

DRAFT SCREENING REPORT
Habitat Regulations Assessment (HRA)
For
Rugby Borough Council Local Plan
2016



A Report for Rugby Borough Council

September 2016

Produced by

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Non-Technical Summary

A stage 1 screening of the Habitat Regulations Assessment (HRA) process was undertaken of the Rugby Borough Council Local Plan dated 2011 to 2031 dated 19.07.16 (hereafter referred to as the Rugby Local Plan) by Ecological Services at Warwickshire County Council (WCC) on behalf of Rugby Borough Council (RBC).

The screening exercise is required under Article 6 (3) of the European Commission's Habitats Directive (92/43/EEC). The exercise was undertaken following best practice guidance, principally using the Habitat Regulations Assessment Handbook (2016) produced by David Tyldesley Associates.

Rugby Borough forms part of Warwickshire and covers an area of 138 square miles on the eastern edge of the West Midlands, bordering the counties of Northamptonshire and Leicestershire to the east which are considered to form part of the East Midlands (see Figure 1).

The Rugby Local Plan sets out '*The Council's policies and proposals to support the development of the Borough through to 2031*' setting the framework '*that will manage change and growth until 2031*' (RBC 2016). This Local Plan will replace the Core Strategy June 2011 and aims to '*meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities,*' in this case Coventry City Council (RBC 2016).

Two European Sites were selected for consideration as part of this study: Ensor's Pool Special Area of Conservation (SAC) and the River Mease SAC with associated Natural England River Mease Catchment Risk Zone. Both lie within 20km buffer zone around Rugby Borough (see Figure 2).

A further three European Sites that lie close to the boundary of Warwickshire, but outside of the 20km buffer zone around Rugby Borough were considered and screened out of this HRA. Justification is provided in this report.

The potential for any impact of the Rugby Local Plan on hydrologically dependant Welsh SACs (should water to supply development in Rugby be sourced from Wales) was raised by Natural England to Warwickshire County Council in 2012 in relation to a previous HRA for neighbouring Coventry. Further consultation on this issue was also undertaken with Severn Trent Water in July 2016, who confirmed that water for the development in Rugby would be from a local source at Draycote within the borough and not from Wales. Hence any impact to Welsh SACs as a result of the Rugby Local Plan has also been screened out of this HRA.

Ensor's Pool lies in Nuneaton, Warwickshire approximately 3.9km to the west of Rugby Borough at its nearest point. The SAC is designated for its population of white-clawed crayfish (*Austropotamobius pallipes*), and the key potential vulnerabilities from the plan are considered to be: pollution from surface water flooding, an increase in water levels and potential to introduce non-native species.

The River Mease SAC comprises a small tributary of the River Trent and lies in the counties of Derbyshire, Leicestershire and Staffordshire. A small part of its associated Natural England River Mease Catchment Risk Zone lies in Warwickshire and within a 20km buffer of Rugby Borough (see Figure 2). The River Mease SAC comprises an important habitat for the spined loach (*Cobitis taenia*), bullhead (*Cottus gobio*), white-clawed crayfish and otter (*Lutra lutra*). It has also been selected as a

SAC due to it being an example of the qualifying habitat: water courses of plain to montane levels with the habitat community *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation.

The current draft of the Rugby Local Plan was subject to a screening assessment using the screening categories in the Habitat Regulations Handbook (HRA Handbook 2016). All of the policies in and contents of the plan were screened out. Given no Likely Significant Effects (LSE) of the plan are anticipated, it is not considered necessary to undertake an In-combination Assessment as no cumulative effects are predicted (Foster and Langton High Court Judgment 2015¹).

An initial consultation exercise was undertaken with Natural England, the Environment Agency and Severn Trent Water in July and August 2016. Their initial consultation responses ahead of the publication of this draft report are provided in [Appendix 1](#). Following this consultation and in line with Ecological Services experience of HRAs in Warwickshire, a minor change in wording for one policy NE1 is suggested to provide clarification on how European Sites are dealt with in the Rugby Local Plan.

The next step will be to consult on the contents and conclusions of this screening report with Natural England and the Environment Agency as part of the September 2016 public consultation. Provided Natural England is in agreement with our findings and recommendations are followed, this report can be finalised and the Rugby Local Plan can be adopted from an HRA perspective.

Acknowledgements

We appreciate the pre-submission advice on this HRA provided to us by Natural England, the Environment Agency and Severn Trent Water.

¹ Foster and Langton v Forest of Dean District Council [2015] EWHC 2648 22nd September

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Glossary of Acronyms and Abbreviations

| | |
|-----------------|--|
| AA | Appropriate Assessment |
| AFW | Amec Foster Wheeler |
| APIS | Air Pollution Information System |
| BAU | Business As Usual |
| CIEEM | Chartered Institute of Ecology and Environmental Management |
| DMRB | Design Manual for Roads and Bridges |
| DTA | David Tyldesley Associates (Publishing) |
| EA | Environment Agency |
| ECJ | European Court Judgement |
| GIS | Geographical Information Systems |
| HCI/ HF | Halogens |
| HRA | Habitat Regulations Assessment |
| IROIT | Imperative Reasons of Overriding Interest Test |
| JNCC | Joint Nature Conservancy Council |
| LSE | Likely Significant Effect |
| MCIEEM | Full Member of the Chartered Institute of Ecology and Environmental Management |
| N2K | Natura 2000 / European Sites |
| N | Nitrogen |
| NH ₃ | Ammonia |
| NO _x | Nitrogen Oxides |
| NPPF | National Planning Policy Framework |
| OLDSIS | Operations Likely to Damage the Special Interest of the Site |
| QGIS | Quantum Geographic Information System |
| P | Phosphorus |
| PAH | Polycyclic Aromatic Hydrocarbons |
| PINS | The Planning Inspectorate |
| PM | Particulates |
| RBC | Rugby Borough Council |
| SACs | Special Areas of Conservation |
| SIP | Site Improvement Plan |
| SO ₂ | Sulphur Dioxides |
| SPAs | Special Protection Areas |
| SNH | Scottish Natural Heritage |
| SSSI | Site of Special Scientific Interest |
| STW | Sewerage Treatment Works |
| UEA | UE Associates |
| VOC | Volatile Organic Compounds |
| WCC | Warwickshire County Council |

1. Introduction

1.1. Background and Report Aim

Ecological Services at Warwickshire County Council (WCC) were commissioned by Victoria Chapman at Rugby Borough Council (RBC) in April 2016 to undertake a 'Habitat Regulations Assessment' (HRA) of the Publication Draft of the Rugby Borough Council Local Plan – 2011 - 2031, Full Council Version dated 19th July 2016 (provided to Ecological Services on 11.07.16 and 01.09.16, hereafter referred to as the Rugby Local Plan). The publication draft plan will be published for public consultation from 26th September 2016 onwards along with a copy of the first draft of this HRA.

The Rugby Local Plan sets out *'The Council's policies and proposals to support the development of the Borough through to 2031'* setting the framework *'that will manage change and growth until 2031'* (RBC 2016). This local plan will replace the Core Strategy June 2011 and aims to *'meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities'* in this case Coventry City Council (RBC 2016).

The borough itself covers an area of 138 square miles on the eastern edge of the West Midlands Region but borders Northamptonshire and Leicestershire, both of which are in the East Midlands Region. The remit of the plan in the context of adjacent counties can be found in Figure 1. The largest population centre in the borough is Rugby which currently has 102,500 residents the villages throughout the borough *'range in size from 20 to 3000 people'* (RBC 2016).

Rugby Borough had a steady population between 1980 and 2001, but was noted to increase by 14.8% between 2001 and 2011. The local plan confirms *'the projected population increase between 2010 and 2035 is expected to be 30%, which would bring the population in excess of 130 000'*. The highest rates of projected population growth are in the groups aged 65 and over, with those aged 85 and over projected to increase by 190% by the end of the plan period.

The primary focus of new residential and employment development will be around Rugby town centre. The local plan states that *'it will be through extensions to the urban area that the vast majority of housing and jobs will be delivered up to 2031'* (RBC 2016). Given that this area has insufficient capacity to deliver the entire housing target, *'The Settlement Hierarchy'* will inform *'the selection of further sites'* (RBC 2016).

Policy DS1 outlines that the plan will aim to deliver:

- a) 12,400 additional homes and
- b) 110ha of employment land

between 2011 and 2031.

Rugby's Objectively Assessed Housing need is 9600 dwellings over the plan period with the additional 2800 seeking to help neighbouring Coventry meet its housing needs (under the legal duty to cooperate as per the Localism Act 2011). The housing will be delivered in two phases: Phase 1 (2011 to 2017) 540 dwellings per annum and Phase 2 (2017 to 2031) 654 dwellings per annum.

Table 1 below is an extract from paragraph 4.12 of the plan showing precisely how the housing requirement will be met.

| | |
|--|--------------|
| Dwellings Constructed between 2011 and April 2016 | 2198 |
| Numbers of permitted dwellings anticipated to be completed within 1st April 2016 and 1st April 2031 | 5713 |
| An allowance for windfall sites in the Plan | 645 |
| Number of dwellings required to be allocated in this plan | 3844 |
| Number of allocated dwellings anticipated within the Plan Period | 5044 |
| Total anticipated provision in the plan period | 13600 |

Table 1: Extract from the Rugby Local Plan illustrating how Rugby intends to ensure housing requirements are met.

Figure 1 shows the location of all the proposed sites highlighted in this plan. The figure also includes those which are in the process of being built out, but some of this development will contribute to the housing proposed in the local plan hence its inclusion. All these sites are relevant as the plan covers the period from 2011.

Completions to date are 2198. This means that the council needs to find another 3844 dwellings within the plan period. However the plan identifies sites for a potential 7995 dwellings with 5044 of these allocated dwellings anticipated in the plan period. The provision outlined in Table 1 is greater than the figure quoted in Policy DS 1 to allow some flexibility in the plan in line with recommendations made in the National Planning Policy Framework (NPPF). This flexibility is required *'in the event that some sites fail to come forward or are delivered with reduced capacities than allowed for in the plan.'* (RBC 2016).

