted for the growth predicted by RCC and other LPAs in forecasting for its current (2019) WRMP, and predicted future deficits in both the Ruthamford North and Bourne WRZs. These deficits are being met through leakage reductions and water transfers into the WRZs using existing infrastructure.
- 4.3.27. The 2019 WRMP was subject to HRA, which concluded that it would have no adverse effects on any European sites, including those water-resource sensitive sites and features within the Rutland Local Plan HRA study area.
- 4.3.28. The WRMPs provide the best estimate of future water resource demand, and therefore it is reasonable to assume that the growth predicted within the Local Plan can be accommodated without significant effects on any European sites due to PWS abstractions, assuming that the WRMP and its HRA reach this conclusion. Furthermore, since the WRMPs explicitly account for the growth predicted by the Council and other LPAs<sup>31</sup>, 'in combination' effects between the Local Plan and the WRMP are unlikely to occur. Having said that, the Local Plan can obviously help manage demand and promote water efficiency measures through its policy controls.
- 4.3.29. Anglian Water is currently preparing its next WRMP (2024). The final WRMP24 (and its HRA) will not be issued prior to the intended consultation on the Pre-submission Local Plan (Reg. 19) in spring 2024; however, the revised draft version of WRMP24 is available<sup>32</sup>. The revised draft WRMP24

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<sup>28</sup> Forecasts are completed in accordance with the Water Resources Planning Guidelines (published by the Environment Agency) and take into account (inter alia) economic factors (economic growth, metering, pricing), behavioural factors (patterns of water use), demographic factors (population growth, inward and outward migration, changes in occupancy rate), planning policy (LPA land use plans), company policies (e.g. on leakage control and water efficiency measures) and environmental factors, including climate change. The WRMP therefore accounts for these demand forecasts based on historical trends, an established growth forecast model and through review of local and regional planning documents.

<sup>29</sup> For example, sustainability reductions required by the Review of Consents (RoC) or the Environment Agency's Restoring Sustainable Abstractions (RSA) programme. It should be noted that, under the WRMP process, the RoC changes (and non- changes to licences) are considered to be valid over the planning period. This means that the WRMP (and its underlying assumptions regarding the availability of water and sustainability of existing consents) is compliant with the RoC and so the WRMP can only affect European sites through any new resource and production-side options it advocates to resolve deficits, and not through the existing permissions regime.

<sup>30</sup> Calculations of DO include for Target Headroom (precautionary 'over-capacity' in available water) to buffer any unforeseen variation in predicted future demand; the WRMP is also reviewed on a five-yearly cycle to ensure it is performing as expected and to account for any variations between predicted and actual demand.

<sup>31</sup> Defra/ EA guidance on WRMPs requires that forecast population and property figures be based, wherever possible, upon plans published by local authorities (including 'adopted', 'emergent', 'consultation' and 'draft' local plans).

<sup>32</sup> <https://www.anglianwater.co.uk/siteassets/household/about-us/wrmp/rdwrmp24-main-report.pdf>

indicates that there will be a supply-demand deficit in the Ruthamford North and Bourne WRZs that will be met through leakage reductions and water transfers into the WRZs using existing and new infrastructure.

**Table 4-7 - Summary of European site screening in relation to water resources**

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	Rutland Water is a key regional water source and most water supplied to the WRZs that cover Rutland is likely to come from here. However, the operation of the reservoir is tightly controlled by separate permissions regimes and will not be affected by growth in Rutland. The effects of regional growth will be determined by Anglian Water's WRMP and its HRA.	No
Barnack Hills and Holes SAC	The site features are not considered 'water resource sensitive', and will not be vulnerable to changes in abstraction (etc.) that may be associated with the growth supported by the Local Plan.	No
Grimsthorpe SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Baston Fen SAC	Flooding and water-level management is critical to site integrity, although this is closely managed by the Welland and Deeping IDB and LWT. The RCC plan will almost certainly not affect the flooding / water management regime employed at the SAC itself (given the limited area of the River Glen catchment within the RCC area). The effects of regional growth will be determined by Anglian Water's WRMP and its HRA, although water availability for the site is not thought to be affected by PWS abstractions.	No

## WATER QUALITY

- 4.3.30. Most of Rutland lies within the catchment of the River Welland (which drains to the Wash, approximately 50km downstream), although parts of the far north and north-western areas of the county are within the catchments of the River Wreake (and hence the Soar and ultimately the Humber) and the River Witham (also the Wash). It should be noted the European sites associated with the Wash (The Wash SPA; The Wash Ramsar; and The Wash and North Norfolk Coast SAC) and the Humber (Humber Estuary SPA; and Humber Estuary Ramsar) have not been identified as sites that are in unfavourable condition due to excessive nutrients (such that 'nutrient neutrality' is being deployed or considered as mitigation) in recent NE advice to LPAs<sup>33</sup>.
- 4.3.31. Most waterbodies and watercourses in the county are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates from agriculture. Point sources are usually

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<sup>33</sup> Letter from NE to LPA Chief Executives and Heads of Planning, 16 March 2022; Re. Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.



discrete discharge points, such as wastewater treatment works (WwTW) outfalls, which are generally managed through specific consenting regimes that are independent of the Local Plan. Diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by the Local Plan is likely to increase demand on wastewater treatment works and potentially increase non-agricultural run-off.

- 4.3.32. Rutland Water is fed primarily by abstractions from the River Nene upstream of Peterborough and from the River Welland upstream of Stamford<sup>34</sup>. The natural upstream catchment is small with minimal inputs from the River Gwash and the Egleton Brook. The main inflows into Rutland Water currently receive regulated discharges of treated sewage as well as unregulated treated sewage discharges from septic tanks.
- 4.3.33. With regard to sewage discharges, a water-cycle study undertaken in 2011<sup>35</sup> noted that “The Appropriate Assessment carried out as part of the Habitats Directive Review of Consents concluded that there are no Water Quality Consents which have been shown to have an adverse affect [sic] on Rutland Water SPA, even under worst case scenarios in combination with other potentially significant influences on the site”. This nevertheless identified four wastewater treatment works (WwTW) in Rutland that may not have sufficient headroom to support the development then anticipated within their catchments (Cottesmore WwTW, Great Casterton WwTW, North Luffenham WwTW and Ryhall WwTW). The EA has more recently indicated<sup>36</sup> that it has concerns over the capacity of the WwTWs at Oakham and Uppingham, and the ability of these sites to accommodate the anticipated housing growth in their catchments without treatment upgrades. Upgrades to capacity at Oakham WwTW are identified for Anglian Water’s current Asset Management Plan (AMP) period (AMP7; 2020 – 2025).
- 4.3.34. However, the updated Water Cycle Study<sup>37</sup> states that “*There is sufficient capacity within existing Water Recycling Centres to accommodate the potential growth indicated within the three scenarios.*”
- 4.3.35. Run-off from impermeable surfaces can have considerable effects on waterbodies and watercourses, and is a notable issue in both urban and rural areas. Development has traditionally sought to capture and divert rain and run-off to the nearest watercourse or treatment facility as quickly as possible, and extensive drainage networks have been developed to facilitate this. However, as developed areas have increased so have the total volumes and flow rates of run-off. This has two principal effects: firstly, impermeable surfaces provide very little resistance to the mobilisation and transport of pollutants within run-off; and secondly, flow rates and volumes often

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<sup>34</sup> Note, the catchment of the Nene does not include the RCC area and so this source is not considered further.

<sup>35</sup> Scott Wilson (2011). *South Holland, South Kesteven and Rutland Outline Water Cycle Study: Technical Report*. Scott Wilson, Hampshire.

<sup>36</sup> EA response to the August 2017 draft Local Plan consultation, letter dated 25/09/17 ref. AN/2012/113769/CS-02/PO1-L01

<sup>37</sup> Rutland County Council (2023). *Draft Water Cycle Study*. Rutland County Council, Oakham.

exceed the capacity of the receiving drains or watercourses, causing localised flooding or the operation of combined sewer overflows (CSOs)<sup>38</sup>. The effect of run-off from developed areas can be mitigated or reduced by the use of Sustainable Drainage Systems (SuDS) and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. These measures offer effective attenuation by reducing the volumes of surface run-off. They also increase the retention of pollutants and, in the case of some SuDS, can allow for treatment of pollutants.

- 4.3.36. With regard to European sites, only Rutland Water SPA/Ramsar and (potentially) Baston Fen SAC are considered to be vulnerable to potential changes in water quality associated with growth in the county.
- 4.3.37. However, it should also be recognised that the water quality effects of the Local Plan are ultimately either controlled by existing consents regimes (which must undergo HRA) or have diffuse ‘in combination’ effects that are difficult to quantify, and so the HRA process typically aims to ensure that suitable mitigating policy that will minimise the impacts of plan-supported development on water quality generally is provided.

**Table 4-8 - Summary of European site screening in relation to water quality**

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	The main inflows into Rutland Water currently receive regulated discharges of treated sewage as well as unregulated treated sewage discharges from septic tanks. In addition, the reservoir will receive nutrient inputs from local diffuse sources (particularly agriculture). These inputs maintain the reservoir in a eutrophic state that has led in the past to regular algal blooms. Development within the reservoir catchment (including upstream of Stamford in the Welland catchment) has the potential to add to the nutrient loading in the reservoir; this is likely to include most of the allocation sites within Rutland.	Yes
Barnack Hills and Holes SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Grimsthorpe SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Baston Fen SAC	A small part of the catchment of the West Glen River (principally, the area immediately around Essendine) is within the RCC area and so this watercourse (and hence, indirectly, the SAC or its mobile interest features) could theoretically be exposed to the outcomes of the RCC plan.	Yes

<sup>38</sup> All sewerage pipes have a certain capacity, determined by the size of the pipe and the receiving water treatment works. At times of high rainfall, this capacity can be exceeded, with the risk of uncontrolled bursts. CSOs provide a mechanism to prevent this, by allowing untreated sewerage to mix with surface water run-off when certain volumes are exceeded. This is then discharged to the nearest watercourse.

## FLOODING / WATER LEVEL MANAGEMENT

- 4.3.38. The implementation of the European Floods Directive (Directive 2007/60/EC) in England and Wales is being co-ordinated with the Water Framework Directive. Catchment Flood Management Plans (prepared by the EA), Shoreline Management Plans (prepared by coastal local authorities and the EA), River Basin District Flood Risk Management Plans (prepared by the EA) and Local Flood Risk Management Strategies set out long term policies for flood risk management. The delivery of the policies from these long-term plans will help to achieve the objectives of these plans and the RBMPs.
- 4.3.39. Development supported by the Local Plan is unlikely to significantly alter regional flood risk levels, but may exacerbate the effects of local flooding. Run-off from impermeable surfaces can have considerable effects on waterbodies and watercourses, meaning that flow rates and volumes often exceed the capacity of the receiving drains or watercourses. This can lead to local water quality impacts on European sites. The effect of run-off from developed areas can be mitigated or reduced by the use of SuDS and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. However, no European sites are considered to be exposed to potential changes in flood risk that may result from the Local Plan.
- 4.3.40. Some sites and features may be dependent on water levels being maintained by surface water or groundwater inputs, which may in turn be affected by abstraction or development (e.g. through dewatering of excavations, which can be an issue for groundwater levels). Rutland Water SPA/Ramsar and Baston Fen SAC are dependent on surface water inputs and subsequent water level management (there is no evidence of groundwater dependent ecosystems being present at any sites).
- 4.3.41. With regard to Rutland Water, it is possible that limestone (for cement) will be extracted from the eastern half of the St. George's Barracks site prior to the development of this area<sup>39</sup>. NE in its October 2018 consultation response noted that "*The proposed quarrying of mineral from the proposed development site will result in changes to existing ground levels and on existing rock aquifers. The potential impacts upon Rutland Water should be assessed to rule out any significant effects*". The potential for this effect pathway to be realised has been considered; however, it is clear that any minerals extraction from the St. George's Barracks site will have no effect on the hydrology of Rutland Water for the following reasons:
- The proposed area of limestone excavation is over 1 km southeast of the reservoir.
  - Rutland Water is fed by surface water, by pumping from the River Welland and the River Nene, with minimal local catchment inputs.

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<sup>39</sup> Development proposals for the re-development of the St. George's Barracks site remain uncertain at the point of preparing the Local Plan, therefore no specific proposal is included for the site; however, the site is identified as a future opportunity area which would be the subject of a separate development plan (DPD), and the minerals safeguarding policies would apply to the site in any case.

- Rutland water lies above the Whitby Mudstone which effectively forms a hydraulic barrier between the reservoir and overlying geology to the east (including the Northampton Sand Ironstone (NSI), Lower Estuarine Series (LES) and the Lincolnshire Limestone.
- The Lincolnshire Limestone is likely to be largely unsaturated in the likely excavation area, although groundwater will exist at depth in the NSI, LES and possibly near the base of the Limestone.
- The water table will broadly mirror topography which means there is likely a groundwater divide beneath the plateau from which the Limestone will be extracted. The relative elevations of Rutland Water (estimated at c.88m AOD from the OS 1:25k map) to the northwest and the River Chater (estimated at c. 40m AOD) to the southeast suggests that groundwater beneath the proposed extraction area will flow/drain toward the southeast, in a direction away from reservoir.

**Table 4-9 - Summary of European site screening in relation to water quality**

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	Development in Rutland is unlikely to affect the flooding or water-level management regime associated with this site, which is controlled by the abstraction regime, out of catchment inputs, and water-level management within the nature reserve areas. The effects of developments close to the site may need to be considered, although there is limited hydraulic connectivity between the reservoir and the underlying geology.	No
Barnack Hills and Holes SAC	There is no pathway for this site to be affected by changes in flooding / water management associated with the proposals within the Local Plan.	No
Grimsthorpe SAC	There is no pathway for this site to be affected by changes in flooding / water management associated with the proposals within the Local Plan.	No
Baston Fen SAC	Flooding and water-level management is critical to site integrity, although this is closely managed by the Welland and Deeping IDB and LWT. The RCC plan will not affect the flooding / water management regime employed at the SAC itself. Allocations or other developments proposed or promoted by the RCC plan within the catchment of the West Glen River might expose this watercourse (and hence, indirectly, the SAC or its mobile interest features) to the effects of the RCC plan.	No

## EFFECTS ON FUNCTIONAL HABITATS OR SPECIES AWAY FROM EUROPEAN SITES

- 4.3.42. The provisions of the Habitats Regulations ensure that ‘direct’ (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the Local Plan. However, many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site during their life-cycle. Developments some distance from a European site can therefore have an effect on the site if its population of interest features is reliant on the habitats being affected by a development and sufficient numbers are exposed to the environmental changes. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on functional habitats outside of the designated site boundary.

