

Habitat Regulations (HRA) Screening Assessment for the East Hagbourne Neighbourhood Development Plan

14 November 2018

INTRODUCTION

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2010, and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance¹, also referred to as Natura 2000.
2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan² (the higher level plan for town and country planning and land use). This Screening Assessment uses the most up-to-date evidence available, contained in the Habitats Regulations Assessment of South Oxfordshire District Council’s emerging Local Plan³ as its basis for assessment. From this, the Local Authority will determine whether the East Hagbourne Neighbourhood Development Plan (EHNDP) is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

LEGISLATIVE BASIS

3. Article 6(3) of the EU Habitats Directive provides that:

“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

¹ Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

² The South Oxfordshire Core Strategy (December 2012) and the Saved Policies of the South Oxfordshire Local Plan 2011 (January 2006).

³ South Oxfordshire Local Plan Habitats Regulations Assessment Report (October 2017)

4. Regulations 105-106 of the Conservation of Habitats and Species Regulations 2017 state:

“105.—(1) Where a land use plan—

- (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,*
the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(3) The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.

(6) This regulation does not apply in relation to a site which is—

- (a) a European site by reason of regulation 8(1)(c), or*
- (b) a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).*

106.—(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.

(2) In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised

for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990 (authorisation to act in relation to neighbourhood areas)(159), as applied by section 38C of the 2004 Planning Act (supplementary provisions)(160).

(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site's conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.

(4) This regulation applies in relation to England only."

ASSESSMENT

5. The HRA of the emerging new South Oxfordshire Local Plan and the earlier Core Strategy have used a screening distance of 17km to identify European sites which could be affected by development from the plans. This distance has been subject to consultation with Natural England and reflects the average travel to work distance in the district. As such, the same distance has been applied in this HRA Screening.
6. The following European sites lie wholly or partly within 17km of East Hagbourne and have been included in taken into consideration:
 - Little Wittenham SAC;
 - Aston Rowant SAC;
 - Chilterns Beechwoods SAC; and
 - Hartslock Wood SAC.
7. Detailed information about the location, qualifying features and vulnerabilities of the European sites included in the screening assessment is presented in Appendix 1 of South Oxfordshire Local Plan Habitats Regulations Assessment Report (October 2017).
8. As required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the qualifying body (East Hagbourne Parish Council) provided the required information to enable South Oxfordshire District Council to determine whether the assessment under Regulation 105 is required. Consideration has been given to the potential for the development proposed by EHNDP to result in significant effects associated with:
 - Physical loss of/damage to habitat;
 - Non-physical disturbance e.g. noise/vibration or light pollution;
 - Air pollution;
 - Increased recreation pressure; and

- Changes to hydrological regimes.
9. The EHNDP allocates space for 74 dwellings at one site. These have already been granted planning permission under South Oxfordshire's current policies (the adopted Core Strategy). Therefore, the NDP will not result in any additional 'new' homes over and above those with extant planning permission.

Potential impacts

Physical loss of habitat - Noise, vibration and light pollution

10. Any development resulting from the Neighbourhood Plan will be located within the neighbourhood area. There are no European sites within the Neighbourhood Plan area, therefore loss of habitat from within the boundaries of a European site can be ruled out in relation to all sites.
11. Loss of habitat from outside of the boundaries of a European site could still affect the integrity of that site if it occurs in an area used by the qualifying species of the site (e.g. for off-site breeding, foraging or roosting). Two of the European sites included in this assessment have mobile species amongst their qualifying features that could travel outside of the site to make use of other areas of habitat:
- Little Wittenham SAC; great crested newt; and
 - Chilterns Beechwoods SAC: stag beetle.
12. Chilterns Beechwoods SAC lies well beyond 2km (the distance that male beetles travel to females during the breeding season) from East Hagbourne therefore potential loss of or damage to off-site habitats associated with Chilterns Beechwoods SAC can be screened out of further assessment.
13. Using a precautionary approach, we have assumed that the effects of noise, vibration and light are most likely to be significant if development takes place within 500 metres of a European site with qualifying features sensitive to these disturbances, or known off-site breeding, foraging or roosting areas. None of the European sites are within 500 metres of East Hagbourne. Therefore, effects in relation to noise, vibration and light pollution can be screened out of further assessment.

Air pollution

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

15. Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 120 (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself.
16. The European sites within 17km of East Hagbourne that are within 200m of strategic roads are Aston Rowant SAC (M40) and Chilterns Beechwoods SAC (A404, A4010). However, the EHNDP allocates space for 74 dwellings at one site. These have already been granted planning permission under South Oxfordshire's current policies (the adopted Core Strategy). Therefore, the NDP will not result in any additional 'new' homes over and above those with extant planning permission.
- 17. Therefore, likely significant effects in relation to of air pollution of air pollution can be ruled out and do not need to be considered further.**

Impacts of recreation – visitor pressure

18. Due to their distance from East Hagbourne and taking into account the sensitivity of the sites and their qualifying features, it is considered that Aston Rowant SAC, Hartslock Wood SAC and Chilterns Beechwoods SAC are not likely to be significantly affected by recreational pressure as a result of development at East Hagbourne, either alone or in combination with other plans.
19. Little Wittenham SAC is part of a larger site managed by the Earth Trust as a nature reserve. The areas which are most important to the population of great crested newts (GCN) have restricted access which is designed to prevent conflicts between the visiting public, the newts and their habitat.
20. The increased visitor levels which are likely to occur as a result of the modest increase in population in East Hagbourne may result in increased pressure on the habitats on the reserve as a whole. Due to the restricted access policies to the areas where newts are primarily found, the increased visitor numbers will be concentrated onto other habitats on the reserve. These habitats are not related to the primary reasons for the selection of the SAC.
21. Great crested newts are not believed to be particularly sensitive to human disturbance provided their breeding ponds are not affected and their primary terrestrial habitat and hibernacula are not adversely affected. Provided controls on access to the most sensitive areas are maintained (i.e. ponds and hibernacula are not disturbed) there is no reason to believe that there would be any significant effect on the integrity of the site or the primary reason for the selection of the site.

22. Therefore, likely significant effects in relation to visitor pressure and the impacts of recreation can be ruled out and do not need to be considered further.

Water quality and quantity

23. European sites at which aquatic or wetland environments support qualifying features have the potential to be affected by changes in water quantity or quality. The only European site close to East Hagbourne with aquatic or wetland habitats is Little Wittenham SAC. Its ponds support great crested newts, but changes to water quality or quantity have not been identified as an issue at this site within the Site Improvement Plan: Little Wittenham (SIP122); this site has therefore been screened out.

24. Potential water quality and hydrological effects have therefore been screened out of further assessment for all sites.

Cumulative effects

25. Policy H3 allocates 74 dwellings. Development of this site has already been granted planning permission, therefore the East Hagbourne NDP does not result in any additional 'new' homes and in-combination effects do not need to be assessed further.

CONCLUSION

26. The East Hagbourne NDP will not give rise to likely significant effects on European sites, either alone or in-combination with other plans or projects, and Appropriate Assessment is therefore not required.