The Rugby Local Plan comprises a total of 11 Chapters as follows:

- Chapter 1: Introduction
- Chapter 2: Context, Vision and Objectives
- Chapter 3: General Principles
- Chapter 4: Development Strategy
- Chapter 5: Housing
- Chapter 6: Economic Development
- Chapter 7: Retail And Town Centre
- Chapter 8: Healthy, Safe And Inclusive Communities
- Chapter 9: Natural Environment
- Chapter 10: Sustainable Design and Construction
- Chapter 11: Delivery

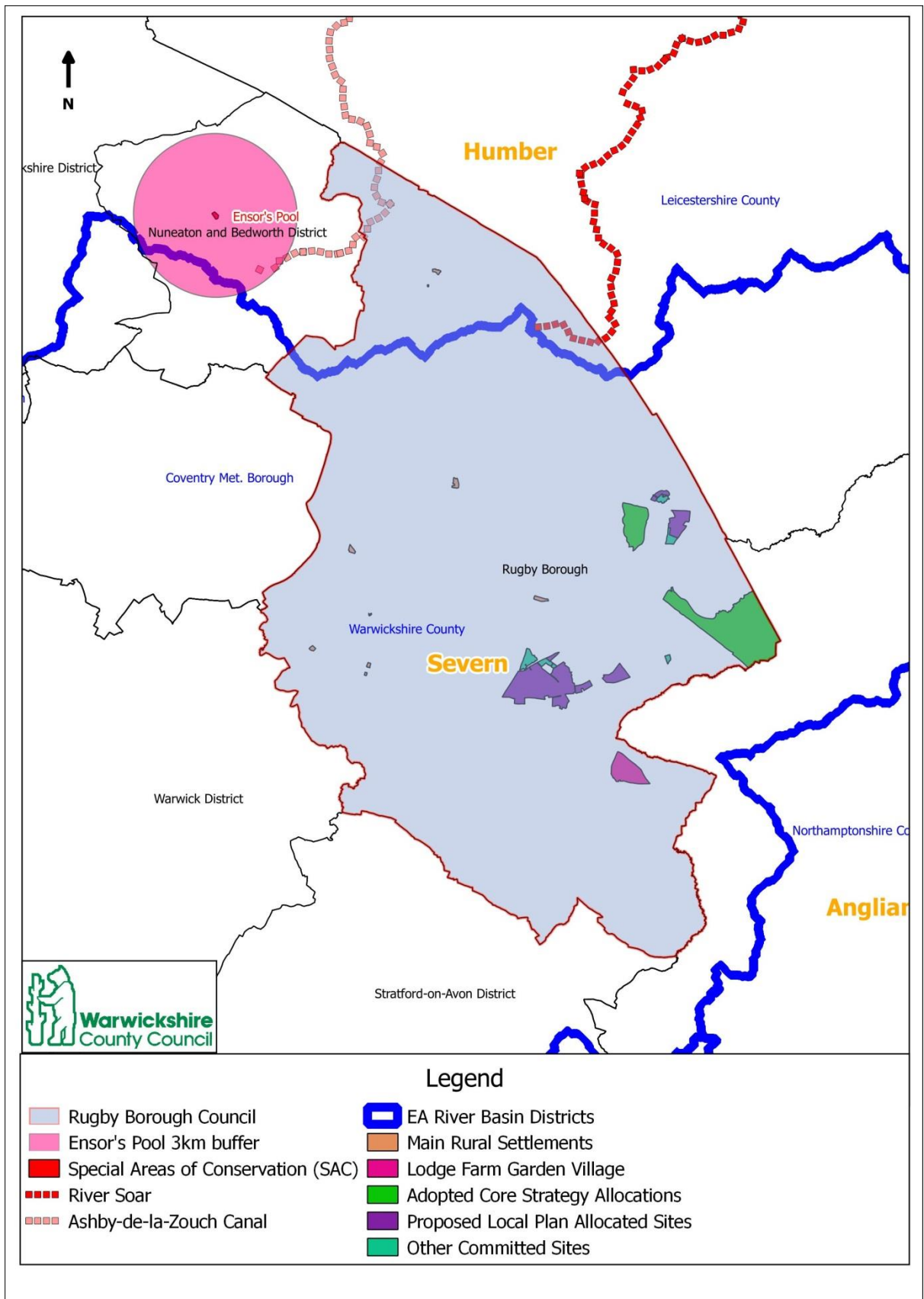


Figure 1: Rugby Borough Council Local Plan showing allocations

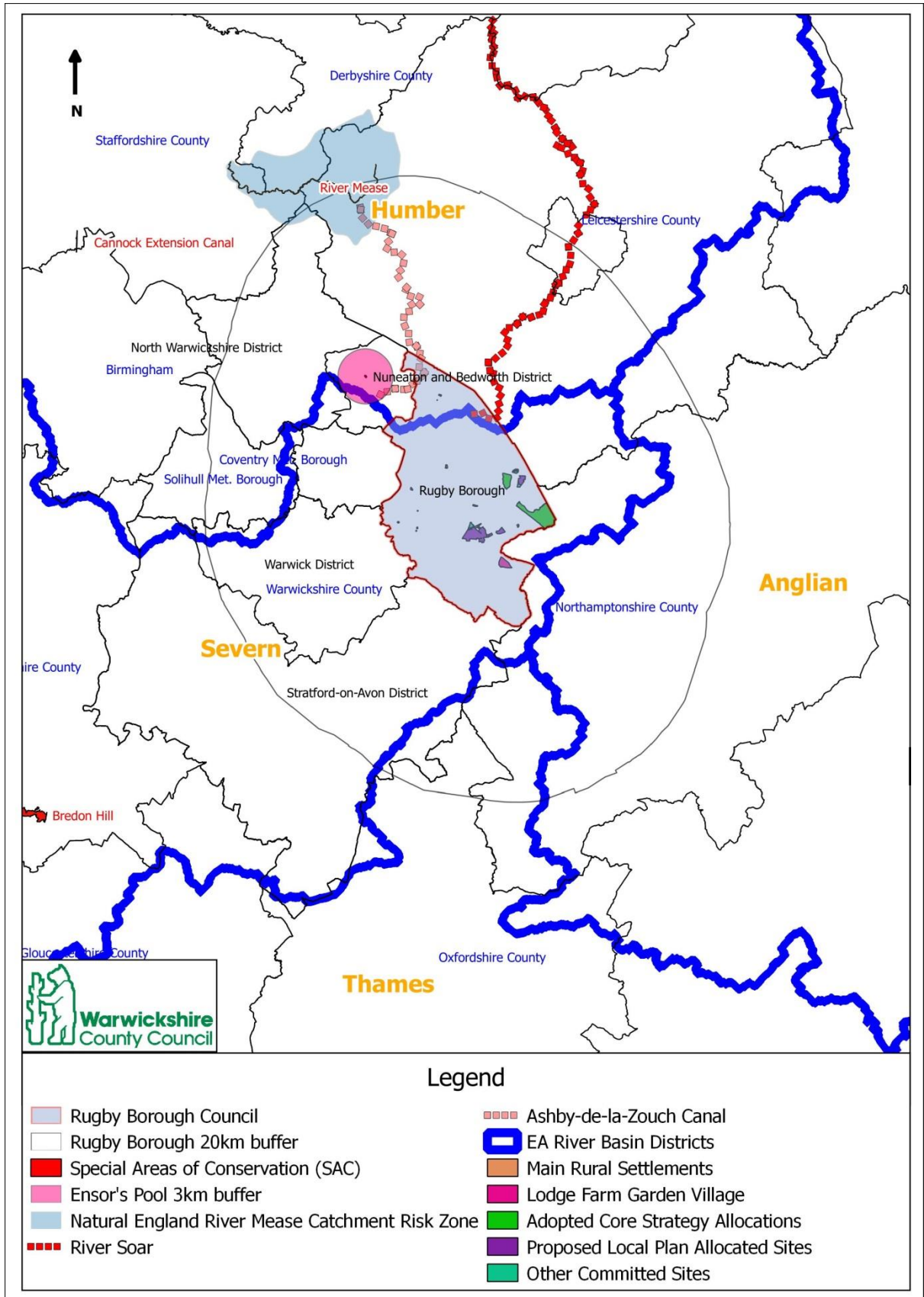


Figure 2: Location of SACs within a 20km buffer zone around Rugby

This HRA also makes reference to a previous HRA undertaken by UE Associates (UEA 2009) of the July 2009 Submission Version of the Core Strategy (RBC 2009). This Core Strategy replaced the 2006 Local Plan that covered the period of 2009 to 2026. The 2009 Core Strategy allocated 10 800 dwellings and 108 ha of employment land (RBC 2009). The HRA of the 2009 Core Strategy was accepted by Natural England (see correspondence in [Appendix 1](#)).

An initial screening assessment was undertaken between July and August 2016 of the policies in the Rugby Borough Council Local Plan 2011-2031, Publication Draft dated 19.07.16. This exercise allowed the consideration of if the plans, or policies within the plan could have a 'likely significant effect' (LSE) (as defined in Article 6(3) of the Habitats Directive and subsequent case law), *'either individually or in combination with other plans and projects'* on the integrity of any European Sites of nature conservation importance (i.e. Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites). Version 1 of this HRA screening report will be out for public consultation along with the publication draft on 26th September 2016. Natural England and the Environment Agency will have the opportunity to make comments on this draft screening report during this consultation.

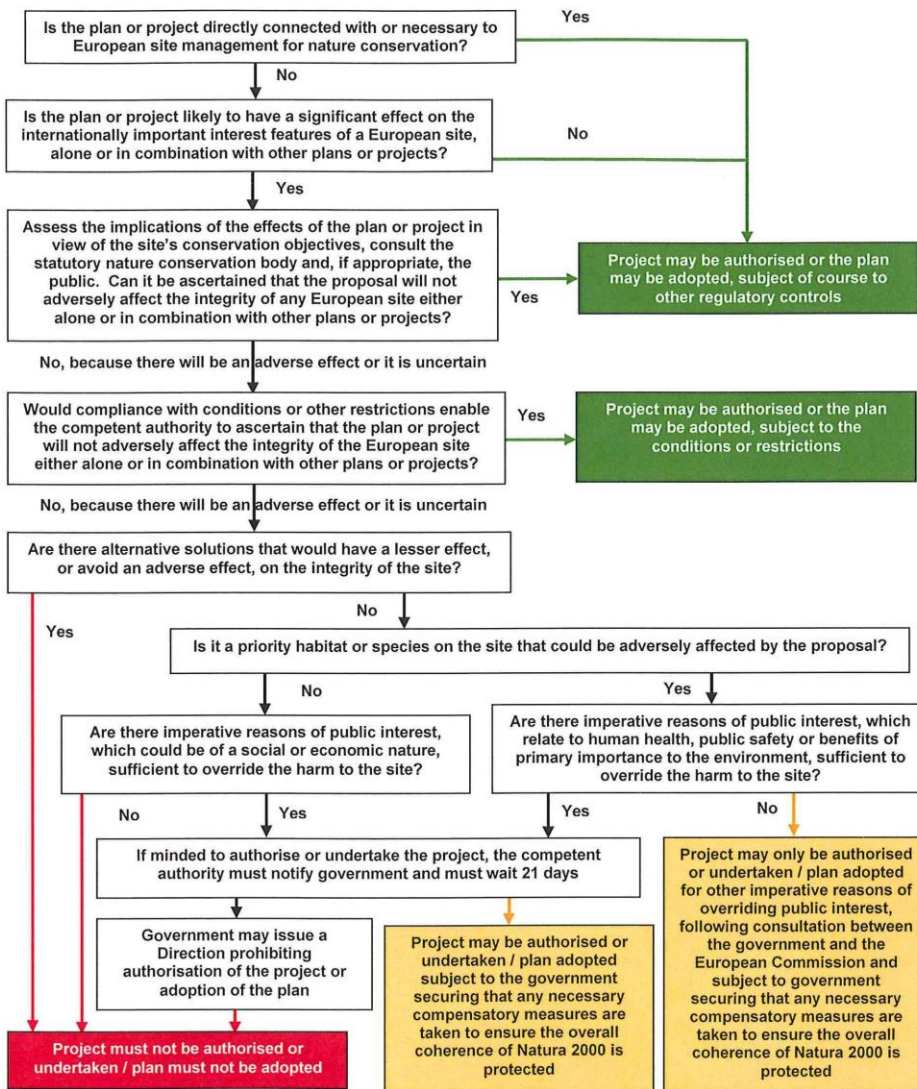
As highlighted in the Planning Inspectorate's Guidance Note on HRA (August 2013), *'HRA is an iterative process and the emphasis should be on avoiding likely significant effects (LSE)'* (hereafter known as the PINS Advice Note 10).