- 4.3.43. With regard to the European sites within the study area, this is only a potential issue for **Rutland Water SPA/Ramsar** and **Baston Fen SAC**, although the SIP and supplementary advice for these sites do not identify any known areas of functionally-linked land (other than the compensatory habitats at Rutland Water).
- 4.3.44. For **Baston Fen SAC**, the interest feature (spined loach) may be functionally dependent on spawning areas in the Glen River; one reserve allocation is proposed within the catchment of this river (H1.d Land at Manor Farm, Essendine) and this aspect is considered further through appropriate assessment (as specific mitigation policy may be required).
- 4.3.45. It is likely waterbirds associated with **Rutland Water SPA/Ramsar** periodically use other wetland sites in the region (e.g. Eye Brook Reservoir SSSI; or Priory Water in Melton Borough). There is no data to suggest a potentially significant functional linkage or dependency.
- 4.3.46. However, it is recognised that some areas of cropped lowland farmland may be important for certain wintering waterbirds typically associated with coastal and wetland SPAs (e.g. Mason & MacDonald 1999; Gillings 2003), and that this behaviour is under-recorded by the standard Wetland Bird Survey (WeBS) monitoring technique.
- 4.3.47. The 2016 SPA Review (JNCC, 2016) identifies a broad group of species that are known to be associated with or reliant on cropped habitats, which are under-represented in the SPA network (although the SPA Review suggests that this should be addressed outside the SPA Review process through “*wider countryside measures to preserve and promote permanent pasture as feeding and roosting habitat for the species*”). Of the species identified in the **Rutland Water SPA/Ramsar** citations, only wigeon and teal have potential associations with cropped habitats.
- 4.3.48. There is little information on the feeding habits of teal in agricultural habitats although they typically forage close to wetlands and it is likely that the use of particular fields is opportunistic, depending on inundation. In contrast, wigeon are closely associated with cropped habitats within ~2km of a roost site, particularly short improved grasslands that are close to water or partially flooded; and the species exhibits a relatively high level of fidelity to roost and feeding sites (JNCC 2016). Suitable habitats away from Rutland Water may be utilised and have some functional value to the wigeon population, although it should be noted that these species retain a preference for damp grassland near waterbodies, typically with longer sight-lines, rather than agricultural land generally.
- 4.3.49. With regard to flyways for birds using Rutland Water, specific routes or corridors have not been identified. The RSPB provided a high-level map and guidance<sup>40</sup> in 2009 that assigned one of three sensitivity ratings (high, medium or unknown) to each 1km square in England; for Rutland, the landscape within ~4 – 5km of Rutland Water SPA/Ramsar and Eye Brook Reservoir SSSI was categorised as having a ‘high’ sensitivity to wind farm development. More recent studies<sup>41</sup> have

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<sup>40</sup> Bright J.A., Langston R.H.W. & Anthony S. (2009). *Mapped and written guidance in relation to birds and onshore wind energy development in England*. RSPB Research Report No. 35. RSPB, Beds.

<sup>41</sup> Gauld JG et al. (2022). [Hotspots in the grid: Avian sensitivity and vulnerability to collision risk from energy infrastructure interactions in Europe and North Africa](#). *Journal of Applied Ecology* (pre-publication).

identified areas in the east of England as having a 'moderate' sensitivity to wind turbine and power line installations (although the study only included two of the Rutland Water SPA interest features).

**Table 4-10 - Summary of European site screening in relation to functionally linked habitats**

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	Some of the SPA/Ramsar species (notably wigeon and, to a lesser extent, teal) are associated with agricultural habitats that may be located away from the reservoir. In addition, the Local Plan contains policies that provide some guidance regarding the location of wind farms. Based on the available evidence effects on the SPA/Ramsar qualifying feature populations are unlikely to occur, although this is briefly examined further along with the policy measures included within the plan	Yes
Barnack Hills and Holes SAC	Features of the site will not be reliant on non-designated functionally linked land within the Rutland CC area.	No
Grimsthorpe SAC	Features of the site will not be reliant on non-designated functionally linked land within the Rutland CC area.	No
Baston Fen SAC	The interest feature (spined loach) may be functionally dependent on spawning areas in the Glen River; one reserve allocation is proposed within the catchment of this river (H1.d Land at Manor Farm, Essendine) and this aspect is considered further through appropriate assessment (as specific mitigation policy may be required).	Yes

## 4.4. SCREENING SUMMARY

- 4.4.1. There will be either no effects or no significant effects alone or in combination on the interest features of **Barnack Hills and Holes SAC** or **Grimsthorpe SAC**. This is principally due to the absence of reasonable impact pathways by which the Local Plan could affect these sites. These sites are not considered further.
- 4.4.2. The interest features of **Rutland Water SPA/Ramsar** may be exposed and sensitive to environmental changes associated with the Local Plan, principally in relation to the cumulative effects of visitor pressure, water quality and air quality affecting the site itself. Some qualifying features may also be exposed to development-related effects when utilising habitats away from the site. None of the allocations (housing, employment, minerals, waste) are likely to result in significant effects 'alone'.
- 4.4.3. The heavily-managed nature of the reservoir ensures that exposure to potentially significant environmental changes is likely to be limited; however, there is a residual uncertainty in relation to the significance of some effects, and the Local Plan includes measures identified during its development that are intended to minimise or prevent significant or significant adverse effects occurring. These aspects are therefore examined through an 'appropriate assessment' stage.
- 4.4.4. Potential effects on functionally-linked habitats associated with **Baston Fen SAC** are also considered in relation to a reserve allocation at Essendine, where specific control measures may need to be identified in policy.

## 5. APPROPRIATE ASSESSMENT – RUTLAND WATER SPA / RUTLAND WATER RAMSAR

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### 5.1. OVERVIEW

- 5.1.1. The screening has indicated that the interest features of Rutland Water SPA/Ramsar may be vulnerable (i.e. exposed and sensitive) to environmental changes associated with the implementation of the Local Plan, particularly in relation to visitor pressure, water quality and air quality affecting the site itself. In addition, the qualifying features may be exposed to development-related effects when away from the site.
- 5.1.2. These changes are assessed in the following sections; this includes consideration of effects that may be associated with individual allocations or specific policies as well as the broader cumulative and ‘in combination’ effects that may arise as a result of the overall quantum of development both within Rutland and regionally. Other plans have been considered for their potential ‘in combination’ effects (see **Appendix B**) and this assessment is referred to as necessary.
- 5.1.3. The SSSI units underpinning Rutland Water SPA/Ramsar are all at ‘favourable’ conservation status.

### 5.2. VISITOR PRESSURE

#### SUMMARY OF PATHWAY

- 5.2.1. Allocations in close proximity to a designated site can significantly increase the number of visits made to a site, as can population growth regionally. Most recreational activities with the potential to affect European sites are ‘casual’ and pursued opportunistically (e.g. walking, walking dogs, riding) rather than structured (e.g. organised group activities or trips to specific discrete attractions), which means that it can be difficult to quantify or predict either the uptake or the impacts of these activities on European sites and (ultimately) harder to control or manage effects.
- 5.2.2. Damage of habitats or disturbance of species due to recreational activities can be a significant problem at some sites, although the relationship is highly variable and depends on a range of factors including the habitats, the species, the time of year and the scale, type and predictability of disturbance.
- 5.2.3. With regard to Rutland Water, human activity might affect the qualifying bird species either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging the supporting habitats). However, birds will also display a range of subtle behavioural responses that can have an energetic cost, through reduced food intake and / or increased energy expenditure. Broadly, disturbance can therefore result in reduced breeding success or increased mortality. At the population scale, this can be significant.

#### BASELINE

- 5.2.4. Rutland is a significant and well-used regional visitor attraction. Figures from Anglian Water suggest that the site receives around 1 million visitors per year (this is estimated from car parking and visitor centre records; casual use of the reservoir margins by local residents will be under-recorded); the peak period is the summer, with ~600,000 visitors to the principal parking and access points at

Whitwell Creek, Sykes Spinney and Edith Weston. Additional visitor centres associated with the LRWT nature reserve are present at Egleton and Lyndon.

- 5.2.5. The dominant activities undertaken at the site are water sports (principally sailing, canoeing and windsurfing); birdwatching; fishing; and walking and cycling along maintained trails around the reservoir margins including a 23-mile perimeter path. There is a degree of segregation: the on-water recreational activities largely take place at the eastern end of the reservoir, with access restricted in the most important areas for waterbirds at the western end.
- 5.2.6. There are a number of public footpaths around the reservoir, including the Hereward Way and Macmillan Way and so public access to some of the reservoir margins (particularly towards the eastern end) is largely unrestricted. However, over 45% of the site is managed as a nature reserve, and access is more closely controlled in these areas via maintained permissive paths.
- 5.2.7. The nature of the reservoir (i.e. both a highly-managed regional attraction for a range of ‘access controlled’ activities (e.g. water-sports, birdwatching) and a local destination for ‘informal’ recreation (dog-walking, etc.)) ensures that the effects of public access do not have a simple relationship with visitor numbers or the local population. This is reflected in the SIP: public access / disturbance is identified as a threat rather than a pressure, and the threat principally relates to the ‘formal’ recreation activities at the site and the potential cumulative impacts of future provision for these activities; there is nothing in the SIP to suggest that unmanaged ‘informal’ use of the reservoir margins by local residents (e.g. for dog walking) is a potentially significant threat and NE has not considered it necessary to provide any guidance or targets in relation to recreation in its ‘supplementary advice’.
- 5.2.8. In terms of local population increase, the population of Rutland in 2017 was 39,697; this is projected to rise to 41,700 by 2036 (an increase of approximately 5%) based on the local plan evidence base. The RCC Local Plan caters for this increase through provision for 2706 homes over the plan period. There are major proposals for new housing and employment growth in neighbouring areas; these are as follows:

**Table 5-1 - Housing growth in neighbouring districts**

LPA	Period	Housing provision	~Population equivalent*
Melton Borough	2011-2036	6125	13475
South Kesteven	2011-2036	16125	35475
Peterborough	2016-2036	19440	42768
East Northamptonshire	2011-2031	8400	18480
Corby	2011-2031	9200 (potentially up to 14500)	20240 (potentially 31900)
Harborough	2011-2031	11140	24508
Leicester City	2006-2026	25600	56320



- 5.2.9. The majority of the growth within Rutland will be within 5km of the site, largely from allocations around Oakham and larger villages. Beyond this, the nearest large growth area will be around Stamford (South Kesteven District), approximately 7.5km from the site<sup>42</sup>, with the principal growth areas in other council areas being over 10km away.
- 5.2.10. It has not been considered necessary to undertake detailed visitor surveys for Rutland Water in connection with the Local Plan, and the broader access patterns at the site are reasonably well-understood due to Anglian Water's management of the site. Visitor surveys are often sought to determine whether public access is having a significant or significant adverse effect on a site, although in practice they rarely assist in quantifying the scale or ecological significance of any effects; rather, they typically assume that the site is being (or will be) significantly affected by visitor pressure<sup>43</sup> and then provide a semi-quantitative basis for setting radii for policy interventions (such as developer contributions) that are intended to ensure that possible adverse effects do not occur or can be mitigated.
- 5.2.11. In practice, 'zone of influence' surveys for strategic plans generally aim to identify the distance within which a certain percentage of visitors originate, typically 75%. In this instance Rutland Water's characteristics as a regional or national attraction would have a distorting effect on this. However, analysis of available information from studies across the country suggests the '75% distance' is usually less than 6 – 7km and so it is reasonable to assume that all of the Rutland allocations will contribute regular visitors to the site.
- 5.2.12. NE was consulted on this approach in March 2002 and it agreed<sup>44</sup> that "...bespoke visitor surveys for Rutland Water will not be necessary and welcome the recognition that all allocations in Rutland are likely to contribute regular visitors to the site".

## INCORPORATED MITIGATION

- 5.2.13. The potential for specific allocations or the overall quantum of development to significantly increase visitor pressure has been considered through the evolution of the plan, with NE's consultation responses being used to guide policy development. Policies that may help moderate the effects of population growth include the following:
- Policy SC7 (Creation of New Open Space): Sets open space requirements for developments / allocations.

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<sup>42</sup> Note, the South Kesteven Local Plan includes an allocation for 1300 homes at 'Stamford North', which includes 650 homes within the RCC area (Allocation H4, 'Quarry Farm'). These homes are required to meet the housing needs of Stamford and South Kesteven, although South Kesteven is currently completing its local plan review and has confirmed that the houses delivered on the Quarry Farm site will contribute towards meeting Rutland's local housing need rather than South Kesteven's. Note, the current South Kesteven Local Plan was adopted on 30 January 2020; the HRA of the South Kesteven Local Plan concluded that it would have 'no significant effects' on any European sites alone or in combination.

<sup>43</sup> There is no evidence for this at Rutland Water, based on the SIP and supplementary advice.

<sup>44</sup> Letter from NE to Ryan Putt (RCC) dated 25 April 2022, ref. 386689

- Policy EN7 (Blue and Green infrastructure): Safeguards the existing blue / green infrastructure network and requires that this be improved and enhanced by further provision to ensure accessible multi-functional green spaces by linking existing areas of open space.
- Policy EN10 (Rutland Water): Manages development within the defined Rutland Water Area (RWA) around the reservoir to ensure that it respects the nature conservation features of the SPA/Ramsar by limiting this to small scale recreation, sport and tourist uses within five defined Recreation Areas (RAs) around the shores of the reservoir.

## ASSESSMENT

- 5.2.14. Rutland Water is a regional (arguably national) attraction that draws substantial numbers of visitors to the site each year. Any additional visits to the site due to local housing growth will constitute a small proportion of the visits made to Rutland Water annually, simply by virtue of the large size of Rutland Water's visitor catchment and small-scale of population growth within the RCC area.
- 5.2.15. However, there will be more local residents visiting the site, and they will do so more frequently; they are also more likely to undertake the activity that generally has the greatest potential to disturb birds, dog-walking<sup>45</sup>: the Natural England Monitor of Engagement with the Natural Environment survey notes that 79% of dog walkers travel less than 3km to reach the location at which they walk their dogs. Visitor studies at a range of sites nationally have shown that local visitors tend to make frequent short-duration visits (less than an hour), with the mean distances covered when on site typically being less than 5km (and more often 2 – 3km). They are also more likely to make use of the site throughout the year.
- 5.2.16. As noted, public access / disturbance is identified as a threat rather than a pressure in the SIP, and the threat principally relates to uncertainties regarding the capacity of the reservoir for additional recreational facilities and activities; there is nothing in the SIP or the supplementary advice to suggest local residential growth and 'casual' recreational use of the site margins is a potentially significant threat. The inherent characteristics of Rutland Water and the qualifying features of the SPA/Ramsar are therefore particularly relevant when considering the potential effects of housing growth and increases in visitor numbers, as these characteristics strongly moderate the exposure of the qualifying features to the effects of visitor pressure.
- 5.2.17. Importantly, unlike many sites that are considered sensitive to visitor pressure the reservoir does not have 'open access' throughout (e.g. terrestrial sites with areas of CRoW access land, or coastal sites with access to the foreshore): on-water activities are largely access-controlled (e.g. through permits) and access around the terrestrial margins is predominantly limited to well-managed PROWs or permissive paths (although access to the reservoir margins is possible from some footpaths at the eastern end). The site is also dominated by a single landowner with conservation obligations. As a

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<sup>45</sup> It is worth noting, however, that no dogs are permitted in the nature reserve around Egleton, and that Anglian Water's 'dog code' requires that dogs be kept on a lead at all times. Green spaces promoted by the Local Plan may therefore be more attractive to dog walkers if they are able to take the dog off the lead (studies have repeatedly shown that the most important factors influencing dog owners' choice of recreational area are the ability to take their dog off its lead, the proximity to home and an absence of traffic).

result, access to and around the site is controlled and can be modified or managed relatively easily if required.

- 5.2.18. Furthermore, the habitat preferences of many of the qualifying features also contribute to the effectiveness of access management. The species most likely to be exposed to disturbance from terrestrial recreation are those more typically associated with the site margins, particularly wigeon (which will use grassland areas for foraging) and, to a slightly lesser extent, gadwall, shoveler, teal and mute swan (which favour areas of shallow open water and adjacent wetlands typically found on terrestrial margins). However, the marginal habitats around much of the reservoir (particularly away from the nature reserve areas) are less attractive to these species due to the subsurface topography of the reservoir at the eastern end and the effects of reservoir operation on water levels; and the managed and amenity nature of the marginal grassland habitats.
- 5.2.19. The most important areas for these species are therefore associated with the nature reserve at the western end of the site, where access is closely managed; as a result there is a very low risk of disturbance events from casual recreation in these areas, and no prospect of systematic or consistent disturbance that might lead to an adverse effect on the integrity of these species' populations. Species generally associated with the open water of the reservoir (e.g. goldeneye, goosander, tufted duck, great-crested grebe and (to a lesser extent) coot) will not be particularly exposed or sensitive to terrestrial recreation.
- 5.2.20. More generally, it is clear that additional visits can be controlled and managed through established active and passive measures. For example, Guillemain *et al.* (2007) investigated the effects of ecotourism in the Camargue and found that waterbodies with more tourists did not support fewer birds in the medium-term; and that in the long term, wildfowl numbers were not related to the number of visitors. Obviously, there will always be site-specific variations, but it is known that management can minimise disturbance risk and Rutland Water currently provides excellent evidence of this in practice.
- 5.2.21. Focusing on individual allocations, the allocations that are likely to have the highest frequency of visits by residents are those that are closest; the following large allocations are within 2km of the site:
- Allocation H1.2 (Land south of Brooke Road, Oakham; 140 dwellings; approximately 1.8km from the SPA);
  - Allocation H1.3 (Land south of Stamford Road, Oakham; 66 dwellings; approximately 480m from the SPA);
  - Allocation H1.4 (Officer Mess, Edith Weston; 90 dwellings; approximately 420m from the SPA).
  - Reserve Allocation H1.b (Land North of Pennine Drive, Edith Weston; 84 dwellings; approximately 520m from the SPA);
  - (if allocated) St. George's Barracks site; 350 – 500 dwellings; approximately 500m from the SPA, depending on area developed / allocated through the DPD).
- 5.2.22. Residents of these allocations are likely to use the footpaths around the margins of the reservoir fairly frequently for casual recreation. Direct access on foot is most likely from allocations at Edith Weston due their proximity and the likelihood of relatively easy access to the reservoir footpaths here. Residents in the Oakham allocations can access the reservoir directly, although the walking distance is greater and the closest reservoir areas are those associated with the nature reserve.

- 5.2.23. Residential stand-offs from European sites are often incorporated into policy and planning documents due to the difficulty of mitigating some effects where housing is nearby<sup>46</sup>. These stand-offs are commonly around 400m following the precedent set for the Thames Basin Heaths SPA, although the requirement for a stand-off at a European site needs to be considered on its own merits based on a critical examination of the interest features and the conservation objectives, and an assessment of the effects taking into account available mitigation. There are several examples of housing allocations located within 400m of a European site (for example, the Chelmsford City Council Local Plan has an allocation partly within 400m of the Essex Estuaries SAC and Crouch and Roach Estuaries SPA / Ramsar).
- 5.2.24. The Local Plan policies include requirements for open-space and green access routes linking to nearby settlements and the wider countryside. Provision of these elements is important, and they will have a role in moderating casual recreational use of the reservoir by residents, but the effect will inevitably be relatively small: the fundamental nature of the reservoir is likely to ensure that it will be the primary destination for casual recreation, and these measures will not fully mitigate or offset the likely increase in recreational use of the reservoir margins by residents.
- 5.2.25. Most of the additional visitor pressure associated with the Edith Weston allocations (including the Barracks site, if allocated) is likely to be concentrated along a short section of the reservoir edge near Edith Weston (since this is the closest point for access and also has a car-park). This section of the reservoir already has relatively high levels of recreational activity due to the proximity of the village, the car-park / cycle-hire, and a number of sailing clubs, as well as well-maintained paths and cycle routes; it is also of limited attractiveness to the more sensitive qualifying species (i.e. those that are more reliant on shallow marginal waters and associated terrestrial habitats) due to the subsurface topography of the reservoir at the eastern end, the effects of reservoir operation on water levels, and the nature of the grasslands in this section of the SPA. This is not to say that the qualifying features of the site will not use these areas or not be periodically disturbed by visitors; rather that whilst these allocations will increase the number of visitors to the site (particularly around Edith Weston) the features will not be exposed or sensitive to substantial increases in disturbance such that the integrity of the site populations might be adversely affected, or the site's conservation objectives undermined.
- 5.2.26. A more substantial stand-off distance between the allocations and the SPA/ Ramsar (i.e. more than 500m) is not considered necessary, although all the open-space and green access requirements included in policy are important and must be delivered to help moderate increases in recreational usage of the reservoir near Edith Weston.
- 5.2.27. With regard to in combination effects (from the plan allocations and with regional population growth), there is no reason to assume that established access management measures that are known to be available, achievable and effective will not be sufficient to manage the anticipated residential growth. Furthermore, the open-space and green access requirements included in policy will help moderate

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<sup>46</sup> For example, SPAs designated for their breeding birds are particularly vulnerable to predation by cats, which cannot be reliably mitigated.

increases in recreational usage of the reservoir (although these measures will not fully mitigate or offset the likely increase in recreational use of the reservoir margins). As a result, whilst residential growth within Rutland will increase the number of visitors to the reservoir, it is considered that adverse effects on integrity will not occur as a result of increased visitor pressure.

## RECOMMENDATIONS AND PREFERRED OPTIONS CONCLUSION

- 5.2.28. It is concluded that the overall housing growth associated with the Preferred Options Local Plan and the individual allocations will have no adverse effects on the integrity of Rutland Water SPA or Rutland Water Ramsar due to increased recreational pressure, alone or in combination. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.

## 5.3. WATER QUALITY

### SUMMARY OF PATHWAY

- 5.3.1. Rutland Water is fed primarily by abstractions from the River Nene upstream of Peterborough and from the River Welland upstream of Stamford<sup>47</sup>. The natural upstream catchment is small with minimal inputs from the River Gwash and the Egleton Brook.
- 5.3.2. The main inflows into Rutland Water currently receive regulated discharges of treated sewage as well as unregulated treated sewage discharges from septic tanks. In addition, the reservoir receives nutrient inputs from local diffuse sources (particularly agriculture). These inputs maintain the reservoir in a eutrophic state that has led in the past to regular algal blooms. Development within the reservoir catchment (including upstream of Stamford in the Welland catchment) has the potential to add to the nutrient loading in the reservoir; this includes most of the allocation sites within Rutland.
- 5.3.3. More broadly, the run-off from impermeable surfaces can affect waterbodies and watercourses and this is a notable issue in both urban and rural areas associated with new development.

### BASELINE

- 5.3.4. The current (2023) WFD classification of Rutland Water is 'moderate'<sup>48</sup>. The main aspects that prevent the waterbody achieving 'good' status are total phosphorus and phytoplankton levels, linked to water industry sewage discharges and poor nutrient and livestock management in agriculture.
- 5.3.5. With regard to the SPA and Ramsar features, NE's supplementary advice states that "*Typically, meeting the surface water and groundwater environmental standards set out by the Water Framework Directive (WFD 2000/60/EC) will also be sufficient to support the SPA Conservation Objectives but in some cases more stringent standards may be needed to support the SPA feature*".

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<sup>47</sup> Note, the catchment of the Nene does not include the RCC area and so this source is not considered further.

<sup>48</sup> Environment Agency (2023). Catchment Data Explorer [online]. Available at: <https://environment.data.gov.uk/catchment-planning/WaterBody/GB30536479> [Accessed Nov 2023].

In this case the supplementary advice does not provide specific or more stringent water quality targets but simply requires that “...*water quality and quantity is maintained and managed to a standard which provides the necessary conditions to support the features during passage and winter periods*”. As water pollution is identified in the SIP as a threat rather than a pressure, and the component SSSIs of these sites are currently in ‘favourable’ condition, it can be inferred that water pollution is not currently affecting the integrity of the European sites or preventing them from reaching favourable conservation status.

- 5.3.6. With regard to sewage discharges, a water-cycle study undertaken in 2011<sup>49</sup> noted that “*The Appropriate Assessment carried out as part of the Habitats Directive Review of Consents concluded that there are no Water Quality Consents which have been shown to have an adverse affect [sic] on Rutland Water SPA, even under worst case scenarios in combination with other potentially significant influences on the site*”. This study nevertheless identified four wastewater treatment works (WwTW) in Rutland with potentially insufficient headroom to support the development then anticipated within their catchments (Cottesmore WwTW, Great Casterton WwTW, North Luffenham WwTW and Ryhall WwTW), although it should be noted that only one of these (North Luffenham) has the potential to affect Rutland Water<sup>50</sup>.
- 5.3.7. The EA has more recently indicated<sup>51</sup> that it has concerns over the capacity of the WwTWs at Oakham and Uppingham, and the ability of these sites to accommodate the anticipated housing growth in their catchments without treatment upgrades. Upgrades to capacity at Oakham WwTW are identified for Anglian Water’s current Asset Management Plan (AMP) period (AMP7; 2020 – 2025). However, the updated Water Cycle Study<sup>52</sup> states that “*There is sufficient capacity within existing Water Recycling Centres to accommodate the potential growth indicated within the three scenarios*”.

## **INCORPORATED MITIGATION**

- 5.3.8. Water quality at Rutland has been a key issue during the plan development process, involving specific discussions with the Environment Agency and Anglian Water. This has resulted in the inclusion of several policy measures designed to mitigate the potential effects of population growth on treatment capacity and water quality within the reservoir.
- 5.3.9. The provision of wastewater treatment capacity is a statutory obligation on Anglian Water, and it is required to comply with all relevant discharge consents. The Local Plan contributes to the wastewater treatment planning process by providing certainty for Anglian Water (through the allocations process) but does not (and cannot) directly influence or control Anglian Water’s plans for

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<sup>49</sup> Scott Wilson (2011). *South Holland, South Kesteven and Rutland Outline Water Cycle Study: Technical Report*. Scott Wilson, Hampshire.

<sup>50</sup> The WwTW discharges from Cottesmore, Great Casterton and Ryhall enter the River Gwash downstream of Rutland Water and hence the River Welland downstream of the abstraction at Stamford.

<sup>51</sup> EA response to the August 2017 draft Local Plan consultation, letter dated 25/09/17 ref. AN/2012/113769/CS-02/PO1-L01.

<sup>52</sup> Rutland County Council (2023). *Draft Water Cycle Study*. Rutland County Council, Oakham.

service delivery. The Local Plan therefore adopts a policy-led mitigation approach to this aspect, to ensure that this potential issue is appropriately considered at the site level when developments are bought forward; in particular:

- Policy INF1 (Infrastructure and connectivity): Requires that “...all new development will be supported by the provision of the necessary infrastructure, services, utilities and facilities identified to meet the needs arising from new development in a timely way”, which includes wastewater infrastructure.
- Policy CC14 (Flood Risk): States that “Where appropriate development proposals should demonstrate... that surface water connections are acceptable to the relevant agency”.
- Policy SC4 (Pollution Control): States that “Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted”.

5.3.10. This approach has been developed through close liaison with the Environment Agency and Anglian Water, and reflects the consultation responses from these organisations and NE. There is nothing to suggest that the wastewater treatment or capacity improvements that may be necessary to support delivery of the Local Plan are technologically or logistically unachievable within the required timescales.