The interpretation of a LSE, is set out in case law and guidance. The Habitats Directive highlights that an Appropriate Assessment should be triggered if any plan or project could have a LSE either *'individually or in combination with other plans or projects'*. In the European Court Judgement (ECJ) Ruling C-127/02, Waddenzee, the Habitat Regulations Assessment Handbook (DTA 2016, hereafter known as the HRA Handbook 2016), states that *'irrespective of the normal English meaning of 'likely', in this statutory context 'a likely significant effect' is a 'possible significant effect'; one whose occurrence cannot be excluded on the basis of objective information'*. The HRA Handbook 2016 continues that *'However, to be excluded on the basis of objective information, the probability of a significant effect does not necessarily have to be zero. An effect could be excluded from assessment if the risk of it occurring would be an extremely low probability indeed for example, a risk of 1 in 0.5 million per year.'* ***'A significant effect is any effect that would undermine the conservation objectives for a European site. There must be a causal connection or link between the subject plan or project and the qualifying features of the site which could result in possible significant effects on the site. These effects may be direct or indirect and the existence and scope of possible effects must be judged on a case-by-case basis'***.

If a LSE is anticipated from any aspect of the plan or in-combination with other plans and projects, then a more detailed Appropriate Assessment (AA) will be required to be undertaken with the appropriate consideration of mitigation measures and alternative solutions prior to any decision to adopt the plan. This further work if required will be *'carried forward in a focussed and tightly scoped AA'* (PINS Advice Note 10).

Figure 3 below from the HRA Handbook outlines *'How the Habitats Regulations Assessment process influences decisions'*.

How the Habitats Regulations Assessment process influences decisions



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Figure 3: How the HRA process influences decisions (HRA Handbook 2013)

1.2. Habitats Regulation Assessments

HRAs are required under Article 6 of the European Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora). Article 6 also covers the requirements for HRA under the Birds Directive (on conservation of wild birds 79/409/EC, now codified directive 2009/147/EC) to the effect that only one assessment is required for all European Sites (also known as Natura 2000 sites or N2K sites) covered by both directives.

Paragraphs 109, 113, 118 and 119 of the National Planning Policy Framework (NPPF) are relevant to HRAs. Specifically, paragraph 118 states that any '*sites identified, or required as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs and listed or proposed Ramsar sites... should be given the same protection as European sites*'.

Article 6 (1) and 6 (2) of the Habitats Directive 92/43/EEC set out the obligations of Member States on European Sites:

Article 6 (1)

'For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites'.

Article 6 (2)

'Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive'.

Article 6 (3) outlines when an HRA should be undertaken:

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

Article 6 (4) discusses alternative solutions and the Imperative Reasons of Overriding Interest Test (IROIT)

'If, in spite of a negative assessment of the implications for the site in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

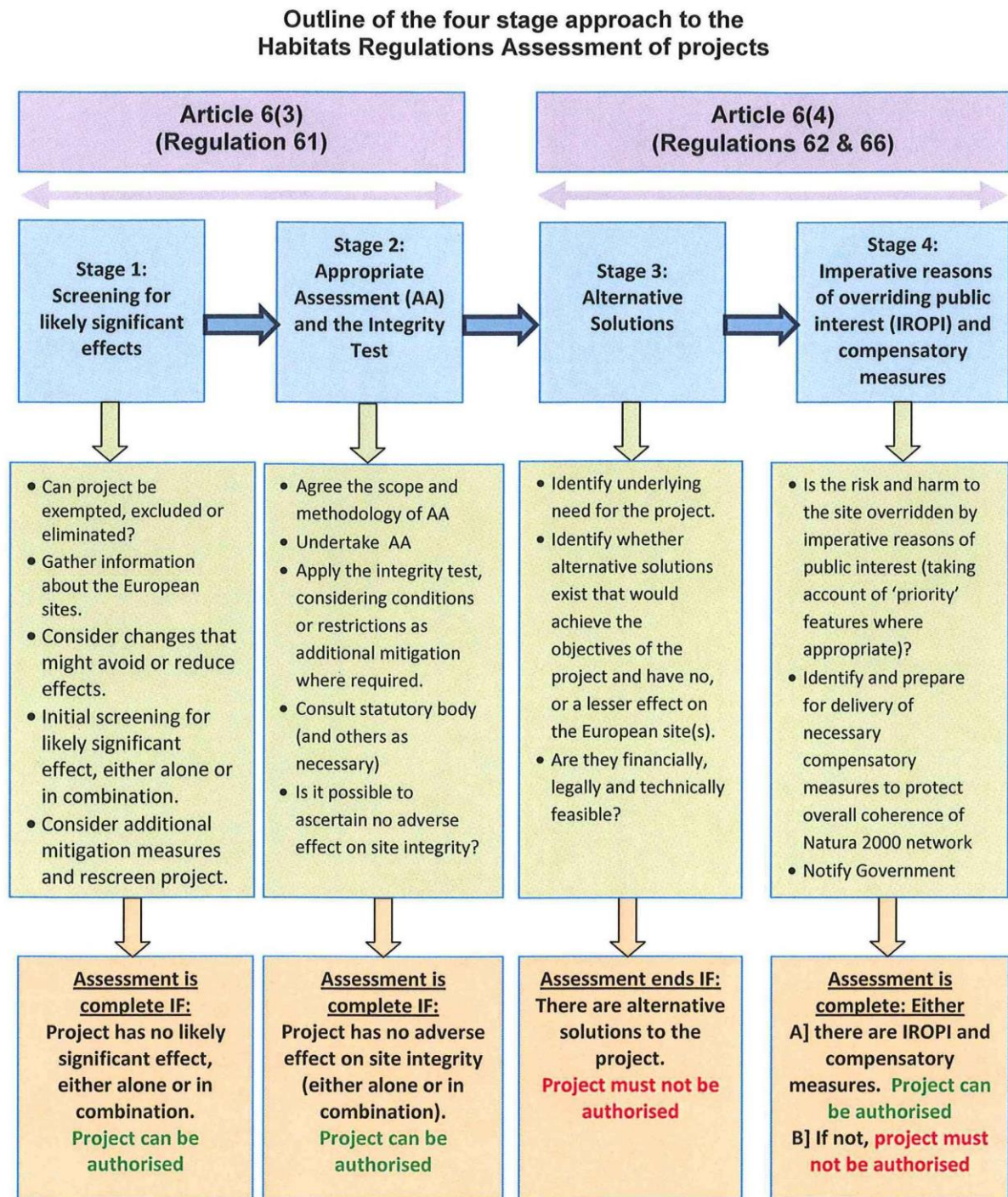
Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest'.

In England, all European Sites are designated by Defra and will have at least one 'qualifying feature' (a habitat, species or both) to be designated as European Sites. These designations are underpinned by the national level designation of Sites of Special Scientific Interest (SSSI). SSSI designations cover broader conservation issues than just the qualifying features of a European Site and can have different site boundaries.

A HRA deals only with negative effects on the qualifying features of European Sites. This HRA deals only with Special Areas of Conservation (SACs), as there are no Special Protection Areas (SPAs) or Ramsars within a reasonable proximity (20km, see Figure 2) to Rugby Borough that could be impacted by the Rugby Local Plan. The SSSI data for the European Sites selected, in addition to direct consultation with Natural England has been used in order to determine the current conservation status and condition assessment of the selected European Sites.

The HRA for the Rugby Local Plan comes under the remit of Regulations 102 to 105 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The HRA Handbook 2016 and other guidance, divides the HRA process into four distinct stages. This is illustrated in Figure 4 below.

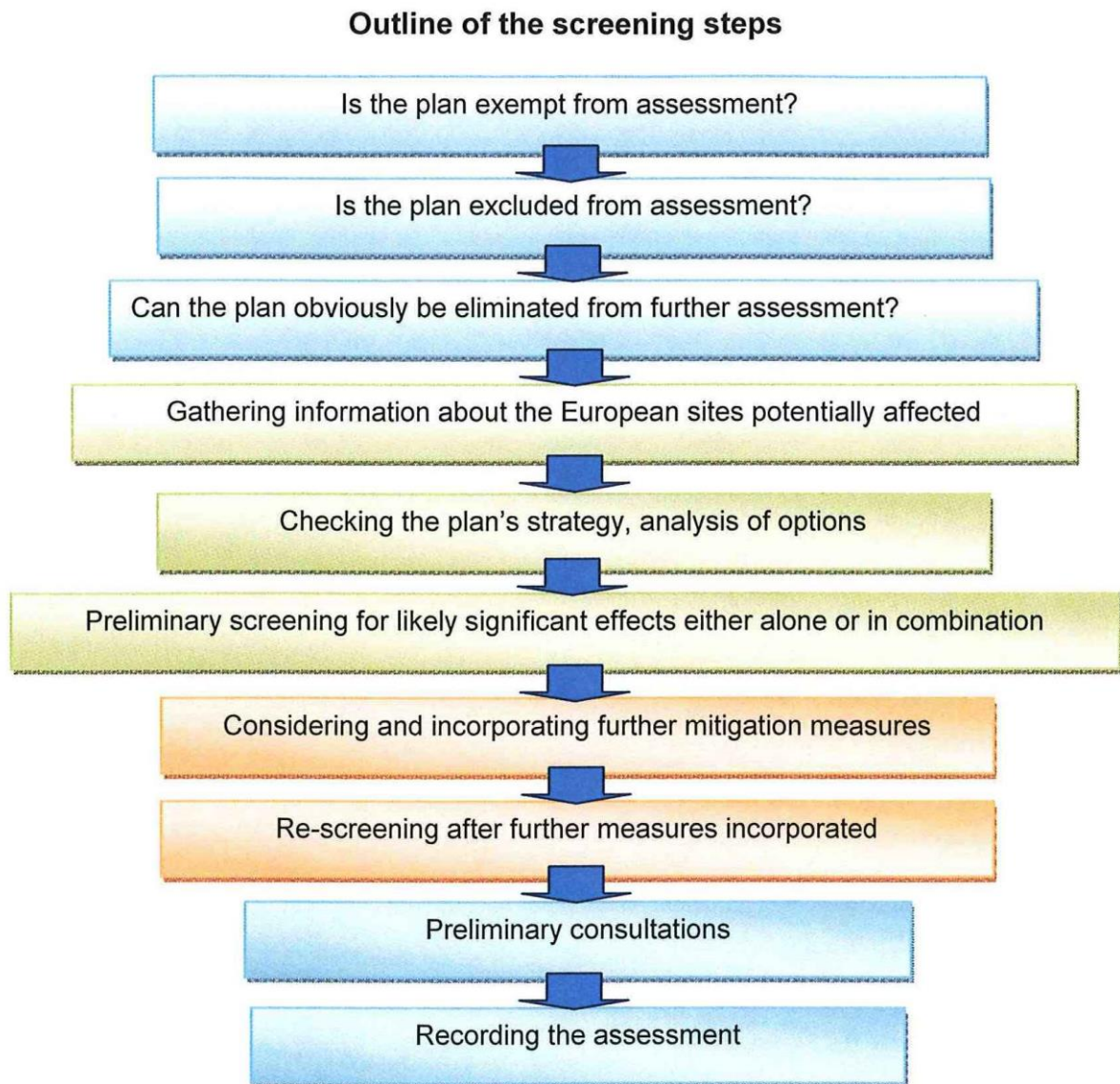


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Figure 4: Outline of the four-stage approach to HRA (HRA Handbook 2013)

This report relates only to Stage 1 of the process which involves the screening for any LSE to ascertain if an AA will be triggered. The HRA Handbook 2016 confirms that if appropriate mitigation measures can be incorporated into the plan or project at this screening stage (known as 'incorporated mitigation measures'), that result in no LSE when the plan is re-screened with

these new measures an AA will not be required. Figure 5 below highlights the steps in Stage 1 screening for LSE covered in this report.