## ASSESSMENT

### Treatment provision

- 5.3.11. The Local Plan cannot be prescriptive with regard to sewerage provision for specific developments, as the most appropriate approach can only be determined by the relevant water company in conjunction with the EA. For example, the location of sewerage treatment for the Edith Weston allocations would be Anglian Water’s decision; the closest current WwTW is North Luffenham although wastewater from Edith Weston is currently treated at Empingham (which discharges to the River Gwash downstream of Rutland Water).
- 5.3.12. The Local Plan period (to 2041) is predominantly covered by the water company Asset Management Plans (AMP) periods AMP7 (2020 – 2025) to AMP10 (2035 – 2040). Anglian Water has prepared its plan for AMP7<sup>53</sup>, which outlines its investment programme from April 2020 to 2025; this was adopted in 2020. Anglian Water’s approach to wastewater treatment asset management requires that sufficient certainty is given that the quantum of development proposed will come forward during the plan period before improvements to assets can be justified and funding sought. This certainty is provided, in part, by the Local Plan and therefore the adoption of the plan will ensure that provision of additional capacity is planned, and development is not delayed.
- 5.3.13. It is important to note that the housing growth proposed for the RCC area is relatively modest in the context of Anglian Water’s service area, and there is nothing to suggest that the wastewater treatment and capacity improvements that may be required are not possible using currently

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<sup>53</sup> <https://www.anglianwater.co.uk/siteassets/household/about-us/01-pr19-our-plan-2020-2025.pdf>

available wastewater treatment technologies; therefore, the principal issue is around timing of delivery rather than the feasibility of the solution or risks in relation to fundamental limits on the capacity of the receiving waters. Therefore, provided that the planning process allows for the timely identification and delivery of any additional treatment capacity that may be required, then new developments can be accommodated without unavoidable adverse effects on receiving European sites, 'alone' or 'in combination'.

- 5.3.14. There is sufficient headroom and time before development comes forward within the WwTW catchments for Anglian Water to plan its investment and to deliver the necessary upgrades. The exact technical specification of the upgrades required will be determined by Anglian Water and the EA in line with revised quality conditions. As a result, adverse effects 'alone' would not occur. With regard to 'in combination' effects with other plans, the waste water planning process operates at a regional level, taking account of development within all plan areas, and so the same safeguards will ensure no adverse 'in combination' effects as a result of developments regionally.

#### **Run-off**

- 5.3.15. Other discharges or run-off that may be associated with development arising from the Local Plan will all originate some distance from Rutland Water (the closest allocations being over 400m from the European sites, with the exception of a small proportion of Allocation H1.11 (Land off Cemetery Road, Manton)). As a result, any such discharges will be largely attenuated before reaching the designated sites and significant effects 'alone' would not occur.
- 5.3.16. There are theoretical 'in combination' risks associated with diffuse pollution, to which run-off will contribute, although the effect of run-off from developed areas can be fully mitigated or reduced by the use of SuDS and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. These measures offer effective attenuation by reducing the volumes of surface run-off. They also increase the retention of pollutants and, in the case of some SuDS, can allow for treatment of pollutants. These measures can be employed to ensure that developments supported by the Local Plan do not contribute significantly to wider diffuse pollution and manage those aspects within their control.
- 5.3.17. The policy measures noted above have been derived from consultations with the EA and AW, and are considered appropriate for the anticipated quantum of growth associated with the Local Plan. They ensure that necessary water management and water treatment infrastructure will be in place before development takes place and that any potential effects on water quality as a result of development supported by the Local Plan can be avoided.
- 5.3.18. As a result, the incorporated measures can be relied on to ensure that the RCC Local Plan will not adversely affect the integrity of Rutland Water SPA/Ramsar, alone or in combination.

#### **RECOMMENDATIONS AND PREFERRED OPTIONS CONCLUSION**

- 5.3.19. Policy SC4 is likely to provide sufficient safeguards to ensure that the water quality of Rutland Water SPA/Ramsar is not reduced as a result of the Local Plan. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.
- 5.3.20. Nevertheless, for clarity and additional certainty when considering planning applications, it is recommended that the following is added to Policy SC4:



- “Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted. **Developments within the catchments of waterbodies that supply Rutland Water or the River Glen must explicitly demonstrate that deterioration will not occur as a result of the development, and the mechanisms for ensuring this.**”

5.3.21. This addition can be referenced in the supporting text to the policy, e.g. **“The requirement for developments within the catchments of waterbodies that supply Rutland Water or the River Glen to demonstrate how ‘no deterioration’ in water quality is achieved is included to safeguard the habitats and features of Rutland Water SPA/Ramsar and Baston Fen SAC, and habitats that are considered to be ‘functionally linked’ to these sites. The demonstration of ‘no deterioration’ should take these designations into account”.**

## 5.4. AIR POLLUTION

### SUMMARY OF PATHWAY

- 5.4.1. The Local Plan proposals may indirectly contribute to local air pollution and wider diffuse pollution. In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan does not provide for any new significant point-sources).
- 5.4.2. Highways England’s *Design Manual for Roads and Bridges* (DMRB) sets out an approach for assessing the effect of emissions from specific road schemes on designated sites; this suggests that a quantitative air quality assessment may be required if a European site is within 200m of an affected road and the predicted change in annual average daily traffic (AADT) is over 1000.
- 5.4.3. This approach has some limitations when considering the effects of a Local Plan (rather than a specific road scheme) although in the absence of any other specific guidance or thresholds it has typically been applied to main roads<sup>54</sup> within 200m of a European site, with case law<sup>55</sup> indicating that changes in AADT on particular roads should be determined ‘in combination’ with other plans and projects.
- 5.4.4. There are two A- or B-roads within 200m of the SPA / Ramsar (the A6003 and the A606). In addition, some minor roads within 200m of the SPA / Ramsar near Edith Weston are likely to experience increases in traffic volumes if St. George’s Barracks is ultimately developed for housing (principally Normanton Road and Normanton Park Road). Other minor roads within 200m of the

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<sup>54</sup> i.e. trunk roads, A-roads and most B-roads. Changes in the number of vehicles using minor roads in the region will be too small to meaningfully assess using the industry standard approaches to AADT modelling that can be applied at the strategy-level (i.e. without substantial additional data collection including field monitoring at specific locations – this may be appropriate for a specific development or allocation but not for traffic-growth generally).

<sup>55</sup> *Wealden District Council v. Secretary of State for Communities and Local Government*, Lewes District Council and South Downs National Park Authority [2017] EWHC 351.

SPA/Ramsar (e.g. the minor road to Hambleton) are not explicitly considered as any increases in traffic volumes will be substantially less than the 1000 AADT threshold.

## BASELINE SUMMARY

### Traffic Data

- 5.4.5. High-resolution detailed traffic modelling for the A6003 or A606 has not been undertaken in relation to the Preferred Options Local Plan, although in this instance this is not considered essential to allow robust conclusions to be made regarding the effects of air quality changes as the magnitude of change is likely to be small and the interest features have a low sensitivity to eutrophication from air emissions (see '*Interest feature sensitivity and exposure*', below).
- 5.4.6. In the absence of the detailed model, WSP in 2019 undertook a high-level analysis of the potential effects of regional traffic growth on the A6003 and A606 near Rutland Water, based on AADT traffic statistics from the DfT and using the National Trip End Model (NTEM) and its presentation programme (TEMPRo) to generate a 2036 growth factor (note, this was based on the withdrawn 2018-2036 Local Plan). The results of this are summarised in **Table 5.2**. It should be noted that this uses regional figures and does not model specific allocations associated with the Rutland Plan (and so has been re-used in the appraisal of the Preferred Options Local Plan); given the relatively small contribution of Rutland to growth regionally this will not substantially affect the model predictions.
- 5.4.7. This assessment is a relatively coarse high-level model only; however, it does provide some useful guidance on the level of impacts expected and suggests that traffic growth 'in combination' on the A6003 at least may exceed the 1000 AADT threshold for 'significant' effects to be possible.

**Table 5-2 - Predicted AADT increase to 2036 for the A606 and A6003 (analysis completed for the withdrawn 2018-2036 Local Plan)**

Assessment point	2018 AADT	2036 AADT	Difference	% change
A606 (Stamford Road)	9160	10082	922	10%
A6003 (Burley Park Way)	10717	11789	1072	10%

- 5.4.8. In addition, RCC commissioned a transport assessment (AECOM 2018) for the St George's Barracks and Officer's Mess allocations that were proposed in the withdrawn 2018-2036 Local Plan, aimed principally at determining network and junction capacity on local roads (note, St George's Barracks is not allocated in the Preferred Options Local Plan). This report made a number of assumptions regarding the masterplanning and development of these sites. It did not aim to identify AADT changes within 200m of any European sites, although the data can be cautiously used to provide a very approximate assessment of AADT changes on the minor roads within 200m of the SPA / Ramsar at Edith Weston should St George's Barracks be allocated in the future.
- 5.4.9. The data in the transport assessment suggests that AADT changes on Normanton Park Road may exceed 1000 by the end of the transport assessment study period (2041) due to these allocations, in combination with background growth. However, it is important to note that the transport assessment was based on a substantially larger development at St George's Barracks than that suggested by the Preferred Options Local Plan (the report assumed approximately 3570 residential units between

the St George’s Barracks and Officer’s Mess sites, compared to an anticipated maximum 674 if H1.4, H1.b and St George’s Barracks are all developed (and in practice it is very unlikely that reserve site H1.b would be required if St George’s Barracks were progressed). Nevertheless, the potential effects of air quality changes on the SPA/Ramsar interest features within 200m of Normanton Park Road are examined further to provide certainty regarding the HRA conclusions.

### Interest feature sensitivity and exposure

- 5.4.10. The qualifying features of the SPA/Ramsar are not directly sensitive to air quality changes under normal scenarios; rather, any sensitivity is related to changes that might occur in the supporting habitats, principally in relation to N-deposition and hence eutrophication from traffic sources (see Section 4).
- 5.4.11. As noted above (see Section 3.2), four broad supporting habitats at the site are considered important for the SPA waterbird assemblage and its component species; these are:
- Open standing water associated with the main reservoir and other adjacent waterbodies;
  - Neutral grassland;
  - Fen, marsh and swamp associated with the open water; and
  - Broadleaved, mixed and yew woodland, including wet woodland.
- 5.4.12. Information on the air quality baseline for the site can be obtained from the Air Pollution Information Service (APIS) in the absence of site-specific monitoring data. The APIS critical load and critical level data for the site habitats are provided in **Tables 5.3 and 5.4**, where available, although it should be noted that APIS uses proxies for some habitats and does not always provide critical loads for habitats where available-N is not a limiting factor (e.g. most lowland aquatic systems).

**Table 5-3 - Summary of N-deposition and critical loads for Rutland Water SPA/Ramsar, based on APIS**

SPA / Ramsar Habitat	APIS Broad Habitat Class	Critical Loads (kg N/ha/yr)	Current N-deposition (kg N/ha/yr)
Open standing water associated with the main reservoir and other adjacent waterbodies	Standing open water and canals	n/a*	-
Neutral grassland	Low and medium altitude hay meadows	20-30	17.15
Fen, marsh and swamp associated with the open water	Pioneer, low-mid, mid-upper saltmarshes	10-20	17.15
Broadleaved, mixed and yew woodland, including wet woodland.	Broadleaved deciduous woodland	10-20	29.03

\* No critical load is assigned for ‘Standing open water and canals’ as available N is not typically a limiting factor in these meso/eutrophic systems (more typically P-limited).

**Table 5-4 - Summary of NOx concentrations and critical levels for Rutland Water SPA/Ramsar, based on APIS**

SPA / Ramsar Habitat	APIS Broad Habitat Class	Critical Levels (µg/m <sup>3</sup> )	Current NOx concentration (µg/m <sup>3</sup> )
Open standing water associated with the main reservoir and other adjacent waterbodies	Standing open water and canals	30 (annual); 75 (24hr)	8.82
Neutral grassland	Low and medium altitude hay meadows	30 (annual); 75 (24hr)	8.82
Fen, marsh and swamp associated with the open water	Pioneer, low-mid, mid-upper saltmarshes	30 (annual); 75 (24hr)	8.82
Broadleaved, mixed and yew woodland, including wet woodland.	Broadleaved deciduous woodland	30 (annual); 75 (24hr)	8.82

- 5.4.13. The SIP for the Rutland Water SPA/Ramsar does not identify air pollution as a current pressure or threat to meeting the site’s conservation objectives, although the ‘Supplementary Advice’ provides a broad target for air quality, specifically to “*Maintain concentrations and deposition of air pollutants at or below the site-relevant Critical Load or Level values given for the feature at this site on the Air Pollution Information System*”. Currently the critical loads are only exceeded for the woodland habitats, although the current N-deposition in the grassland and fen/marsh habitats is not far below the minimum critical load (and there is an argument that the lower critical level is more appropriate for areas subject to run-off from adjacent catchments).
- 5.4.14. Small proportions of the designated sites are within 200m of the A6003, A606 or Normanton Park Road (approximately 50.8 ha. of the SPA, and 27.8 ha. of the Ramsar site – roughly 3.3% and 2.1% respectively). In terms of habitats, the approximate areas of each habitat within 200m of these roads are set out in **Table 5.5**<sup>56</sup>.

**Table 5-5 - Approximate areas of key supporting habitats within 200m of the A6003, A606 and Normanton Park Road**

SPA / Ramsar Habitat	~Total area within SPA (ha.)*	~Area (ha.) within 200m*		% of SPA habitat within 200m*
		In SPA only	SPA+Ramsar	
Open standing water associated with the main reservoir and other adjacent waterbodies	1182.6	-	8.87	0.8
Neutral grassland	217.8	19.66	9.37	13.3

<sup>56</sup> These habitat areas are based on aerial photographs and contextual information on SSSI units, and are conservative (e.g. ‘neutral grassland’ will include areas of amenity grassland with little biodiversity value).

SPA / Ramsar Habitat	~Total area within SPA (ha.)*	~Area (ha.) within 200m*		% of SPA habitat within 200m*
		In SPA only	SPA+Ramsar	
Fen, marsh and swamp associated with the open water	0.2	-	1.79	25.0
Broadleaved, mixed and yew woodland, including wet woodland.	124.5	1.97	4.28	5.0

\* Note, these figures exclude the currently undesignated compensatory wetland habitats as the precise boundaries of these areas (as they might relate to future designation) are not known. If it is assumed that a future designation would largely cover the new lagoon areas managed by the Wildlife Trust then this would add approximately 38.5 ha. of 'Open standing water' and / or 'Fen, marsh and swamp'; and around 23.2 ha. of 'Neutral grassland'. None of this will be within 200m of the A6003 or A606.

## INCORPORATED MITIGATION

- 5.4.15. The potential for effects on European sites due to air quality is difficult for a Local Plan to specifically mitigate, since the decision to travel by car from outside the LPA area is typically made in the context of regional and national travel conditions rather than local provision of sustainable travel options. However, the promotion of sustainable transport is woven throughout the Local Plan, particularly in Policy INF2 (Securing sustainable transport) which places a number of obligations on developers, including requirements to demonstrate how the distance people need to travel to shops, services and employment opportunities is minimised; how a development reduces the need to travel by car and encourages the use of alternatives such as walking, cycling and public transport; and how the development includes appropriate mitigating transport measures (such as travel plans) to improve transport choice and encourage travel to work and school by public transport, cycling and walking.
- 5.4.16. In addition, Policy SC4 (Pollution control) provides safeguards in relation to air quality and developments, including in relation to cumulative effects.
- 5.4.17. These will help moderate the effects of the plan, but will not necessarily mitigate or offset potential changes in air quality in their entirety.