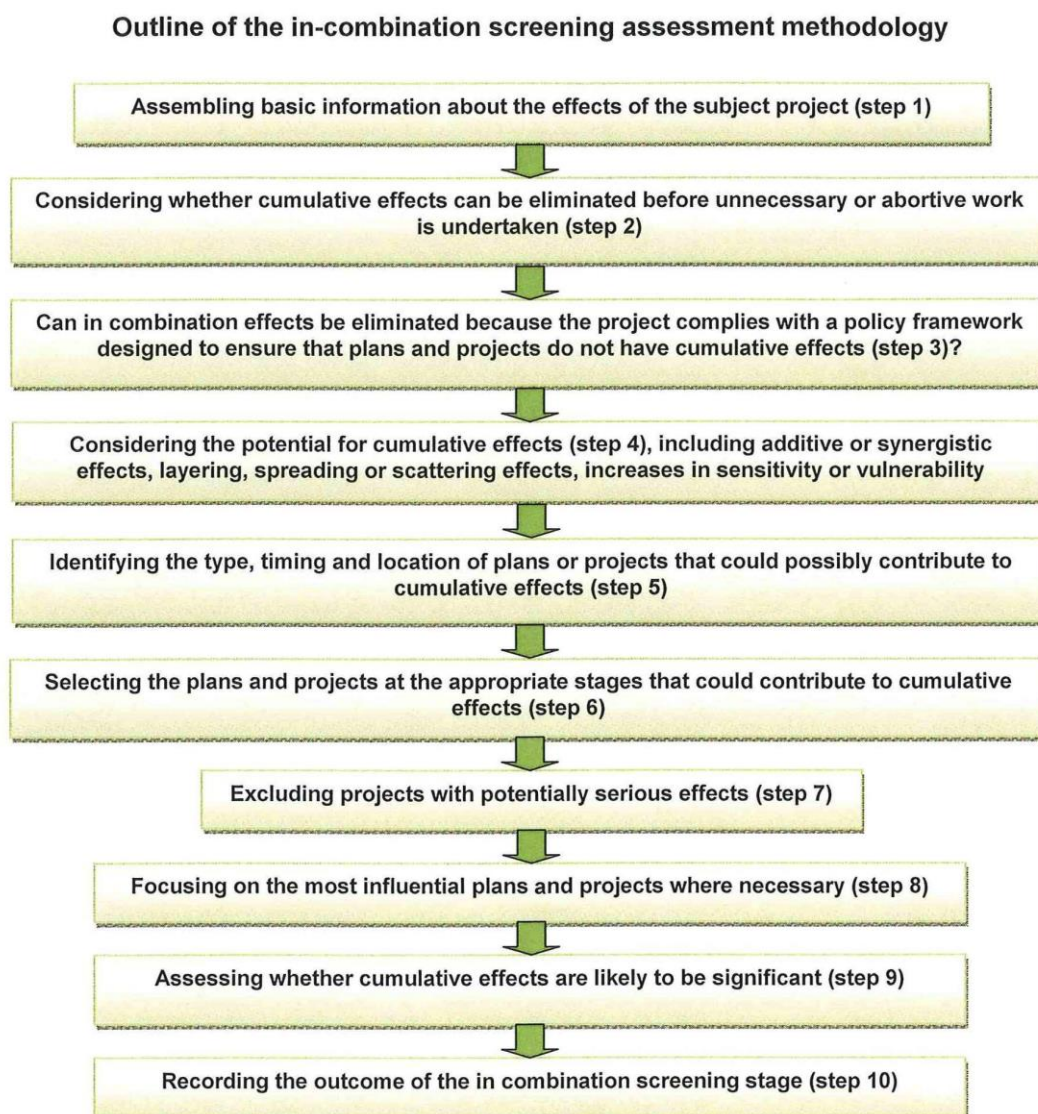
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Figure 5: Outline of screening steps for Stage 1 of an HRA (from HRA Handbook 2013)

An In-combination Assessment of other plans and projects in the area is also required as part of the HRA process at both the screening and AA stage. As stated in the draft 2013 Habitat Regulations Assessment Guidance produced by Defra and highlighted in the HRA handbook 2016 *'the effects of a plan or project must be considered both individually and in-combination with other relevant plans and projects. This is a requirement of the Habitats Directive which helps ensure that European Sites are not damaged by the additive effects of multiple plans or projects'*. As with the screening of the Rugby Local Plan Publication Draft, the HRA also needs to ensure that any potential impacts from other plans or projects in the area on a European Site (that could increase the impacts already identified for the Rugby Local Plan Publication Draft on a

cumulative basis) are identified and measures are put in place to protect European Sites from these cumulative effects.

Figure 6 below outlines the ten steps in the In-combination Screening Assessment methodology as stated in the HRA handbook 2016.



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Figure 6: Ten steps in the screening assessment of in-combination effects (from HRA Handbook 2013)

Following the screening exercise undertaken, it was considered that an In-combination Assessment was not required, as cumulative effects were eliminated. This follows advice in the HRA handbook (see step 3 in Figure 6 above). Further details are provided in [Section 4](#).

2. Methodology

2.1. HRA Screening Guidance

The methodology used for the screening of the Rugby Borough Council Local Plan: 2011 to 2031 is primarily based on the recommendations outlined in The Habitat Regulations Assessment Handbook 2016 by DTA publishing. Key guidance used in this screening assessment is highlighted below and in [Section 6](#).

- The HRA Handbook 2016 to which Warwickshire County Council is a current subscriber. The screening categories used in Table 2, [Section 2.3](#) are directly from the handbook;
- The PINS Advice Note 10 in August 2013 (Version 5); and
- Scottish Natural Heritage (SNH) Habitats Regulations Appraisal of Plans. Guidance for Plan-Making Bodies in Scotland (Version 2.0) August 2012 (hereafter, known as the SNH guidance).

Reference is also made to Warwickshire's recent HRA Screening Report of the Coventry Local Plan and City Centre Area Action Plan 2016; the Draft Screening Report HRA for Warwickshire's Minerals Plan dated Summer 2015; and the HRA for the Warwickshire Local Flood Risk Management Strategy (WCC 2015, WCC 2016a & 2016b).

2.2. Site Selection of European Sites

Table 3 in Section 3.1 (from the HRA Handbook), was used to help select which European Sites to consider at the screening stage. Information required for assessment on each European Site selected was obtained from Natural England's website and through direct consultation.

Initial consultation was also undertaken with the Environment Agency (14.07.16, 27.07.16 & 02.08.16), Natural England (14.07.16, 28.07.16 & 03.08.16) and Severn Trent Water (14.07.16 & 28.07.16) by email and telephone. These authorities were consulted on the scope of the assessment and the nature of any other plans and projects that would need to be considered as part of any In-combination Assessment. Further information on the current situation regarding the conservation status of Ensor's Pool SAC was also obtained.

The consultation responses from Natural England, Environment Agency and Severn Trent Water are provided in [Appendix 1](#).

A Quantum Geographical Information Systems (QGIS) project has been developed to help scope and refine the screening exercise for this HRA and enabled the production of all maps within this report (see Figures 1, 2, 7, 8 & 9).

2.3. Screening Assessment Categories

The screening of the Rugby Local Plan has been undertaken following guidance and specific 'screening categories' provided in the HRA Handbook 2016, listed in Table 2 below. A summary of the results for policies only is provided in [Section 3.5](#) with full details of screening of the whole plan with full justification is provided in [Appendix 4](#).

| Category | Justification | Screened In or Screened Out? |
|----------|---|---|
| | Administrative Text – introductory text about the plan | Screened out |
| | The plan makers ‘vision’ or ‘general aspiration’ | Screened out |
| | General Statements of overall goals | Screened out |
| | General Statements of broad objectives (implications are assessed under policy xx below) | Screened out |
| A | General Statement of policy / general aspiration | Screened out |
| B | Policy listing general criteria for testing the acceptability / sustainability of proposals | Screened out |
| C | Proposal referred to but not proposed by the plan | Screened out |
| D | Environmental protection / site safeguard policy | Screened out |
| E | Policies or proposals which steer change in such a way as to protect European sites from adverse effects | Screened out |
| F | Policy that cannot lead to development or other change | Screened out |
| G | Policy or proposal that could not have any conceivable effect on a site | Screened out |
| H | Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) | Screened out |
| I | Policy or proposal with a likely significant effect on a site alone | Screened in |
| J | Policy or proposal with an effect on a site but not likely to be significant alone, so need to check for likely significant effects in combination | Re allocate to Category K or L |
| K | Policy or proposal not likely to have a significant effect either alone or in combination | Screened out after in-combination test |
| L | Policy or proposal likely to have significant effect in combination | Screened in after the in-combination effect |

Table 2: The HRA Handbook 2016 screening categories

2.4. Limitations and Assumptions

This HRA is based on the latest available information on the European Sites selected, provided by Natural England at the time of writing. It is likely that in the future, the conservation status, objectives and condition of European Sites may change.

In March 2015, the Ribble case in the UK courts² has suggested the need to consider older more detailed Conservation Objectives for European Sites which are currently not published on Natural England’s website. We have obtained the 2008 Conservation Objectives for Ensor’s Pool SSSI and the 2012 Conservation Objectives for the River Mease SSSI from Natural England. These are summarised in [Appendix 2](#) of this report.

In a previous HRA undertaken for WCC for the forthcoming Warwickshire Minerals Plan, we received correspondence from Natural England on 24 August 2015 (extract provided in [Appendix](#)

² RSPB v Secretary of State for the Environment Food and Rural Affairs, BAE Systems (Operations) Ltd and Natural England, 18th March 2015, [2015] EWHC Civ 227, referred to as the *Ribble* Case.

[1](#)). This stated that our 'primary focus' should be on the European Site Conservation Objectives for the relevant European Site these are all provided in Table 4 of this report.

It should also be noted that in September 2014, surveys for the population of white-clawed crayfish at the only European Site in Warwickshire (Ensor's Pool SAC), did not locate any white-clawed crayfish. The surveyor's report, published by Natural England in October 2015 states the survey in September 2014 indicates the *'once abundant population of white-clawed crayfish appears to have disappeared. The pool still appears to provide suitable habitat for crayfish and there is no indication that any other animal or plant species has been affected.'* The report goes on to suggest that crayfish plague *'seems likely to be the cause of mortality'* and recommends further surveys *'to verify the absence of white-clawed crayfish and determine whether signal crayfish are present'* (Natural England 2015).

Subsequent further surveys were undertaken in 2015, comprising a bioassay between June and September and a trapping survey in September. Natural England confirmed to Ecological Services at Warwickshire County Council on 02.12.15 that *'We conclude that the population of native white-clawed crayfish is no longer present at Ensor's Pool. Natural England is now considering these results and their implications in conjunction with our national specialists and the ecologists who undertook the surveys'* (see correspondence from Antony Muller in Section 1.1, [Appendix 1](#)).

Ecological Services at Warwickshire County Council also received correspondence from Natural England on 28.07.16 regarding the current designation and status of Ensor's Pool SAC / SSSI given the results of the above surveys. Natural England's response was as follows:

'The current status of Ensor's Pool as a Special Area of Conservation (SAC) remains and Natural England's continues to advise competent authorities and those undertaking assessment under the habitat regulations to continue on a business as usual basis (BAU).'

Natural England continued to confirm the following:

'Actions underway, including survey effort have led to a decision to amend the Site of Special Scientific Interest (SSSI) condition assessment based on fair and robust evidence base. HOWEVER, until there is agreement on the role of the site in the wider picture of the White-Clawed Crayfish population we must still operate on this BAU basis. Conversations with Defra are on-going'.

Following the above advice, this HRA has been undertaken on the basis that a population of white-clawed crayfish is still present Ensor's Pool at the levels last recorded in 2012 (when the species were considered to be 'favourable' at the site level).

The European Site selection for this HRA is based on the most recent GIS data available at Warwickshire County Council and provided by Rugby Borough Council and Natural England at the time of writing.