## ASSESSMENT

- 5.4.18. The NTEM/TEMPRo model suggests that the 'in combination' increase in AADT on the A6003 near Rutland Water will exceed 1000 by 2036, which has the potential to affect the supporting habitats of the SPA/Ramsar due to the associated increases in N-deposition. The 2018 traffic assessment for St. George's Barracks (AECOM 2018) also suggests that the increase in AADT on Normanton Park Road may exceed 1000 although this (a) would depend on the future allocation of St. George's Barracks; and (b) is now extremely conservative and very unlikely to be realised, given the substantive differences between the 2018 report assumptions regarding housing numbers at St. George's Barracks and the number of dwellings assumed in Policy SS5.
- 5.4.19. As noted, the SIP does not identify air quality changes as a pressure or a threat for the site, which reflects the low sensitivity of the supporting habitats to eutrophication from air pollution. Indeed, for most wetland habitats (particularly waterbodies) eutrophication via agricultural run-off and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor

in these ecosystems. The reservoir is maintained in a eutrophic state by nutrient inputs from sewage discharges and run-off (see **Section 5.3**) and on this basis significant effects on the 'Open standing water' supporting habitat due to N-deposition associated with changes in traffic volumes can be excluded (any changes will have no measurable effect on the reservoir water quality).

- 5.4.20. The 'neutral grassland' and 'fen, marsh and swamp' features at this site will also have a low sensitivity to eutrophication from N-deposition, although current deposition levels would only need to increase by around 3.6% to potentially result in an exceedance of the minimum critical load.
- 5.4.21. The EA-accepted threshold for 'significant effects' on habitats to be possible is an increase of >1% of the minimum critical load<sup>57</sup>; in this instance, for 'neutral grassland' and 'fen, marsh and swamp' this would be approximately 0.2 kg/ha/yr. Although it is not simple to apply 'rule of thumb' estimates to relationships between traffic volumes and N-deposition (as this is influenced by a number of factors), it is worth noting that the DMRB guidance regarding air quality thresholds is based on the assumption that 1,000 extra vehicles is equivalent to ~0.01 kg N/ha/yr (this is obviously a coarse figure and there are other factors that come into play such as the emissions factors used for opening year/ wind direction / number of HGVs / speed etc.). Furthermore, there are numerous published traffic and air quality modelling studies that provide proxy data or context; for example:
- Recent air quality modelling by Wood of a new link road at an MoD establishment in the UK found that an AADT increase of ~7,000 increased nitrogen deposition by 0.21 kg N/ha/yr at the worst receptor point (at the immediate kerbside), and that by 25m from the road the increase in N-deposition was zero.
  - Traffic and air quality studies for the B5036 undertaken in connection with the Derbyshire Dales (DDDC) Local Plan<sup>58</sup> determined that nitrogen deposition would increase by ~0.003 kg N/ha/yr as a result of an estimated increase in AADT of 1,020.
- 5.4.22. It should be noted that the contribution of ammonia from vehicles<sup>59</sup> to N-deposition is known to be underestimated by most standard models; however, it is considered unlikely that the N-deposition will increase by more than 1% of the minimum critical load (i.e. 0.2 kg/ha/yr) as this would probably

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<sup>57</sup> The 1% threshold is used as it is accepted that levels below this are difficult to measure and not typically distinguishable from background fluctuations. An exceedance of 1% of the critical load should be seen as a 'starting point' for assessing the significance of any effects; the Institute of Air Quality Management (IAQM) position statement on air quality effects notes that "*it is the position of the IAQM that the use of a criterion of 1% of an assessment level in the context of habitats should be used only to screen out impacts that will have an insignificant effect. It should not be used as a threshold above which damage is implied and is therefore used to conclude that a significant effect is likely.*"

<sup>58</sup> Clearlead (2016). *Derbyshire Dales Local Plan – Submission Habitats Regulations Report*. Report for Derbyshire Dales District Council. Clearlead, Devon)

<sup>59</sup> Ammonia from vehicles has not typically been measured, partly as the contribution of vehicles to ammonia emissions was historically low and partly due to the relative difficulty of doing so compared to NOx and the absence of European air quality standards for ammonia. However, certain catalytic converters that reduce NOx emissions do so by emitting nitrogen as ammonia rather than NOx, with the result that whilst NOx emissions from vehicles are declining (and will continue to do so) ammonia emissions are not. This is likely to be resolved in the medium to long-term by the switch to electric vehicles.

require an AADT increase in excess of 5000<sup>60</sup> at a given location which is substantially beyond that predicted (i.e. the accepted threshold for significant effects would probably not be met). There is therefore no reasonable prospect of the deposition levels increasing by over 0.7 kg/ha/yr (~3.6%) to exceed the minimum critical load target noted in NE's 'Supplementary Guidance' for the sites.

5.4.23. Furthermore,

- the maximum area of 'neutral grassland' and 'fen, marsh and swamp' potentially exposed to changes in N-deposition associated with traffic variations is small (see Table 5.3) and in practice (based on evidence from other studies) it is very likely that changes in N-deposition will be effectively zero much closer than 200m from the road; and
- these habitats have a low sensitivity to eutrophication from N-deposition due to the dominance of nutrients received from agricultural run-off.

5.4.24. With regard to the 'broadleaved woodland' supporting feature, the critical loads for this feature are already substantially exceeded, and so any additional N-deposition will not support the target noted in NE's 'Supplementary Guidance'. However, the critical load exceedance for the woodland habitats is due to general diffuse air pollution rather than specific roads or point sources; 95% of the woodland in the UK exceeds the nitrogen critical load as forests capture air pollutants more effectively than shorter vegetation<sup>61</sup>. It is therefore important to note that the exceedance of the critical load does not necessarily mean a particular woodland is (or will be) in 'unfavourable' condition as the sensitivity of the woodland will depend on a range of factors including the type of woodland and its intrinsic and functional value. As noted, the associated SSSIs are in 'favourable' condition.

5.4.25. The vast majority of the woodland at the site is over 200m from the nearest A- or B-road; furthermore, there is no woodland within the SPA within 200m of the A6003 (the road most likely to experience a change in AADT of over 1000). For the small areas of woodland within 200m of the A606 and Normanton Road it is unlikely that the N-deposition will increase by more than 1% of the minimum critical load (i.e. 0.1 kg/ha/yr) based on the estimated AADT increases (i.e. the threshold for 'significant effects', see above). Notwithstanding this, any increase in N-deposition within the woodlands will not adversely affect the integrity of the European sites; this is because:

- the area affected is minimal and in practice (based on evidence from other studies) it is very likely that changes in N-deposition will be effectively zero at a point much nearer than 200m from the road;
- the woodland is identified as a supporting habitat for its functional value in providing areas of cover (etc.), rather than its intrinsic botanical value, and any changes in N-deposition will not

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<sup>60</sup> A conservative estimate based on the DMRB guidance and examples from published traffic / air quality models.

<sup>61</sup> APIS (2023). *Nitrogen deposition and Ammonia* [online]. Available at [http://www.apis.ac.uk/overview/ecosystems/overview\\_woodlands.htm](http://www.apis.ac.uk/overview/ecosystems/overview_woodlands.htm) [accessed Nov 2023].

result in changes that could significantly alter the use of the woodlands by the qualifying features; and

- the functional value of the woodland in a site context is relatively limited as none of the qualifying features of the SPA/ Ramsar are functionally dependent on woodland habitats (unlike the other habitats)<sup>62</sup>.

## RECOMMENDATIONS AND PREFERRED OPTIONS CONCLUSION

- 5.4.26. It can be concluded that the Preferred Options Local Plan will have no adverse effects on the integrity of Rutland Water SPA or Rutland Water Ramsar due to changes in air quality, alone or in combination. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.

## 5.5. EFFECTS ON SPECIES AWAY FROM SITE

- 5.5.1. Rutland Water is the key habitat resource regionally for the qualifying species of the SPA/Ramsar, and the species will be most vulnerable to environmental changes associated with the Local Plan whilst using the reservoir due to the significant aggregations that occur at the site (and hence potential for population-scale effects).
- 5.5.2. The species are mobile however, and may be exposed to changes associated with the plan when utilising local habitats or migrating to and from the reservoir. There is a lack of landscape-scale data on bird activity away from the SPA/Ramsar, although firm conclusions can be made based on the information available. This section provides a brief assessment of the potential for the Preferred Options Local Plan to adversely affect the integrity of the SPA/Ramsar populations through effects on the species when away from the site.

## FUNCTIONAL LAND

### Summary of Pathway and Baseline Data

- 5.5.3. The SIP and supplementary advice for the SPA/Ramsar do not identify any known areas of functionally-linked land. It is likely waterbirds associated with Rutland Water periodically use other wetland sites in the region (e.g. Eye Brook Reservoir SSSI; or Priory Water in Melton Borough) although there is nothing to suggest a potentially significant functional linkage and, in any case, the Preferred Options Local Plan will have no or negligible effects on these other waterbodies due to their location relative to the proposed allocations.
- 5.5.4. However, it is recognised that some areas of cropped lowland farmland may be important for certain wintering waterbirds typically associated with coastal and wetland SPAs (e.g. Mason & MacDonald

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<sup>62</sup> Note, goldeneye require tall forest growth with hollow trees when nesting, and the APIS critical levels for woodland are made with specific reference to this assemblage species; however, the breeding range of this species in the UK is essentially limited to Scotland and so the woodland at Rutland will not be important in this regard.



1999; Gillings 2003), and that this behaviour is under-recorded by the standard Wetland Bird Survey (WeBS) monitoring technique.

- 5.5.5. The 2016 SPA Review (JNCC, 2016) identifies a broad group of species that are known to be associated with or reliant on cropped habitats, which are under-represented in the SPA network (although the SPA Review suggests that this should be addressed outside the SPA Review process through “*wider countryside measures to preserve and promote permanent pasture as feeding and roosting habitat for the species*”). Of the species identified in the Rutland Water SPA/Ramsar citations, only **wigeon** and **teal** have potential associations with cropped habitats.
- 5.5.6. There is little information on the feeding habits of **teal** in agricultural habitats although they typically forage close to wetlands and it is likely that the use of particular fields is opportunistic, depending on inundation.
- 5.5.7. In contrast, **wigeon** are closely associated with cropped habitats within ~2km of a roost site, particularly short improved grasslands that are close to water or partially flooded; and the species exhibits a relatively high level of fidelity to roost and feeding sites (JNCC 2016). Suitable habitats away from Rutland Water may be utilised and have some functional value to the **wigeon** population, although it should be noted that these species retain a strong preference for damp grassland near waterbodies, typically with longer sight-lines, rather than agricultural land generally and so most potential allocation sites will not be of interest to this species.

#### **Incorporated Mitigation**

- 5.5.8. No specific measures are included in policy in relation to functional land, although the protective policies (e.g. EN1) have clauses that provide safeguards in this respect.

#### **Assessment**

- 5.5.9. There is little evidence to suggest substantive use of farmland away from the immediate vicinity of the reservoir by these species. An initial review of potential allocation sites within 2km of the reservoir (based on OS mapping, aerial photographs and CORINE land use data, hence inferences regarding field size, cropping characteristics, topography, and hydrology) has not identified any sites with characteristics that would obviously be attractive **teal** or **wigeon** as functionally-associated terrestrial habitat (e.g. not close to water or likely to be inundated; subject to factors influencing sight-lines and hence predation risk (undulating topography; nearby hedges, woodland and treelines; small fields; etc)). The allocation sites are therefore unlikely to be used by teal or wigeon in numbers that would expose the SPA/Ramsar population to the possibility of adverse effects.
- 5.5.10. With regard to the possible future allocation of St. George’s Barracks, this site was surveyed for wintering birds over winter 2018/19<sup>63</sup> to identify any potential functional linkages with the SPA/Ramsar, particularly for duck species (e.g. wigeon) that may utilise the grassland for foraging or loafing; this survey recorded none of the SPA/Ramsar qualifying species. The site habitats are of

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<sup>63</sup> Derek Finnie Associates (2019). *St. George’s Barracks Winter Bird Survey*. Report for RegenCo. Ref. DFA19036V1. Derek Finnie Associates, Wokingham.

low or negligible value in this regard and so this opportunity area is not considered to be functionally linked to the SPA/Ramsar.

### Recommendations and Preferred Options Conclusion

- 5.5.11. Systematic or large-scale effects on functionally-linked land will not occur as a consequence of the Preferred Options Local Plan allocations, although this should not prejudice the assessments that may be required for individual developments. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.
- 5.5.12. However, for clarity and additional certainty when considering planning applications it is recommended that the following is added to Policy EN1:
- *1. Development that would adversely affect the integrity, directly or indirectly, of internationally designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SPAs), or their functionally-linked habitats, will not be permitted other than in exceptional circumstances...*
- 5.5.13. The supporting text could then include the following clarifying text:
- **“The integrity of some species’ populations that are associated with designated sites may depend on functionally-linked habitats outside the boundary of the relevant designated site. With regard to Rutland Water SPA/Ramsar it is expected that planning applications for greenfield sites will provide an assessment of the site’s suitability as functionally-linked habitat based on field observations and/or existing data sets, and appropriate mitigation where a functional linkage is established”.**

## WIND FARMS

### Summary of Pathway and Baseline Data

- 5.5.14. The Preferred Options Local Plan does not allocate or identify specific sites for wind farms although there is a spatial component to the policy as Policy CC8 notes that *“Proposals for medium (over 40m from ground to tip of blade) to large scale wind turbines (including groups of turbines) will, in principle, be supported only where they are within an area identified as a “broad area suitable for Larger Scale Wind Energy Turbines” as identified on the Policies Map”.*
- 5.5.15. Birds are vulnerable to collisions with wind turbines although the risk is dependent on a wide-range of species- and site-specific factors. In general, larger less-maneuvrable species such as large raptors, swans, geese and divers are thought to be most at risk of collision, rather than the smaller waterfowl species associated with Rutland Water; and risks are assumed to be greater near sites designated for such species.
- 5.5.16. However, risks cannot be reliably assessed without project-level parameters and as a result there are few landscape-scale models that can be applied to strategic plans. The RSPB provided a high-

level map and guidance<sup>64</sup> in 2009 that assigned one of three sensitivity ratings (high, medium or unknown) to each 1km square in England; for Rutland, the landscape within ~4 – 5km of Rutland Water SPA/Ramsar and Eye Brook Reservoir SSSI was categorised as having a ‘high’ sensitivity to wind farm development due to their designations although the RSPB report does explicitly note that the sensitivity map is indicative only and that it is not intended to identify or suggest ‘no go’ areas. No data on potential flyway or migration routes to Rutland Water has been identified, although it is likely that the Welland valley provides a migration corridor to the Fens and the Wash for some species.

### **Incorporated Mitigation**

- 5.5.17. Policy CC8 includes tests for renewable energy schemes which, along with other policies in the plan (e.g. EN1) will ensure that proposals with adverse effects on Rutland Water SPA/Ramsar will not benefit from the ‘in principle’ support provided by Policy CC8.

### **Assessment**

- 5.5.18. The Preferred Options Local Plan does not allocate or identify specific sites for wind farms although there is a spatial component to the policy as Policy CC8 notes that “*Proposals for medium (over 40m from ground to tip of blade) to large scale wind turbines (including groups of turbines) will, in principle, be supported only where they are within an area identified as a “broad area suitable for Larger Scale Wind Energy Turbines” as identified on the Policies Map*”. This is based on the 2023 Renewable Energy Study<sup>65</sup> which identified locations that may be suitable for wind turbines. This study considered Rutland Water SPA/Ramsar, but did not explicitly consider potential flyways to the reservoir.
- 5.5.19. The policy therefore guides developers to these areas, although it provides no further direction (e.g. potential locations, quantum of development, etc.) and the ‘in principle’ support is caveated. In practice the appropriate siting of wind farms can only be determined at the project level. The policy is of a type that would typically be ‘screened out’ as it provides no additional clarity on development parameters (e.g. potential locations, quantum of development, etc.); furthermore, the developments that might benefit from this policy will be relatively small-scale and unlikely to affect the overall permeability of landscape to species accessing Rutland Water.

### **Recommendations and Preferred Options Conclusion**

- 5.5.20. Given the existing policy controls and the small scale of any wind developments it is considered that the Preferred Options Local Plan will not adversely affect birds accessing the reservoir. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.

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<sup>64</sup> Bright J.A., Langston R.H.W. & Anthony S. (2009). *Mapped and written guidance in relation to birds and onshore wind energy development in England*. RSPB Research Report No. 35. RSPB, Beds.

<sup>65</sup> AECOM (2023) *Renewable Energy Study Solar PV and Wind Turbine Potential*. Report for RCC. AECOM, Edinburgh.

- 5.5.21. However, it is recommended that Policy CC8 be amended to ensure that the policy is more explicit regarding the “*broad area suitable for Large Scale Wind Energy Turbines*” with the addition of the following text (or similar):
- **“The broad area suitable for Large Scale Wind Energy Turbines classification does not prejudice other material planning considerations, such as effects on designated sites and their interest features.**
  - “The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity (**having particular regard to effects on bird species associated with Rutland Water SPA / Ramsar and the permeability of the landscape for birds moving to and from the site**); geodiversity; flood risk; townscape; heritage assets, their settings, and the historic landscape; and highway safety...”.
- 5.5.22. These amendments are considered sufficient to ensure that the Local Plan does not introduce a systemic pathway for birds associated with Rutland Water SPA/Ramsar to be adversely affected by the policy, alone or in combination.

## 6. APPROPRIATE ASSESSMENT – BASTON FEN SAC

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### 6.1. OVERVIEW

- 6.1.1. The screening has indicated that the interest features of Baston Fen SAC may be vulnerable (i.e. exposed and sensitive) to environmental changes associated with the implementation of the Local Plan, principally in relation to water quality and non-designated habitats that may be functionally linked to the site.

### 6.2. WATER QUALITY

#### SUMMARY OF PATHWAY

- 6.2.1. It is possible that Spined loach populations within **Baston Fen SAC** are dependent to some extent on the integrity of sections of river channel and riparian areas that lie outside of the SAC boundary, including headwater areas and tributaries of the River Glen that may be used for spawning and juvenile development. Spined loach have been recorded from the River Glen at Kate's Bridge.
- 6.2.2. A tributary of the River Glen (the West Glen River) runs for approximately 3km through the RCC area near Essendine, and one reserve allocation site (H1.d Land at Manor Farm, Essendine) is located in this surface water catchment. This watercourse receives regulated discharges of treated sewage from a WwTW near Little Bytham (outside the RCC area), and is likely to receive unregulated treated sewage discharges from septic tanks. In addition, the river will receive nutrient inputs from local diffuse sources (particularly agriculture), although these cannot typically be managed by the Local Plan. More broadly, the run-off from impermeable surfaces can affect waterbodies and watercourses and this is a notable issue in both urban and rural areas associated with new development.

#### BASELINE

- 6.2.3. The baseline for the SAC is outlined in **Section 3.2**. With regard to the West Glen River, the current (2023) WFD classification of the "West Glen - conf West Glen trib to conf East Glen River" Water Body (i.e. with section of the West glen within and downstream of the RCC area, and hence potentially exposed to environmental changes in the RCC area) is 'moderate'<sup>66</sup>. The main aspects that prevent the waterbody achieving 'good' status are phosphate and the hydrological regime, phytoplankton levels, linked to water industry sewage discharges and abstraction and poor nutrient and livestock management in agriculture. The status in relation to fish specifically is 'high' however.
- 6.2.4. With regard to the SAC itself, NE's supplementary advice identified the following targets for water quality:
- *"Maintain the nutrient regime of the Counter Drain at or below the following levels:*
    - *An annual mean of 0.1mg/l-1 total phosphorous.*

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<sup>66</sup> Environment Agency (2023). *Catchment Data Explorer* [online]. Available at: <https://environment.data.gov.uk/catchment-planning/WaterBody/GB105031050770> [Accessed Nov 2023].

- *Biological Water Quality in ditches target equivalent to Class ‘b’ in the biological module of the General Quality Assessment scheme (GQA);*
- *Dissolved oxygen, ammonia, BOD equivalent quality to Chemical GQA Class ‘C’;*
- *Mean cover of filamentous macro-algae and Enteromorpha not more than 10%”.*

6.2.5. Water quality in the West Glen River will influence the achievement of these targets, although it will be small; no targets are provided for the West Glen River itself, although where this is the case elsewhere NE usually note that meeting the surface water and groundwater environmental standards set out by the Water Framework Directive (WFD 2000/60/EC) will typically be sufficient to support the SAC Conservation Objectives.

6.2.6. Water pollution is not identified in the SIP as a threat or pressure, and the component SSSI of this site is currently in ‘favourable’ condition; it can therefore be inferred that water pollution in the West Glen River is not currently affecting the integrity of the European sites or preventing them from reaching favourable conservation status, and that a ‘no deterioration’ position is appropriate in relation to water quality in the river.

### **INCORPORATED MITIGATION**

6.2.7. The provision of wastewater treatment capacity is a statutory obligation on Anglian Water, and it is required to comply with all relevant discharge consents. The Local Plan contributes to the wastewater treatment planning process by providing certainty for Anglian Water (through the allocations process) but does not (and cannot) directly influence or control Anglian Water’s plans for service delivery. The Local Plan therefore adopts a policy-led mitigation approach to this aspect, to ensure that this potential issue is appropriately considered at the site level when developments are brought forward; in particular:

- Policy INF1 (Infrastructure and connectivity): Requires that “...*all new development will be supported by the provision of the necessary infrastructure, services, utilities and facilities identified to meet the needs arising from new development in a timely way*”, which includes wastewater infrastructure.
- Policy CC14 (Flood Risk): States that “*Where appropriate development proposals should demonstrate... that surface water connections are acceptable to the relevant agency*”.
- Policy SC4 (Pollution Control): States that “*Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted*”.

6.2.8. This approach has been developed through close liaison with the Environment Agency and Anglian Water, and reflects the consultation responses from these organisations and NE. There is nothing to suggest that the wastewater treatment or capacity improvements that may be necessary to support delivery of the Local Plan are technologically or logistically unachievable within the required timescales.

### **ASSESSMENT**

6.2.9. The area of the West Glen River catchment within the RCC area is very small, and the influence of the RCC plan on water quality in this river will be correspondingly limited. The only settlement within the catchment is Essendine, and only one small allocation site (reserve site H1.d Land at Manor Farm, Essendine) is located in this area. It is therefore very unlikely that this development (plus any

ad hoc development within the catchment) will alter water quality within the West Glen River (alone or in combination) assuming current standards for wastewater disposal are met, and the existing measures within the plan are applied (notably Policy SC4 and its provisions in relation to the WFD and deterioration).

- 6.2.10. The Local Plan cannot be prescriptive with regard to sewerage provision for specific developments, as the most appropriate approach can only be determined by the relevant water company in conjunction with the EA. However, given the potential of the West Glen River to provide functionally-linked habitat for the spined loach population of Baston Fen SAC there is an argument for including explicit policy provisions requiring that any future planning applications within the catchment include sufficient information to demonstrate that there will be no deterioration in the water quality of the River Glen through either wastewater discharges (e.g. if connection to the mains sewerage is not pursued, and the development instead relies on septic tanks or package treatment), or through surface water run-off.
- 6.2.11. The overall risk to the SAC fish population from housing development at these locations would be very low however, and potential significant or significant adverse effects would be avoidable at the project level with established controls and measures (hence no HRA-related reason to not allocate).

## RECOMMENDATIONS AND PREFERRED OPTIONS CONCLUSION

- 6.2.12. Policy SC4 is likely to provide sufficient safeguards to ensure that the potential value of the West Glen River as functionally-linked habitat for the spined loach population of Baston Fen SAC is not reduced as a result of the Local Plan. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.
- 6.2.13. Nevertheless, for clarity and additional certainty when considering planning applications it is recommended that the following is added to Policy SC4:
- 6.2.14. *“Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted. **Developments within the catchments of waterbodies that supply Rutland Water or the River Glen must explicitly demonstrate that deterioration will not occur as a result of the development, and the mechanisms for ensuring this.**”*
- 6.2.15. This addition can be referenced in the supporting text to the policy, e.g. **“The requirement for developments within the catchments of waterbodies that supply Rutland Water or the River Glen to demonstrate how ‘no deterioration’ in water quality is achieved is included to safeguard the habitats and features of Rutland Water SPA/Ramsar and Baston Fen SAC, and habitats that are considered to be ‘functionally linked’ to these sites. The demonstration of ‘no deterioration’ should take these designations into account”.**

## 7. SUMMARY AND CONCLUSIONS

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### 7.1. SUMMARY

- 7.1.1. Rutland County Council (RCC) is currently reviewing its Local Plan. The new Local Plan will set out the vision, spatial principles, planning policies and site allocations that will guide development in the local authority area in the period up to 2041
- 7.1.2. The Council is currently consulting on the Preferred Options Local Plan. In broad terms, the Preferred Options Local Plan includes:
- provision for 2706 homes over the plan period (the quantum of growth), including 650 homes in a cross-boundary site at Stamford North;
  - policies providing geographical direction for development (typically specific housing and minerals site allocations, but also implicit location preferences for certain activities or sectors prescribed through (for example) areas of search);
  - policies broadly supporting development or other changes, but which do not specify a quantum or location;
  - various development control policies that set out RCC's tests or expectations when considering proposals, such as safeguarding policies, environmental protection policies or policies relating to design or other qualitative criteria.
- 7.1.3. Regulation 105 of the Habitats Regulations states that if a land-use plan is “(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site” then the plan-making authority must “...make an appropriate assessment of the implications for the site in view of that site’s conservation objectives” before the plan is given effect. The process by which Regulation 105 is met is known as HRA. An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a plan’s implementation (either on its own or ‘in combination’ with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site’s integrity. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.
- 7.1.4. There is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development, with the emerging policies or options reviewed during development to ensure that potentially adverse effects on European sites can be identified at an early stage, and avoided or mitigated through the plan development process.
- 7.1.5. This report therefore accompanies the Preferred Options (Regulation 18) plan that is being published for consultation. **It does not constitute a formal ‘HRA screening’ or Appropriate Assessment** as the plan is still in development and so any screening or appropriate assessment conclusions would be premature; however, the principles of HRA are applied to Preferred Options to (a) provide an initial assessment of the likely HRA conclusions, were the plan adopted as currently drafted and (b) identify additional data requirements and/or additional measures that may be



required to ensure that the Submission Draft Plan (Regulation 19) has no adverse effects on any European sites.

- 7.1.6. The assessment completed to date indicates that the vast majority of the Preferred Option Local Plan policies and proposed site allocations will have ‘no effect’ (either alone or in combination) on any European sites, typically because either they are policy types that do not make provision for changes or because they relate to sites that are a considerable distance from the European sites (with no known pollutant or effect pathway).
- 7.1.7. There will be either **no effects or no significant effects alone or in combination on the interest features of Barnack Hills and Holes SAC or Grimsthorpe SAC**. This is principally due to the absence of reasonable impact pathways by which the Local Plan could affect these sites.
- 7.1.8. The ‘screening’ indicated that interest features of **Rutland Water SPA/Ramsar** may be exposed and sensitive to environmental changes associated with the Local Plan, principally in relation to the cumulative effects of visitor pressure, water quality and air quality affecting the site itself. Some qualifying features may also be exposed to development-related effects when utilising habitats away from the site. None of the allocations are likely to result in significant effects ‘alone’. The heavily-managed nature of the reservoir ensures that exposure to potentially significant environmental changes is likely to be limited; however, there is a residual uncertainty in relation the significance of some effects, and the Preferred Draft Local Plan includes measures identified during its development that are intended to minimise or prevent significant or significant adverse effects occurring.
- 7.1.9. These aspects have therefore been examined through an ‘appropriate assessment’ stage to ensure that proposals coming forward under the Local Plan either avoid affecting designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain. Site integrity (in HRA terms) is *“the coherent sum of the site’s ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated”* (EC Guidance ‘Managing Natura 2000’ (2018)).
- 7.1.10. In summary:
- **Water quality:** Development within Rutland will have no adverse effects on Rutland Water SPA/Ramsar alone or in combination due to safeguarding measures relating to SuDS and wastewater treatment capacity provision included within the plan.
  - **Air Quality:** Development within Rutland and associated traffic growth will increase N-deposition to Rutland Water SPA/Ramsar where the site is within 200m of a road that might see a potentially significant increase in traffic (>1,000 AADT). However, this will have no adverse effects on the integrity of the site alone or in combination due to the minimal magnitude of change anticipated and the low sensitivity of the supporting habitats for the qualifying features.
  - **Visitor/Recreational Pressures:** The characteristics of Rutland Water as a regional attraction ensure that it has a high resilience to visitor pressure, which is robustly managed across the site; furthermore, the behavioural characteristics of the qualifying species help minimise their potential exposure to disturbance. As a result the Preferred Options Local Plan will have no adverse effect on the integrity of the site alone or in combination. This conclusion accounts for measures included within policy relating to open-space provision although these are not relied on to ensure adverse effects do not occur.