3. The Screening Assessment

3.1. Scanning and Site Selection of European Sites for Consideration

Two European Sites: Ensor’s Pool SAC (in Nuneaton, Warwickshire) and the River Mease SAC (in Leicestershire, Derbyshire and Staffordshire) are within a 20km buffer zone of the administrative area of Rugby Borough Council (see Figure 2).

A further three European Sites lie outside the 20km buffer zone around Rugby but within 20km of Warwickshire. These are: Bredon Hill, Worcestershire; Cannock Extension Canal, Staffordshire; and Lyppard Grange Ponds, Worcestershire. Further details of why these SACs have been scoped out are provided in Table 7 in [Section 3.4.2](#).

During consultation with Natural England in 2012 in relation to a former draft of the Coventry Core Strategy that forms part of the western border of Rugby District (see Figure 1), the potential sourcing of water from Wales to supply new development in Coventry was highlighted as having a potential negative impact on hydrologically sensitive Welsh SACs (e.g. rivers etc.) (WCC 2012). Given the proximity of Coventry to Rugby, details of more recent consultations with Severn Trent Water and why these European Sites have now been screened out of this HRA are provided in [Section 3.4.2.3](#) and [Appendix 1.2](#).

Table 3 below from the HRA Handbook 2016 has also been used to aid the selection process.

Scanning and site selection list for sites that could potentially be affected by the plan

| Types of plan | Sites to scan for and check | Names of sites selected |
|---|--|--|
| 1. All plans (terrestrial, coastal and marine) | Sites within the geographic area covered by or intended to be relevant to the plan. | Sites within 20km zone of Rugby Borough: Ensor’s Pool SAC and River Mease SAC |
| 2. Plans that could affect the aquatic environment | Sites upstream or downstream of the plan area in the case of river or estuary sites | River Mease SAC has no direct connection to Rugby Borough (Figure 7 and Table 7) Welsh SACs |
| | Open water, peat land, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area | None |
| 3. Plans that could affect the marine environment | Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species | N/A |
| 4. Plans that could affect the coast | Sites in the same coastal ‘cell’, or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes | N/A |
| 5. Plans that could affect mobile species | Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan’s proposals or whether the | River Mease SAC |
| | | Ensor’s Pool SAC |

| | | |
|--|---|--|
| | species would be in or out of the site when they might be affected | |
| 6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure | Such European sites in the plan area | N/A |
| | Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area | N/A Ensor's Pool SAC is not considered to be a 'tourist attraction' and the River Mease SAC is too far from Rugby Borough to be included in this category |
| | Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations | N/A (see above) |
| 7. Plans that would increase the amount of development | Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area | Ensor's Pool SAC – yes plan has potential to cause water abstraction but site is over the EA 3km trigger threshold for hydrological impacts (see Figure 1 and Appendix 1.3), hence not considered an issue for the Rugby Local Plan River Mease SAC has potential to be impacted by abstraction but is considered to be too far from Rugby Borough and the key development areas to be affected (see Table 6 and Figure 1) |
| | Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area | Ensor's Pool SAC |
| | Sites that could be affected by the provision of new or extended transport or other infrastructure | N/A – no transport proposed outside of Rugby Borough so this is screened out |
| | Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic | Ensor's Pool SAC – potentially yes but considered too far away (See Table 8). River Mease SAC – distance considered too great, see Table 8 |

| | | |
|--|--|---|
| 8. Plans for linear developments or infrastructure | Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body | N/A no European Sites within Rugby Borough. |
| 9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment | Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan | N/A |
| 10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses | Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan | N/A |
| 11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil | Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan | Ensor's Pool SAC River Mease SAC |
| 12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed | Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption | N/A |
| 13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed | Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption | N/A |
| 14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species | Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan | N/A – No European Sites located in Rugby Borough. |
| 15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution | Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan | N/A – No European Sites located in Rugby Borough |
| 16. Plans which could introduce or increase a potential cause of mortality of species | Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan | Ensor's Pool – changes in hydrology could impact this site but development lies outside the 3km buffer zone around Ensor's Pool provided by the Environment Agency for consideration of ground water impacts (see Appendix 1.3). |

| | | |
|---|--|--|
| | | River Mease SAC – not considered likely given distance from Rugby, see Table 8 |
| <p style="text-align: center;">Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (September) 2013 all rights reserved This work is registered with the UK Copyright Service</p> | | |

Table 3: Table used for scanning and site selection from HRA Handbook 2013

There are no European Sites within Rugby Borough itself. The nearest site is Ensor’s Pool SAC that lies approximately 3.9 km to the west of Rugby Borough at its nearest point (see Figure 1).

3.2. Site Descriptions

The following section provides a description of Ensor’s Pool SAC and the River Mease SAC using information sourced from Natural England, Joint Nature Conservancy Council (JNCC), WCC 2010, WCC 2015, WCC 2016a and WCC 2016b. Table 4 provides the following key information for each SAC:

- Qualifying features;
- Latest Conservation Objectives;
- Favourable conservation status; and
- Condition of features.

3.2.1. Ensor’s Pool SAC

Ensor's Pool was formed from an abandoned clay pit around fifty years ago. It was notified as a SSSI in 1995, designated a Local Nature Reserve in 1997 and a SAC in April 2005. It is located on the south-west fringe of Nuneaton's urban area (grid reference SP348903) and covers an area of approximately 3.8ha. It comprises an elongated (220m by 50m) isolated water body with an average depth of 8m. The pool is lined by an impervious layer of clay and therefore it is assumed that it is reliant on rainwater as the main supply of water. A recent dye tracing exercise of the pool by the Environment Agency has confirmed Ensor’s Pool is groundwater fed and is not hydraulically linked to nearby ordinary watercourses (see Environment Agency email dated 02.08.16 in [Appendix 1.3](#)).

Ensor's Pool is designated a European Site since it historically provided the habitat to one of the largest populations of healthy white-clawed crayfish (*Austropotamobius pallipes*) in England. The white-clawed crayfish flourished in both Britain and Europe until the commercial introduction of the signal crayfish (*Pacifastacus leniusculus*) from America in the 1970s. As well as preying on its smaller cousin, the signal crayfish carries a fungal disease to which the white-clawed crayfish has no immunity. Unfortunately, the signal crayfish and other non-native crayfish have since escaped the confines of the fisheries and entered the river systems of Britain and Europe, causing the dramatic decline of white-clawed crayfish. The isolation of Ensor's Pool from rivers creates a refuge for the white-clawed crayfish to flourish and that is why it is of both national and European importance.

In November 2014, Natural England reported that ‘two recent surveys of Ensor’s Pool in Warwickshire, noted for its populations of native white-clawed crayfish, have found no sign of the aquatic invertebrates’ (Natural England 2014a, press release 08.11.14, Natural England 2015). There is now a Natural England Site Improvement Plan (SIP) for Ensor’s Pool where a key action is to ‘further investigate the cause of the apparent collapse of the white-clawed crayfish population’ (See Table 5, Natural England 2014b). Given this finding, Ecological Services at WCC contacted Natural England for an official view on how Ensor’s Pool should be considered for the purposes of this HRA.

Despite the current lack of white-clawed crayfish in Ensor’s Pool and the change in the condition assessment of the SSSI in 2016 to ‘unfavourable-declining’ with a ‘high condition threat risk’, the European level SAC designation still remains. Natural England have confirmed the following: ‘The

current status of Ensor's Pool as a Special Area of Conservation (SAC) remains and Natural England's continues to advise competent authorities and those undertaking assessment under the habitat regulations to continue on a business as usual basis (BAU).¹ See [Section 2.3](#) for further details.

The Environment Agency in their initial consultation response on 02.08.16 also confirmed 'We understand that Ensor's Pool SAC no longer has white claw crayfish' (see [Appendix 1.3](#)).

3.2.2. River Mease SAC

The River Mease is a small tributary of the River Trent. It is a relatively unmodified lowland river providing conditions for populations of spined loach (*Cobitis taenia*), bullhead (*Cottus gobio*), white-clawed crayfish and otter (*Lutra lutra*). It has retained a reasonable degree of channel diversity compared to other similar rivers containing spined loach populations. It has extensive beds of submerged plants along much of its length which, together with its relatively sandy sediments (as opposed to cohesive mud) provide good habitat opportunities for the species.

The spined loach is a small bottom-living fish that has a restricted microhabitat associated with a specialised feeding mechanism. They use a complex branchial apparatus to filter-feed in fine but well-oxygenated sediments. Optimal habitat comprises a patchy cover of submerged (and possibly emergent) macrophytes, which are important for spawning, and a sandy (also silty) substrate, into which juvenile fish tend to bury themselves.

The River Mease is an example of bullhead populations in the rivers of central England. Bed sediments are generally not as coarse as other sites selected for the species, reflecting the nature of many rivers in this geographical area, but are suitable in patches due to the river's retained sinuosity. The patchy cover from submerged macrophytes is also important for the species. The bullhead is a small bottom-living fish that inhabits a variety of rivers, streams and stony lakes. It appears to favour fast-flowing, clear shallow water with a hard substrate (gravel/cobble/pebble) and is frequently found in the headwaters of upland streams. However, it also occurs in lowland situations on softer substrates so long as the water is well-oxygenated and there is sufficient cover. It is not found in badly polluted rivers.

As well as its importance for species, the River Mease has also been selected as a SAC on the presence of the qualifying habitat: water courses of plain to montane levels with the habitat community *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation (rivers with floating vegetation often dominated by water-crowfoot).

3.3. Key Information on European Sites for the HRA

Table 4 below provides the latest information that is available via Natural England's website (as of August 2016) on the current Conservation Objectives, favourable conservation status and condition of features of Ensor's Pool SAC. [Appendix 1](#) also provides consultation responses received from Natural England to date. The key vulnerability of Ensor's Pool SAC has been taken directly from the citation for the SAC. The relevant 'Operations Likely to Damage the Special Interest of the Site' (OLDSIS) considered relevant to the Rugby Local Plan are listed in Table 4. Table 5 also highlights the current issues and threats to Ensor's Pool SAC as per the latest Natural England Site Improvement Plan (Natural England 2014b).

In addition to the current Conservation Objectives published by Natural England on their website, Ecological Services at Warwickshire County Council have also obtained the previous more detailed Conservation Objectives for Ensor's Pool SAC and the River Mease SAC (dated 2008 & 2012 respectively), which are also considered as part of this initial screening in line with recent HRA case

law³. A summary of these more detailed Conservation Objectives and Targets are provided in [Appendix 2](#) (Natural England 2008).

³ RSPB v Secretary of State for the Environment Food and Rural Affairs, BAE Systems (Operations) Ltd and Natural England, 18th March 2015, [2015] EWHC Civ 227, referred to as the *Ribble* Case.

| Name, site reference and location | Designation status, area and date of designation | Qualifying features | Conservation objectives published by Natural England | General site character ⁴ | Conservation status | Condition assessment | Key vulnerability / Operations Likely to Damage the Special Interest of the Site (OLDSIS) potentially relevant to the Rugby Local Plan (see Table 11 in Appendix 5 for details) |
|---|---|--|--|--|---|---|--|
| <p>Ensor's Pool, Warwickshire</p> <p>Grid reference: SP348903</p> <p>EU code: UK0012646</p> <p>Further information provided by Natural England via letter and emails dated 28.07.16, 02.12.15 & 24.08.15 (Appendix)</p> | <p>SAC (Ensor's Pool SSSI)</p> <p>3.86 ha</p> <p>01.04.05</p> | <p>S1092: White-clawed crayfish <i>Austropotamobius pallipes</i></p> | <p>As per Natural England's website 26.07.16 '<i>the conservation objectives of this SAC are currently under review</i>'</p> | <p>Habitat Class N10 (Humid grassland, Mesophile grassland) 30% and N06 (Inland water bodies (Standing water, Running water) 70%. Total Habitat Cover 100%</p> | <p>An updated assessment made on 29.04.16 noted the results of recent surveys of the pool since 2014 and concluded that '<i>The results of these surveys indicate that it is unlikely that crayfish remain present in Ensor's Pool,</i></p> | <p>2016 Condition Assessment of the single unit of the SSSI is described as '<i>unfavourable-declining</i>'. With a '<i>High condition threat risk</i>'</p> | <p>Need to protect the site's water quality from direct or diffuse pollution.</p> <p>Avoid changing the amount of water in the pool (by abstracting water from inflowing streams or raising the water level).</p> <p>Avoid increasing the sediment.</p> <p>Avoid introduction of non-native species,</p> |

⁴ General Habitat Classification codes as per Eionet European Topic Centre on Biological Diversity http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal accessed on 21.03.16

| | | | | | | | |
|---|---|--|--|--|---|---|--|
| <p>1 & Appendix 2) and Natural England October 2015</p> | | | | | <p>although there is no agreed level of trapping effort to demonstrate complete absence' Natural England consultation responses are in Appendix 1</p> | | <p>especially non-native crayfish species.</p> <p>Avoid control or removal of natural aquatic vegetation Avoid intentional or accidental introduction of species such as bottom feeding coarse fish</p> <p>OLDSIS: 14a</p> |
| <p>River Mease, Derbyshire, Leicestershire, Staffordshire</p> <p>Grid reference: SK260114</p> <p>EU code: UK0030258</p> <p>See Appendix 3 & Table 5</p> <p>Recent draft supplementary advice on this European Site's</p> | <p>SAC (River Mease SSSI)</p> <p>23.03 ha</p> <p>01.04.05</p> | <p>H3260: Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>S1092: White-clawed crayfish <i>Austropotamobius pallipes</i></p> <p>S1149: Spined loach <i>Cobitis taenia</i></p> | <p>30th June 2014</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> The extent and distribution of qualifying natural habitats and habitats of qualifying species The structure and function (including typical species) of | <p>General site character: Habitat Class N06 Inland waterbodies (Standing water, Running water) 100%. Total Habitat Cover 100%</p> | <p>In 2010 the whole site was considered to be 'Unfavourable – no change' because of drainage, inappropriate weirs dams and other structures, invasive freshwater species, siltation, water</p> | <p>2010 condition assessment all four SSSI units considered to be unfavourable – no change.</p> <p>Key reasons for unfavourable condition due to point source and diffuse phosphorus pollution,</p> | <p>Need to avoid any deterioration in water quality and quantity Diffuse pollution and excessive sedimentation are catchment-wide and have the potential to affect the site.</p> <p>Avoid introduction of non-native species</p> <p>Minimise pollution of river from point and diffuse sources, including discharges of domestic and</p> |

| | | | | | | | |
|---|--|---|--|--|---|--|---|
| <p>Conservation Objectives including a number of new targets was published on 29.05.16 (Natural England 2016).</p> | | <p>S1163: Bullhead <i>Cottus gobio</i></p> <p>S1355: Otter <i>Lutra lutra</i></p> | <p>qualifying natural habitats</p> <ul style="list-style-type: none"> • The structure and function of the habitats of qualifying species • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site. | | <p>abstraction, freshwater pollution and pollution from agriculture / run off</p> | <p>physical modifications via over dredging, weir, other impoundment s. None native species, lack of river bank vegetation, lack of macrophyte species density and composition. Over abstraction lack of fresh water entering the river, density of designated fish species</p> <p>All units have a 'High' Condition Threat Risk</p> | <p>industrial effluent, run-off from agriculture, forestry and urban land and accidental pollution from industry and agriculture.</p> <p>Avoid / reduce siltation of river bed.</p> <p>Riparian areas and the wider catchment need to be managed sensitively to avoid excessive run-off of soil particles and nutrients into the river.</p> <p>Effluents entering the river....should be treated to reduce the levels of phosphorus contained within them...</p> <p>OLDSIS: 7, 9, 14b, 16a</p> |
|---|--|---|--|--|---|--|---|

Table 4: Information required to undertake a HRA

In addition to the above key vulnerabilities the currently available SIP for Ensor’s Pool SAC and the River Mease SAC outline the ‘*prioritised issues that are currently impacting or threatening the conditions of the features and the actions required to address them.*’ (Natural England 2014b & 2014c). Further more detailed Supplementary Advice on Conserving and Restoring Site Features of the River Mease SAC was also published on 31 May 2016 outlining key targets for restoring and maintaining the five qualifying habitats and species for which the SAC is designated, given its current conservation status is ‘*Unfavourable – no change*’ (Natural England 2016).

| |
|---|
| <p>Ensor’s Pool – Current Issues and Actions</p> <p>Changes in species distributions - Historically Ensor’s Pool was a stronghold for the native white-clawed crayfish with a population estimate of around 50,000 animals. Surveys in September and October 2014 found no crayfish in the pool. Currently the cause of this decline is unknown and further investigations are currently taking place. The spread of crayfish plague is a key reason for decline of other populations.</p> <p>PROPOSED ACTIONS:</p> <ul style="list-style-type: none"> • Further investigate the cause of the apparent collapse of the white-clawed crayfish population. • Consider potential actions in response to the investigation. |
| <p>River Mease - Issues, Actions and Supplementary advice</p> <p>The SIP for the site (dated 10.10.14) outlines current issues and actions in relation to the River Mease. Five Issues with Actions are identified in the SIP and further targets are provided in the Supplementary Advice (e.g. details of maximum phosphorus concentrations as these elevated nutrient levels are a key conservation issue for the River Mease).</p> <p>PROPOSED ISSUES / ACTIONS IN THE SIP</p> <ul style="list-style-type: none"> • Actions to tackle phosphate levels (including improving technologies at STWs, landowner training, considering road run-off). • Actions to address current drainage issues including the currently impacted naturalised flow pattern and the river appears more ‘flashy’ with water levels rising and falling rapidly • Actions to tackle inappropriate weirs and dams. • Actions to tackle increasing levels of non-native species including Himalayan Balsam (<i>Impatiens glandulifera</i>), Japanese knotweed (<i>Fallopia japonica</i>) and signal crayfish. • Actions to reduce levels of siltation that can smother gravel beds needed for spawning bullhead and fine sand used for spawning by the spined loach. • Actions to investigate the impacts of water abstraction on the flow pattern and ecology of the River Mease. |

Table 5: Current issues and threats to Ensor’s Pool and as per Natural England’s latest SIPs and Supplementary Advice (Natural England 2014b & 2014c & 2016)

3.4. Screening of SACs

3.4.1. Current Housing Figures

An overview of the Rugby Local Plan is provided in [Section 1](#). Figure 1 illustrates the current proposed strategic sites associated with the Rugby Local Plan including known housing, employment and mixed use allocations.

The current figures for housing as provided in the Rugby Local Plan Publication Draft July 2016 for each site are provided below under category headings as per Figure 1.

| Reference | Site Name | Number of Dwellings | Category as per Figure 1. |
|--------------------------------------|---|---------------------|---|
| <i>Rugby Urban Edge</i> | | | |
| DS3.1 | Coton House | up to 100 | Proposed Local Plan Allocated Site |
| DS3.2 | Coton Park East | 855 | Proposed Local Plan Allocated Site |
| DS3.3 | Rugby Gateway | 1300 | Adopted Core Strategy Allocation |
| DS3.4 | Rugby Radio Station | up to 6200 | Adopted Core Strategy Allocation |
| DS3.5 | South West Rugby | up to 5000 | Proposed Local Plan Allocated Site |
| <i>Main Rural Settlements</i> | | | |
| DS3.6 | Land at Sherwood Farm, Binley Woods | up to 75 | Main Rural Settlements / Proposed Local Plan Allocated Sites. |
| DS3.7 | Land off Lutterworth Road, Brinklow | up to 100 | |
| DS3.8 | Land North of Coventry Road, Long Lawford | up to 100 | |
| DS3.9 | Leamington Road, Ryton on Dunsmore | up to 75 | |
| DS3.10 | The Old Orchard, Plott Lane, Stretton on Dunsmore | up to 25 | |
| DS3.11 | Land Off Squires Road, Stretton on Dunsmore 2 | up to 50 | |
| DS3.12 | Linden Tree Bungalow, Wolston Lane, Wolston | up to 15 | |
| DS3.13 | Land at Coventry Road, Wolvey | up to 10 | |
| DS3.14 | Wolvey Campus, Leicester Road, Wolvey | up to 80 | |
| <i>Garden Village</i> | | | |
| DS3.15 | Lodge Farm, Daventry Road | up to 1500 | Lodge Farm Garden Village |

Table 6: Residential Allocations as per Policy DS3 of Rugby Local Plan Publication Draft July 2016

3.4.2. Scoping of SACs with potential to be impacted by the Rugby Local Plan Publication Draft

The SACs for consideration as part of this HRA have been further scoped and refined by an assessment exercise that has identified if there could be any causal connection or link between the different proposals and policies set out in the Rugby Local Plan (see [Section 1.1](#)).

3.4.2.1 Ensor's Pool SAC

This site has been screened in for further consideration in this HRA. The site is vulnerable to:

- Direct or diffuse pollution that could impact the water quality of the pool (particularly increases in sediment that not only change the water quality but also have a direct physical effect on white-clawed crayfish);
- Any change in water levels. Figure 10 in [Appendix 3](#) shows that Ensor's Pool lies within the surface water flooding zone for both 30 year and 200 year events;
- Introduction of non-native species, particularly non-native crayfish species;
- Introduction of bottom feeding coarse fish;
- Removal or control of natural aquatic vegetation; and
- Physical disturbance to Ensor's Pool that could impact: the crayfish bankside refuges, the amount of bankside and marginal vegetation around the pool; the appropriate percentage of submerged macrophytes; and appropriate diversity of substrates within the pool.

Any proposed development under the Rugby Local Plan that could lead to any of the above impacts on Ensor's Pool SAC would lead to the plan having a LSE on Ensor's Pool and trigger the need for a full AA of the Rugby Local Plan to be undertaken (see Stage 2 on Figure 4).

Any hydrogeological impacts to the pool from development within 2-3km of Ensor's Pool should be considered as recommended by the Environment Agency (see letter dated 16.09.15, in [Appendix 1, Section 1.3](#)). The Environment Agency in their initial consultation response to this HRA dated 02.08.16 specifically stated that a dye tracing exercise of Ensor's Pool confirmed that the pool is groundwater fed and is '*not hydraulically linked to nearby ordinary watercourses*' (see [Appendix 1, Section 1.3](#)).

3.4.2.2 River Mease SAC

Given that the River Mease lies within the 20km buffer zone around Rugby Borough and the northern section of the borough lies within the Humber River Basin District which also contains the River Mease and its associated Natural England River Mease Catchment Risk Zone, this site has been screened in for further assessment as part of this HRA.

There is potential that any ordinary water course flooding within the Natural England River Mease Catchment Risk Zone (see Figure 7) to impact the River Mease SAC. The Natural England River Mease Catchment Risk Zone has been used in this HRA, as recommended by Natural England during a telephone conversation on 03.08.16. Potential impacts include: pollution (especially from increased nutrient levels, particularly phosphorus), sedimentation and the introduction of non-native species.

3.4.2.3 Other English and Welsh SACs

All other European Sites outside the 20km buffer zone have been screened out as it has been concluded that the Rugby Local Plan will not impact these sites. Justification is provided in Table 6.