- Effects on species away from the site: no potential areas of functionally-linked land have been identified that may be critical to the integrity of the qualifying species populations, and policies relating to wind farm developments do not introduce quantum or location impacts that cannot clearly be avoided through normal best-practice project planning and investigation processes. As a result the Preferred Options Local Plan will have no effects on the populations of qualifying species when away from Rutland Water that will adversely affect the integrity of the SPA/Ramsar, alone or in combination.

7.1.11. With regard to **Baston Fen SAC**, it is possible that Spined loach populations within the SAC are dependent to some extent on the integrity of sections of river channel and riparian areas that lie outside of the SAC boundary, including headwater areas and tributaries of the River Glen that may be used for spawning and juvenile development. Development within the catchment of the River Glen may affect these areas. Policy SC4 is likely to provide sufficient safeguards to ensure that the potential value of the West Glen River as functionally-linked habitat for the spined loach population of Baston Fen SAC is not reduced as a result of the Local Plan. Policy additions are not considered essential to ensure this outcome, and no adverse effects via this mechanism would be expected if the Preferred Options Local Plan is adopted as currently drafted.

## 7.2. CONCLUSIONS

- 7.2.1. Overall, the assessment of the Preferred Options Local Plan has concluded that most aspects of the plan will have no significant effects on any European sites, alone or in combination due to the absence of effect pathways. Screening has demonstrated that there will be either **no effects or no significant effects alone or in combination on the interest features of Barnack Hills and Holes SAC or Grimsthorpe SAC**.
- 7.2.2. Appropriate assessments have been undertaken for **Rutland Water SPA/Ramsar** and **Baston Fen SAC** in relation to those aspects where effect pathways are present (in combination water quality, air quality and visitor pressure effects, and effects on species away from the sites), taking into account specific and cross-cutting policy-based mitigation and avoidance measures that have been incorporated into the plan. These appropriate assessments have employed additional analyses and data to resolve uncertainties present at the initial screening, and have concluded that (as currently drafted) **the Preferred Options Local Plan will have no adverse effects on the integrity of Rutland Water SPA, Rutland Water Ramsar, or Baston Fen SAC, alone or in combination**.
- 7.2.3. It will be necessary to review any changes that are made to the Preferred Options Local Plan as it proceeds to the Submission Draft in order to ensure that these initial HRA conclusions remain applicable.

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# Appendix A

SUMMARY OF ASSESSMENT OF  
PREFERRED OPTIONS DRAFT  
POLICIES



## Key

	No effect or no LSE – policy will not or cannot affect any European sites and can therefore be screened out (subject to a brief review of the final policy prior to adoption).
	Policies with mitigating/moderating elements that do not have significant effects but which are relied on (at least in part) to ensure that significant or significant adverse effects from specific pathways do not occur; these are examined through AA.
	Policies that have potential pathways for effects that require examination through appropriate assessment; note, this does not imply such policies will have adverse effects or even (potentially) significant effects; rather it is an assessment flag.

**Table A-1 - Summary of the assessment of the Preferred Options Policies (screening and AA)**

Policy	HRA Summary	Notes
<b>Vision</b>	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 1</b> Climate change	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 2</b> Delivering sustainable development	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 3</b> Meeting housing needs	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 4</b> A prosperous and resilient local economy	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 5</b> Supporting strong and vibrant communities	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 6</b> Creating safe, inclusive, and resilient communities	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 7</b> Promoting high standards of design	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 8</b> Protect and enhance the built and natural environment	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.



Policy	HRA Summary	Notes
<b>Strategic Objective 9</b> Make effective use of land and natural resources	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 10</b> Ensure development is supported by essential infrastructure and services	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Strategic Objective 11</b> Minerals	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Policy CC1</b> Supporting a Circular Economy	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC2</b> Design Principles for Energy Efficient Buildings	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC3</b> Resilient and Flexible Design	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC4</b> Net zero <i>carbon</i> (operational)	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC5</b> Embodied Carbon	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC6</b> Water Efficiency and Sustainable Water Management	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC7</b> Reducing Energy Consumption in Existing Buildings	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy	HRA Summary	Notes
<b>Policy CC8</b> Renewable Energy	No adverse effects	<p>The identification of areas as being suitable for wind turbine developments may imply that this is based on a full range of strategic environmental considerations (e.g. effects on broad-front migration routes to Rutland Water). This aspect has been considered through AA and it is considered that significant or significant adverse effects are not an unavoidable outcome of wind turbine developments within the areas identified, taking account of the cross-cutting protective policies within the plan and established project-level planning techniques that can be relied on. However, it is recommended that Policy CC8 be amended to ensure that the policy is more explicit regarding the “broad area suitable for Large Scale Wind Energy Turbines” with the addition of the following text (or similar):</p> <ul style="list-style-type: none"> <li>- <b>“The broad area suitable for Large Scale Wind Energy Turbines classification does not prejudice other material planning considerations, such as effects on designated sites and their interest features.</b></li> <li>- “The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity (<b>having particular regard to effects on bird species associated with Rutland Water SPA / Ramsar and the permeability of the landscape for birds moving to and from the site</b>); geodiversity; flood risk; townscape; heritage assets, their settings, and the historic landscape; and highway safety...”.</li> </ul>
<b>Policy CC9</b> Protecting Renewable Energy Infrastructure	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC10</b> Wider Energy Infrastructure	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC11</b> Carbon Sinks	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC12</b> Carbon Sequestration	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC13</b> Sustainable Travel	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy CC14</b> Flood Risk	No LSE*	Protective policy; no pathway for effects. Strictly the policy is a ‘no LSE’ policy as it does not itself trigger development although the policy includes ‘mitigating’ elements / criteria that would need to be met in relation to water discharges and which are intended to minimise effects on the SPA/Ramsar and which have therefore been considered as part of the AA.

Policy	HRA Summary	Notes
<b>Policy SS1</b> Spatial strategy for new development	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
<b>Policy SS2</b> Requirements for planning applications	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SS3</b> Development within Planned limits of Development	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to maintenance of settlement character. Principles are given geographical context by later policies.
<b>Policy SS4</b> Infill and rounding off development in smaller villages and hamlets	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SS5</b> St. George's Barracks Opportunity Area	No adverse effects	Policy relates to the possible future development of St. George's Barracks which is close to Rutland Water and has the potential to affect the site through a range of mechanisms to which the site is potentially vulnerable (e.g. wastewater discharge, recreational pressure). Strictly the policy might be considered a 'no LSE' policy as it does not itself allocate the site or act as a trigger for development although the policy includes 'mitigating' elements which are intended to minimise effects on the SPA/Ramsar and which have therefore been considered as part of the AA. Although SGB is not allocated in this plan its potential future use for housing is considered within the AA for Rutland Water.
<b>Policy SS6</b> Use of military bases and prisons for operational or other purposes	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to the use of former military bases and prison for other operational purposes. Contains measures that will incidentally safeguard European sites.
<b>Policy SS7</b> Re-use of redundant military bases and prisons	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SS8</b> Residential Development in the open countryside	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SS9</b> Non-residential development in the countryside	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SS10</b> Conversion of buildings outside PLDs	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy	HRA Summary	Notes
<b>Policy SS11</b> New agricultural buildings	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H1</b> Sites proposed for residential development	No adverse effects	<p>Policy identifying quantum of development and locations for this. The policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and specific allocation sites. The proposed sites have been examined for effects alone and in combination; in summary:</p> <ul style="list-style-type: none"> <li>- Most allocations will have no significant effects alone due to their location, small scale and absence of reasonable pathways for effects;</li> <li>- There are some minor residual uncertainties in relation to greenfield sites on the east of Oakham and potential value as functional land, although this risk is very low (based on the site characteristics) and measures are suggested in Policy EN1 to mitigate this risk.</li> <li>- There are some minor residual risks in relation to allocations in Essendine and effects on water quality in the River Glen, although this risk is very low (based on existing policy controls) and enhancements are suggested for Policy SC4 to minimise this risk further (although not essential for a 'no AE' conclusion).</li> <li>- There will be no 'in combination' quantum of development related effects.</li> </ul>
<b>Policy H2</b> Cross-boundary development opportunity – Stamford North	No adverse effects	The policy allocates Land at Quarry Farm (Stamford) but this is contingent / dependent on a contiguous allocation in South Kesteven being brought forward. The allocation will have no effects alone on any sites due to weakness or absence of effect pathways; there will be no 'in combination' quantum of development related effects.
<b>Policy H3</b> Housing density	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H4</b> Meeting all housing needs	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H5</b> Accessibility standards	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H6</b> Self-build and custom housebuilding	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H7</b> Affordable housing	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy	HRA Summary	Notes
<b>Policy H8</b> Rural exception housing	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H9</b> First Homes Exception Sites	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy H10</b> Meeting the needs of Gypsies, Travellers and Travelling Showpeople	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E1</b> Strategic employment land allocations	No adverse effects	Allocates land for employment; policy has been examined in more detail through the screening and AA stages; in summary, - no allocations will have significant effects alone; and - there will be no 'in combination' quantum of development related effects.
<b>Policy E2</b> Employment development on unallocated sites	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E3</b> Protecting existing employment land and premises	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E4</b> Rural Economy	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E5</b> Sustainable farm diversification	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E6</b> Employment and skills	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E7</b> Fibre to the Premises (FTTP)	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E8</b> Local Visitor Economy	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E9</b> Caravans, camping, lodges, log cabins, chalets and similar forms of self-serviced holiday accommodation	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy	HRA Summary	Notes
<b>Policy E10</b> Town Centres and Retailing	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E11</b> Primary shopping areas	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy E12</b> Sites for retail development	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SC1</b> Landscape character	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SC2</b> Place shaping principles	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SC3</b> Promoting good quality design	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SC4</b> Pollution control	No LSE*	<p>Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to water discharges and which have therefore been considered as part of the AA. For clarity and additional certainty when considering planning applications it is recommended that the following is added to Policy SC4:</p> <ul style="list-style-type: none"> <li>- "Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted. <b>Developments within the catchments of waterbodies that supply Rutland Water or the River Glen must explicitly demonstrate that deterioration will not occur as a result of the development, and the mechanisms for ensuring this.</b>"</li> <li>- This addition can be referenced in the supporting text to the policy, e.g. <b>"The requirement for developments within the catchments of waterbodies that supply Rutland Water or the River Glen to demonstrate how 'no deterioration' in water quality is achieved is included to safeguard the habitats and features of Rutland Water SPA/Ramsar and Baston Fen SAC, and habitats that are considered to be 'functionally linked' to these sites. The demonstration of 'no deterioration' should take these designations into account"</b>.</li> </ul>
<b>Policy SC5</b> Designing safer and healthier communities	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy	HRA Summary	Notes
<b>Policy SC6</b> Community facilities	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy SC7</b> Creation of New Open Space	No LSE*	Protective policy; no pathway for effects. The policy has some specific elements that will moderate / provide some mitigation for visitor pressure; these are accounted for in the AA but it is recognised that the moderating effects will be small.
<b>Policy EN1</b> Protection of Sites, Habitats and Species	No LSE*	Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy although for clarity and additional certainty when considering planning applications it is recommended that the following is added to Policy EN1: - 1. Development that would adversely affect <b>the integrity</b> , directly or indirectly, <b>of</b> internationally designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SPAs), <b>or their functionally-linked habitats</b> , will not be permitted other than in exceptional circumstances... - The supporting text could then include the following clarifying text: <b>"The integrity of some species' populations that are associated with designated sites may depend on functionally-linked habitats outside the boundary of the relevant designated site. With regard to Rutland Water SPA/Ramsar it is expected that planning applications for greenfield sites will provide an assessment of the site's suitability as functionally-linked habitat based on field observations and/or existing data sets, and appropriate mitigation where a functional linkage is established"</b> .
<b>Policy EN2</b> Local Nature Recovery Strategy	No LSE	Protective policy; no pathway for effects.
<b>Policy EN3</b> Biodiversity Net Gain	No LSE	Protective policy; no pathway for effects.
<b>Policy EN4</b> Trees, woodland, and hedgerows	No LSE	Protective policy; no pathway for effects.
<b>Policy EN5</b> Ancient Woodland and Veteran Trees	No LSE	Protective policy; no pathway for effects.
<b>Policy EN6</b> Protecting agricultural land	No LSE	Protective policy; no pathway for effects.
<b>Policy EN7</b> Green and Blue Infrastructure Network	No LSE	Protective policy; no pathway for effects.

Policy	HRA Summary	Notes
<b>Policy EN8</b> Important open space and frontages	No LSE	Protective policy; no pathway for effects.
<b>Policy EN9</b> Local Green Spaces	No LSE	Protective policy; no pathway for effects.
<b>Policy EN10</b> Rutland Water Area	No LSE	Protective policy; no pathway for effects.
<b>Policy EN11</b> Eyebrook Reservoir Area	No LSE	Protective policy; no pathway for effects.
<b>Policy EN12</b> The historic and cultural environment	No LSE	Protective policy; no pathway for effects.
<b>Policy EN13</b> Protecting heritage assets	No LSE	Protective policy; no pathway for effects.
<b>Policy MIN1</b> Spatial strategy for minerals development	No LSE	The Areas of Search are broad areas reflecting known resource areas. However, the policy does not identify any scale or quantum for minerals development, or specific locations (although it is perhaps most likely that development will occur near existing facilities). The evidence gathered to date and the consultation responses from NE do not suggest that significant effects are likely and there is no reason to assume that unavoidable significant or significant adverse effects might arise due to minerals schemes that might benefit from this policy.
<b>Policy MIN2</b> Mineral provision	No LSE	The policy provides a quantum for minerals provision although these values are modest and consistent with existing rates of extraction within the county; in addition, the policy does not strictly advocate minerals development but is instead focused on securing the stated provision with no judgment made on the acceptability or not of proposals that may be required to extract these resources. The policy has some site-specificity (in that it relates to existing operations) but the evidence gathered to date and the consultation responses from NE do not suggest that significant effects are likely and there is no reason to assume that unavoidable significant or significant adverse effects might arise due to minerals schemes that might benefit from this policy.