Figure 8 illustrates the proximity of other European Sites within the adjacent Severn, Humber, Thames and Anglia River Basin Districts.

In an email from Severn Trent Water dated 28.07.16, they confirmed that '*the local source supply for Rugby is Draycote*', hence not from Wales. Correspondence with Severn Trent Water is provided in [Appendix 1, Section 1.2](#). Figure 9 below shows the location of Draycote Water within Rugby Borough, to the south west of Rugby.

| SAC | Screen In or Out? | Justification / Notes |
|--------------------------------|-------------------|---|
| Ensor's Pool | SCREENED OUT | <p>The pool lies approximately 3.9 km to the west of Rugby Borough's boundary at its nearest point. It will therefore not be directly impacted by any proposals in the Rugby Local Plan.</p> <p>Previous correspondence with the Environment Agency in relation to the Warwickshire Minerals Plan confirmed that any planning applications within 3km of Ensor's Pool should be considered for a project level HRA in relation to potential hydrogeological impacts. Given Rugby's boundary is beyond the 3km buffer around Ensor's Pool (see Figure 1), this site is screened out of this HRA on this basis. Correspondence with the Environment Agency on 02.08.16 in relation to Ensor's Pool confirmed that '<i>At present we do not consider a HRA assessment would be required to support the Rugby Local Plan</i>' due to the fact the pool appears to no longer support white-clawed crayfish, is fed by groundwater and is not hydraulically linked to nearby ordinary watercourses (see Appendix 1.3).</p> <p>During a telephone conversation with Natural England on 03.08.16, they were in broad agreement (subject to reviewing this full first draft of the HRA) that no clear functional pathway exists between Ensor's Pool and Rugby Borough.</p> |
| Bredon Hill | SCREENED OUT | The site is on a hill outside of Rugby Borough and beyond the 20km buffer around Rugby hence is not considered at risk from the Rugby Local Plan 2016. |
| Cannock Extension Canal | SCREENED OUT | The site is outside of Rugby and beyond the 20km buffer around Rugby Borough; not connected by any water courses flowing out of Rugby. On this basis the site is screened out. |
| Lyppard Grange Ponds | SCREENED OUT | The site is outside of Rugby Borough and it is considered too far to be impacted by the plan and there is no direct connection to water courses flowing from Rugby and this site. |
| River Mease | SCREENED OUT | <p>Whilst the Natural England River Mease Catchment Risk Zone (as per Figure 7) lies approximately 13.5 km to the north of the nearest part of Rugby Borough, there are no rivers that run from or through Rugby Borough into the Natural England River Mease Catchment Risk Zone either directly or indirectly. As Figure 7 illustrates, the only river that flows out of Rugby Borough northwards is the River Soar. The River Soar flows into the River Trent downstream of the River Mease. The only water body that connects Rugby Borough to the Natural England River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal. On this basis there does not appear to be any clear functional pathway between Rugby Borough and the Natural England River Mease Catchment Risk Zone. On this basis the site is screened out of this HRA. The Environment Agency on 02.08.16 stated that '<i>We do not consider the River Mease SAC to require assessment because of its distance from Rugby and lack of hydrogeological connection. The majority of Ruby lies outside of the Humber Basin... a very small % lies within the Tame, Anker and Mease management area, with some of the very north of Rugby draining towards the River Soar.</i>' (see Appendix 1.3).</p> <p>On 03.08.16 Natural England broadly agreed (subject to a detailed assessment of this report) that no clear functional pathway between Rugby Borough and the Natural England River Mease Catchment Risk Zone are present.</p> |

| | | |
|-------------------|-----------------|---|
| Welsh SACs | SCREENED OUT | <p>During the 2012 HRA for the adjacent authority Coventry, for the former Coventry Core Strategy (WCC 2012), Natural England had raised concerns of possible LSE on hydrologically dependant SACs in Wales. Their query related to where the proposed water supply for new development (in particular residential schemes) was to be sourced. Natural England highlighted that if Severn Trent Water were anticipating extracting or utilising water from Wales to growing Midland conurbations, including those within Rugby Borough, this could have a potential LSE on hydrologically dependant SACs in Wales (see Figure 8). Given the proximity of Coventry to Rugby which is also considered to be part of the West Midlands (see Section 1.1), Severn Trent Water were specifically consulted on if they had any concerns over this issue in relation to the proposed development as set out in the Rugby Local Plan.</p> <p>On the 28.07.16 Severn Trent Water confirmed that the local source supply for Rugby is Draycote within Rugby Borough, just to the south of Rugby (see Figure 9, Appendix 1.3). For this reason no impact to Welsh SACs is anticipated by the Rugby Local Plan and hence these SACs are screened out.</p> |
|-------------------|-----------------|---|

Table 7: Further scoping of European Sites to consider in the HRA of the Rugby Local Plan

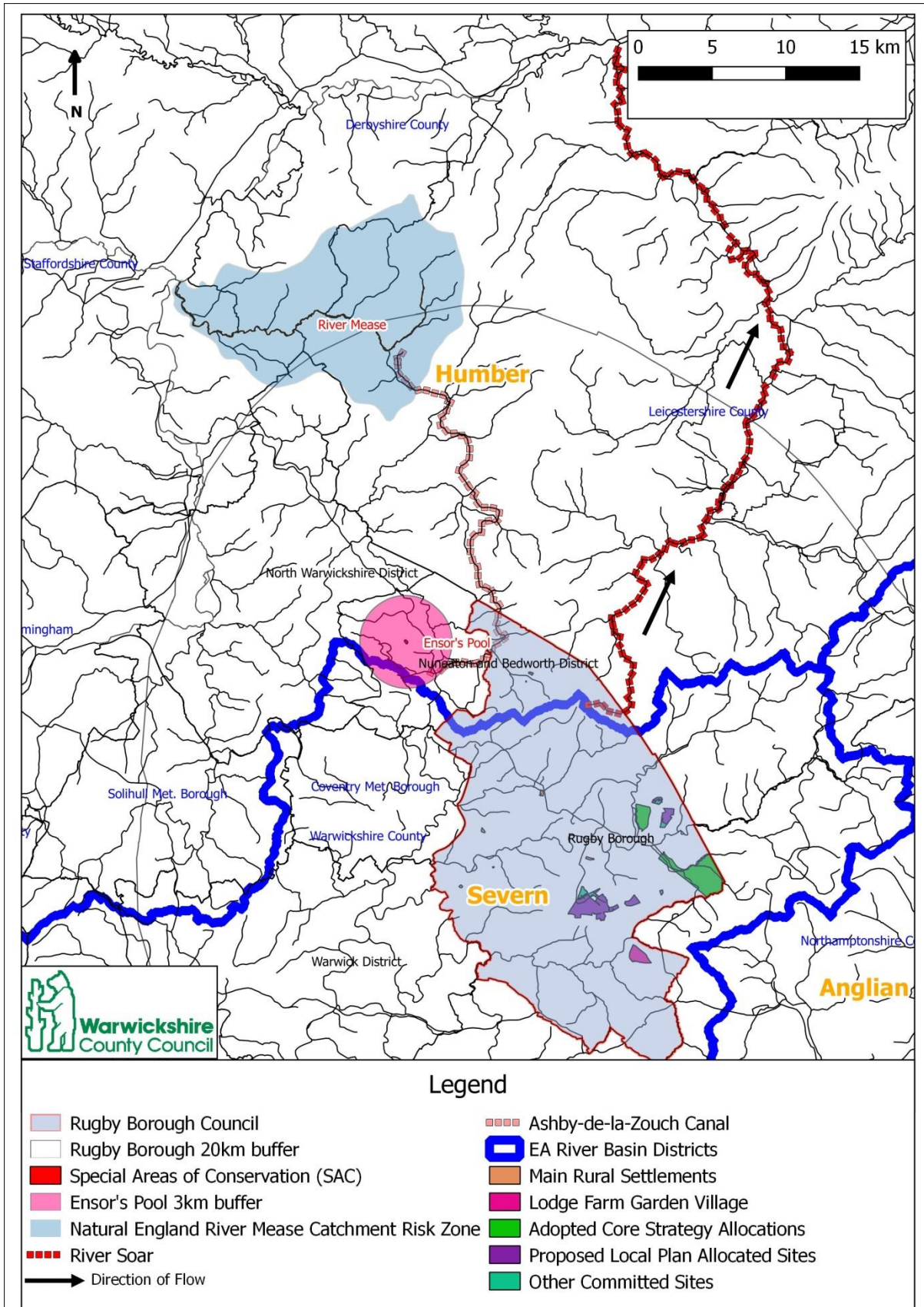


Figure 7: Proximity of the Natural England River Mease Catchment Risk Zone to Rugby Borough, the Ashby-de-la-Zouch canal and the River Soar.

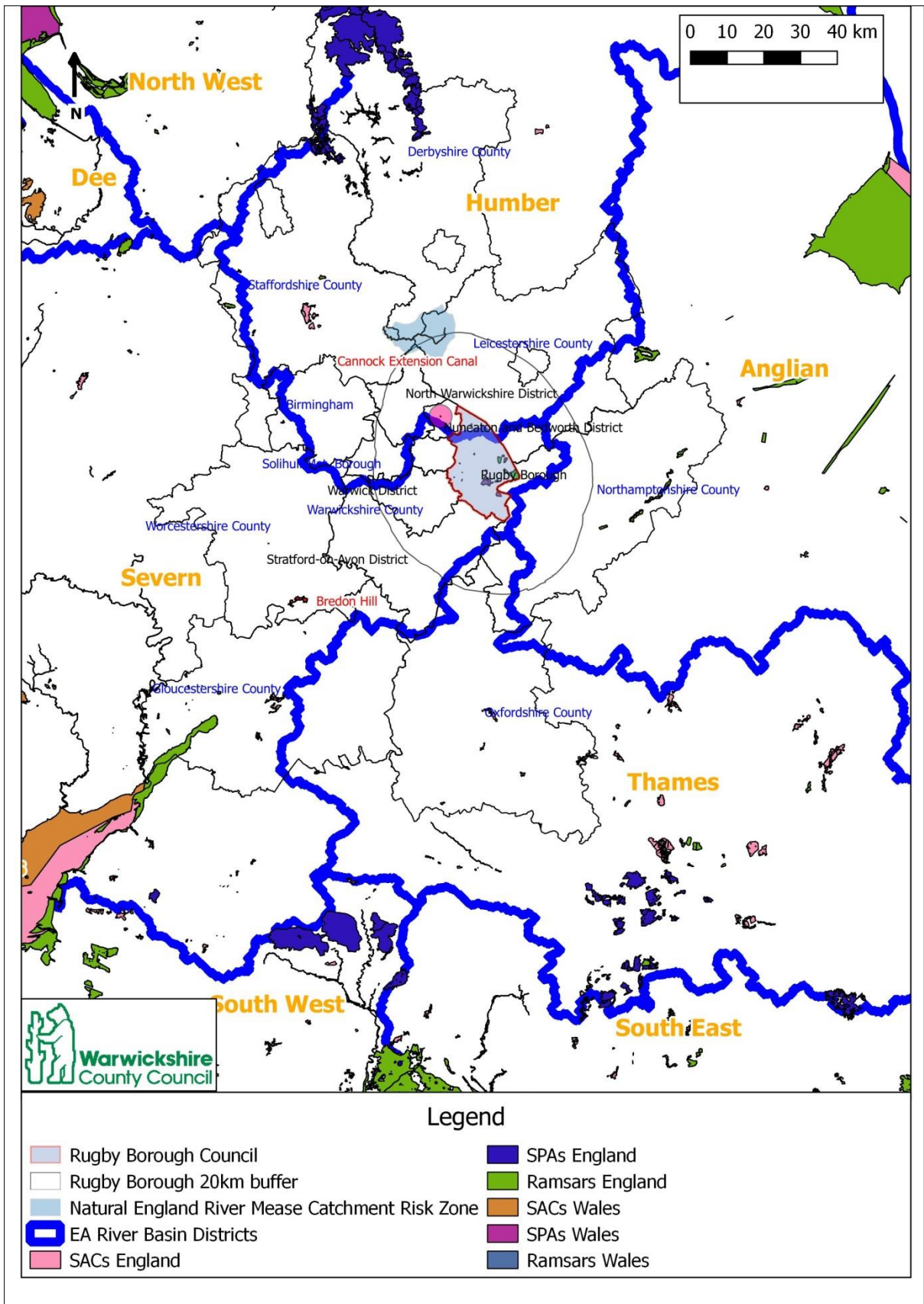


Figure 8: Proximity of European Sites within the wider area around Rugby.