Policy	HRA Summary	Notes
<b>Policy MIN3</b> Safeguarding Rutland's mineral resources	No LSE	Safeguarding policy cannot affect European sites as the policy does not advocate development and there is no presumption in favour of extractions etc; there is a theoretical displacement risk (e.g. if a development is prevented from occurring within an MSA and is subsequently located such that it affects a European site when it would not have done in the MSA) but this is a nebulous indirect risk that cannot be assessed at the plan level – and in any case the displaced scheme would need to meet the other requirements of the plan and legislation on its own merits.
<b>Policy MIN4</b> Development criteria for mineral extraction	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.
<b>Policy MIN5</b> Site-specific allocations for the extraction of building stone	No LSE	This allocated site is several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.) other than a theoretical, but extremely low, risk of functional land being affected (which cannot be reasonably assessed at the plan level). Note, although there is no reason to assume significant effects at the strategy level, this does not prejudice any project-level HRA that may be required.
<b>Policy MIN6</b> Safeguarding of minerals development	No LSE	Safeguarding policy cannot affect European sites as the policy does not there is no presumption in favour of extractions etc; there is a theoretical displacement risk (as per MIN3) but this is a nebulous indirect risk that cannot be assessed at the plan level – and in any case the displaced scheme would need to meet the other requirements of the plan and legislation on its own merits.
<b>Policy MIN7</b> Borrow pits	No LSE	Policy not spatially explicit and so cannot be assessed at the plan level. However, proposed development clearly not of a scale whereby significant effects on European sites are potentially unavoidable at the scheme level, and cross-cutting protections within the plan apply.
<b>Policy MIN8</b> Development criteria for other forms of minerals development	No LSE	General statement of policy
<b>Policy WST1</b> Capacity requirements and spatial strategy for waste development	No LSE	General statement of policy; not spatially explicit; quantum of waste development low and self-evidently can be accommodated without affecting a European site, although this does not remove the need for project-level consideration of HRA.
<b>Policy WST2</b> Waste-related development	No LSE	Policy not spatially explicit and so cannot be assessed at the plan level. However, supported development clearly not of a scale whereby significant effects on European sites are potentially unavoidable.

Policy	HRA Summary	Notes
<b>Policy WST3</b> Sites for waste management	No LSE	The identified sites are several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.). The policy as it relates to unallocated sites is not spatially explicit and so cannot be assessed at the plan level. However, the supported development is clearly not of a scale whereby significant effects on European sites are potentially unavoidable, and cross-cutting protections within the plan apply. Note, this does not prejudice any project-level HRA that may be required.
<b>Policy MIN9</b> Restoration and aftercare	No LSE	General statement of policy; not spatially etc explicit; effects can only be assessed at the project level.
<b>Policy INF1</b> Infrastructure and connectivity	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy INF2</b> Securing sustainable transport	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
<b>Policy INF3</b> Walking and Cycling	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

# Appendix B

REVIEW OF PLANS FOR 'IN  
COMBINATION' EFFECTS

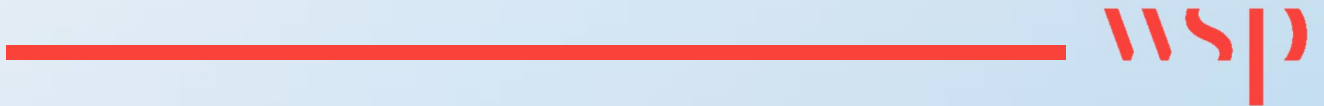




Table C1 presents the review of plans for in-combination effects with the Local Plan; note that this review is preliminary as several plans (including neighbouring local plans and water company WRMPs) are in the process of being updated and so will require further review prior to the Submission Draft HRA.



**Table B-1 - Type Caption Here**




Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>Melton Local Plan 2011-2036</b>	Sets out the development strategy, policies and proposals, including site allocations, which will guide land use and development in the Borough up to 2036. Includes provision for 6125 homes.	No adverse effects	Yes	The Melton Borough Local Plan HRA concludes that there will be no adverse effects alone or in combination any European sites. With regard to the RCC plan, individual allocations in the RCC and MBC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through 'in combination' effects on air quality and visitor pressure (in combination effects on water quality are unlikely to arise due to the catchment locations). The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).
<b>South Kesteven District Council Local Plan 2011- 2036</b>	Sets out the development strategy, policies and proposals, including site allocations, which will guide land use and development in the Borough up to 2036. Includes provision for 16125 homes.	No significant effects	Yes	The South Kesteven District Council Local Plan HRA concludes that there will be no significant effects alone or in combination any European sites although this appears to depend on the inclusion of mitigation within the policies which may not be consistent with 'People over Wind'. Notwithstanding this, individual allocations in the RCC and SKDC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water through 'in combination' effects on air quality and visitor pressure (in combination effects on water quality are unlikely to arise due to the catchment locations). The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).

Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>Peterborough Local Plan 2016 – 2036</b>	Sets out the development strategy, policies and proposals, including site allocations, which will guide land use and development in the Borough up to 2036. Includes provision for 19440 homes.	No significant effects	Yes	The Peterborough Local Plan HRA concludes that there will be no significant effects alone or in combination any European sites although this appears to depend on the inclusion of mitigation within the policies which may not be consistent with ‘People over Wind’. Notwithstanding this, individual allocations in the RCC and PCC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through ‘in combination’ effects on air quality and visitor pressure (in combination effects on water quality are unlikely to arise due to the catchment locations). The RCC HRA demonstrates that there will be no adverse effects ‘in combination’ through these mechanisms (see Section 5).
<b>East Northamptonshire Adopted Local Plan Part 1 (North Northamptonshire Joint Core Strategy 2011 – 2036)</b>	The North Northamptonshire Joint Core Strategy (JCS) is the strategic Part 1 Local Plan for Corby, East Northamptonshire, Kettering and Wellingborough which provides the framework for Part 2 Local Plans prepared by the District and Borough Councils and by Neighbourhood Plans prepared by Neighbourhood Planning Groups.	No adverse effects	Yes	The JCS HRA concludes that there will be no adverse effects alone or in combination any European sites (specifically the Nene Washes SPA/Ramsar). Rutland Water SPA/Ramsar was screened out by the HRA. With regard to the RCC plan, individual allocations in the RCC and ENC areas will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through ‘in combination’ effects on water quality (depending on the Nene abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects ‘in combination’ through these mechanisms (see Section 5).



Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>East Northamptonshire Adopted Local Plan Part 2</b>	<p>Site specific development plan documents and the policies map, which together form Part 2 of the Local Plan; the current Local Plan Part 2 consists of the following development plan documents:</p> <p>Rural North, Oundle and Thrapston Plan (RNOTP), adopted July 2011 (saved/ retained policies), covering all of the District north of the A14 together with Great Addington, Little Addington, Denford and Woodford Parishes; and</p> <p>East Northamptonshire District Local Plan (DLP), adopted November 1996 (a small number of saved/ retained policies), which continue to apply for the predominantly urban southern part of the District not covered by the RNOTP.</p>	No significant effects	Yes	<p>An HRA of the East Northamptonshire District Local Plan was not undertaken (pre-dated the case law that established the requirement for plans). The RNOTP was subject to screening, which concluded no significant effects (including for Rutland Water SPA/Ramsar). Development supported by these plans will contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through 'in combination' effects on water quality (depending on the Nene abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).</p>



Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>East Northamptonshire Replacement District-wide Local Plan Part 2 (in preparation)</b>	The Local Plan Part 2 will provide additional site-specific detail to support the North Northamptonshire Joint Core Strategy (Local Plan Part 1), which sets the overarching strategic policy framework. This will replace policies from the previous Local Plan Part 2, except in cases where a “made” (adopted) Neighbourhood Plan has already superseded these	In preparation; early drafts of the HRA suggest ‘no significant effect’	Yes	The plan and its HRA are being prepared, although early drafts of the HRA suggest that there can be ‘no significant effect’ as the parent plan (the North Northants JCS) has been subject to HRA and contains the relevant mitigation proposals. Notwithstanding this, individual allocations in the RCC and ENC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through ‘in combination’ effects on water quality, air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects ‘in combination’ through these mechanisms (see Section 5).
<b>Corby Borough Local Plan Part 1 (North Northamptonshire Joint Core Strategy 2011 – 2036)</b>	As for East Northants, above.	No adverse effects	Yes	As for East Northants, above.

Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>Part 2 Local Plan for Corby</b>	<p>The Council is preparing the Part 2 Local Plan for Corby which follows on from and supports the Part 1 North Northamptonshire Joint Core Strategy. It will set out the non-strategic development allocations and a number of detailed policies to manage development in line with the vision, strategy and strategic policies of the Joint Core Strategy.</p>	<p>No significant effects</p>	<p>Yes</p>	<p>The Corby HRA concludes that there will be no significant effects alone or in combination any European sites (specifically the Nene Washes SPA/Ramsar). Rutland Water SPA/Ramsar was not considered by the HRA. With regard to the RCC plan, individual allocations in the RCC and CBC areas will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through ‘in combination’ effects on water quality (depending on the Nene abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects ‘in combination’ through these mechanisms (see Section 5).</p>
<b>Harborough Local Plan 2011-2031</b>	<p>Sets out the development strategy, policies and proposals, including site allocations, which will guide land use and development in the District up to 2031. Includes provision for 11140 homes.</p>	<p>No significant effects</p>	<p>Yes</p>	<p>The Harborough Local Plan HRA concludes that there will be no significant effects alone or in combination any European sites (only effects on Rutland Water SPA/Ramsar explicitly considered). With regard to the RCC plan, individual allocations in the RCC and HDC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through ‘in combination’ effects on water quality (depending on the Welland abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects ‘in combination’ through these mechanisms (see Section 5).</p>



Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>Anglian Water WRMP (2019); currently being updated for 2024</b>	<p>Anglian Water abstracts from ground- and surface-water sources; the Rutland area is covered by its North Rutherford WRZ and Bourne WRZ, where water supply is mainly from large pumped storage reservoirs such as Rutland Water or Grafham Water. The WRMP accounts for the growth predicted by RCC and other LPAs in forecasting for the 2019 WRMP, and has predicted future deficits in both the Rutland North and Bourne WRZs. These deficits are being met through leakage reductions and water transfers into the WRZs using existing infrastructure.</p>	<p>No adverse effect</p>	<p>No</p>	<p>WRMPs explicitly account for any reductions in abstraction that are required to safeguard European sites (see Section 4) and for the growth predicted by the Local Plan and other LPA local plans in their forecasting. Therefore, the future water resource requirements of the county are factored into the abstraction regime, such that they will not affect European sites (i.e. the growth provided for by the Local Plan is in line with predictions used in the WRMP and will not increase water resources pressure on any European sites, alone or in combination). However, it should be noted that the Anglian Water WRMP and its HRA do not exclude the possibility of adverse effects on some coastal sites due to proposed desalination schemes.</p>
<b>Severn Trent Water WRMP (2019); currently being updated for 2024</b>	<p>The Severn Trent Water supply area in Rutland is covered by its Rutland Water Resource Zone (WRZ), which receives all of its water via bulk supply transfers from Anglian Water. Notwithstanding this, STWL included 22 solutions to resolve predicted supply-demand deficits over the planning period.</p>	<p>No adverse effect</p>	<p>No</p>	<p>As for the Anglian Water WRMP (2019). Note, the Severn Trent supply area in Rutland is supplied via bulk transfer from Anglian Water and so in some respects the Anglian Water WRMP and its HRA are more relevant to the RCC plan.</p>



Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>Environment Agency (2015) River Basin Management Plans (RBMPs):</b> <ul style="list-style-type: none"> <li>• Humber RBMP (2015)</li> <li>• Anglian RBMP (2015)</li> </ul>	The RBMPs focuses on the protection, improvement and sustainable use of the water environment. The overall objective is to ensure sufficient water supplies for future generations especially in the face of climate change, housing growth and an increase in individual water use.	No significant effect	No	The plans will be complementary and the proposals within both plans do not create a scenario where there is insufficient flexibility at the project stage to allow significant effects to be avoided.
<b>Anglian / Humber Region Catchment Flood Management Plans (CFMPs):</b> <ul style="list-style-type: none"> <li>• River Witham CFMP (2009)</li> <li>• River Welland CFMP (2009)</li> <li>• River Trent CRMP (2009)</li> </ul>	CFMPs account for the scale and extent of current and predicted flooding and set policies for managing flood risk within the catchments. CFMPs are used to inform planning and decision making by key stakeholders including LPAs	No significant effect	No	The CFMPs are accounted for in the development of the Local Plan. They do not generally identify specific flood schemes or projects but provide broad policies for the future management of flood risk which the Local Plan policies complement.



Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
<b>Leicestershire Minerals and Waste Local Plan 2031 (2019)</b>	Replaces the Leicestershire Minerals Core Strategy and Development Control Policies Development Plan Document (DPD), the Leicestershire and Leicester Waste Core Strategy and Development Control Policies DPD (both of which were adopted in October 2009), together with remaining saved policies in the Leicestershire Minerals Local Plan (1995) and the Leicestershire, Leicester and Rutland Waste Local Plan (2005). Includes a spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development.	No significant effects	No	The Minerals Plan HRA did not consider in detail any sites assessed by the RCC plan (i.e. effectively concluded no effects on these sites, including Rutland Water); the only site screened was the River Mease SAC. With regard to the RCC plan, individual allocations in the RCC plan and the LMWLP will not interact to affect any European sites.
<b>Moving Rutland Forward - Local Transport Plan 4 to 2036</b>	The MRF sets RCC's vision for its transport network and services. The MRF sets out a number of goals (and solutions) although only one of these is site specific.	No significant effects	No	An HRA screening has concluded that significant effects alone or in combination will not occur. In combination effects with the RCC plan will not occur as the two plans are effectively integrated and there is no tension between them.





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