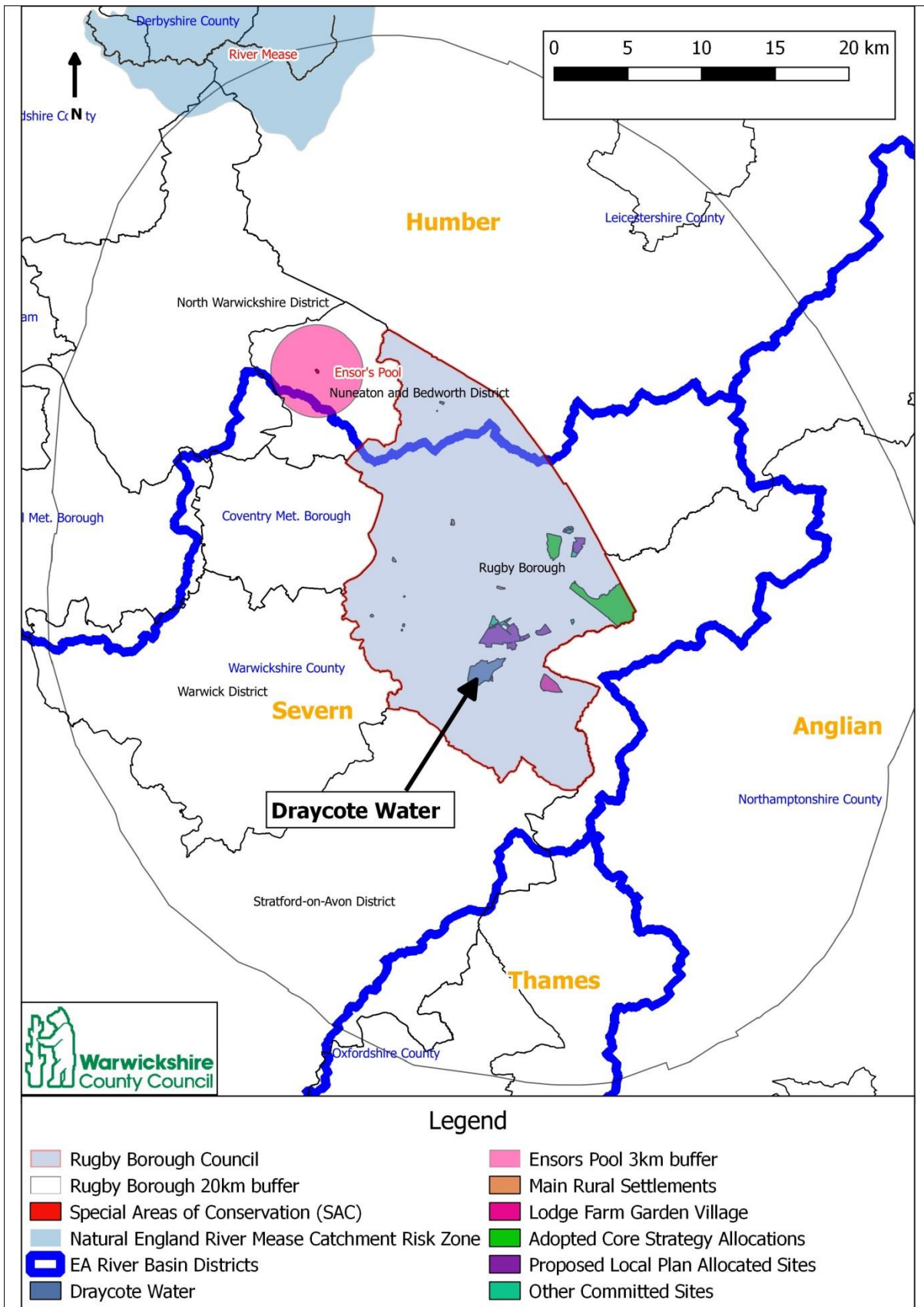


Figure 9: Location of Draycote Water within Rugby Borough

3.4.3. Potential Functional Pathways

Table 8 below highlights the key identified potential functional pathways between any likely generic impacts of development as a result of the plans and the identified specific vulnerabilities and issues of concern relating to Ensor’s Pool SAC and the River Mease SAC (as per Table 4&5, [Section 3.2](#) and [Appendix 2](#)). This table draws on a similar approach used by Staffordshire County Council when undertaking their screening of allocated Sites of their new Minerals Local Plan in June 2015 (Staffordshire County Council 2015).

| Potential Environmental Impact / Threat | Comment |
|---|---|
| ENSOR’S POOL | |
| <p>Water quality: Direct Pollution</p> <p>Pollutants could be potentially discharged from the proposed development sites either directly into an adjacent water course (as waste water run-off) or during surface water flooding events. These pollutants could increase the existing nutrient levels already present within a watercourse / catchment as well as increasing the level of sedimentation that could be detrimental to the SAC and its qualifying features.</p> <p>There is also a risk from minor fuel and oil leaks and spills during proposed development operations; this could be direct or indirect through surface or ground water pollution.</p> | <p>The Surface Water Flooding zone around Ensor’s Pool is illustrated in Figure 10 in Appendix 3. This zone only lies locally around the Ensor’s Pool which lies 3.9 km from the nearest part of Rugby Borough. Hence any impacts via unanticipated pollution incidents via surface water flooding from the Rugby Local Plan can be screened out.</p> <p>The Environment Agency have confirmed that recent studies have shown that Ensor’s Pool is ground water fed, and hence have recommended that any proposals within 3km of Ensor’s Pools should be flagged for consideration by their ground water team. The nearest part of Rugby Borough Council lies outside this 3km buffer at 3.9 km at its nearest point from Ensor’s Pool. Hence no LSE is anticipated from development as part of Rugby Local Plan from ground water or surface water pollution to Ensor’s Pool; hence this impact can be screened out.</p> |

| | |
|--|---|
| RIVER MEASE SAC | |
| <p>Water quality: Direct Pollution</p> <p>Pollutants could be potentially discharged from the proposed development sites either directly into an adjacent water course (as waste water run-off) or during surface water flooding events. These pollutants could increase the existing nutrient levels already present within a watercourse especially phosphorous known to be of particular concern in the River Mease SAC and associated Natural England River Mease Catchment Risk Zone as well as increasing the level of sedimentation that could be detrimental to the SAC and its qualifying features.</p> <p>There is also a risk from minor fuel and oil leaks and spills during proposed development operations, this could be direct or indirect through surface or ground water pollution.</p> | <p>The Environment Agency agreed during a telephone conversation on 27.07.16 that the River Mease SAC is only at low risk from any theoretical pollution events occurring as a result of the Rugby Local Plan as the only water body that connects the borough to the Natural England River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal (see Figure 7). The proposed local plan allocations in the northern section of Rugby in the Humber River District are also small and low risk. Should any large developments be proposed near the Ashby-de-la-Zouch canal the EA may have concerns on any pollution event potentially travelling up the canal. However for the purposes of this HRA impacts from the Rugby Local Plan can be screened out.</p> |
| ENSOR'S POOL SAC & RIVER MEASE SAC | |
| <p>Water quality: Indirect Pollution from Air Pollution</p> <p>Sedimentation impacts through air pollution via wet deposition (where pollutants are removed from the atmosphere by precipitation) or dry</p> | <p>The Air Pollution Information System (APIS) website⁵ provides guidance on the main air pollutant releases associated with '<i>Road transport</i>' and '<i>Domestic combustion</i>'. These are considered to be the two most likely causes of air pollution as a result of the Rugby Local Plan. Air pollutants listed include: Nitrogen oxides (NO_x), Sulphur Dioxides (SO₂), Ammonia (NH₃), Particulates (PM), Heavy Metals, Halogens (HCl, HF), Volatile Organic Compounds (VOC) and Polycyclic Aromatic Hydrocarbons (PAH).</p> |

⁵ <http://www.apis.ac.uk/> accessed August 2016

deposition (deposition of gases and aerosols directly to the Earth's surface⁵).

APIS confirm that deposition of *'ammonia, nitrate and other forms of nitrogen from the atmosphere could be'* a significant cause of nitrogen pollution where there is limited agricultural activity such as upland areas, however this is not considered to be relevant to rural Warwickshire including Rugby Borough.

APIS also confirms the acidification of rivers and streams impacts *'aquatic biota at all levels of the food chain'* including *'aquatic algae and macrophytes to macroinvertebrate* (e.g. white-clawed crayfish), *fish* (e.g. spined loach and bullhead) *and even water birds'*. Acidification can reduce species biodiversity and lead to *'Aquatic animals (invertebrates and fish)'* being *vulnerable to increased aluminium, hydrogen ion and heavy metal toxicity'*.

The APIS also provides a 'Site Relevant Critical Loads' tool that provides critical loads of acidity and nitrogen for every SAC in the UK. Some pollutants require consideration at the site specific level. A summary of the site relevant critical loads of each qualifying feature of both Ensor's Pool SAC and the River Mease SAC are provided below.

| Feature and relevant SAC Pollutant to which habitat / species is sensitive | S1092: White Clawed Crayfish / Ensor's Pool and River Mease | S1149: Spined Loach River Mease | S1163: Bullhead River Mease | S1355: Otter River Mease | H3260: Water courses of plain to montane levels with <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation |
|---|--|--|-----------------------------|--|---|
| Nutrient Nitrogen | No critical load, decision needs to be made at the site level since habitat sensitivity depends on N (Nitrogen) or P (Phosphorus) limitation. Need to consider other sources of N such as discharges to water, diffuse agricultural pollution etc. | | | No critical load, decision needs to be made at the site level since habitat sensitivity depends on N or P limitation | |
| Acidity | There is insufficient knowledge to make a judgment of the impacts on this species. Decision should be made at a site specific level | Potential negative impact on species due to impacts on the species' broad habitat. | | Increase Al3+ conc associated with freshwater acidification, impact on invertebrate populations, toxicity to fish. | |
| NH3 | Critical Level is 3 (2-4 µg NH3 m-3) (set for Higher Plants) Decision to be taken at a site specific level since habitat sensitivity depends on N or P limitation | | | Site specific advice should be sought | |
| NOx | NOx Critical Level 30 µg NOx/m3 annual mean and 75 µg NOx/m3 24 h- hour mean Decision to be taken at a site specific level since habitat sensitivity depends on N or P limitation | | | NOx Critical Level 30 µg NOx/m3 annual mean and 75 µg NOx/m3 24 h- hour mean | |
| SO ₂ | No critical level has been assigned for this feature, please seek site specific advice | | | Site specific advise should be sought Critical Level for all vegetation is 10-20 µg SO2/m3 annual mean | |
| Nitrogen Deposition | <i>River Mease SAC</i> Kg N/ha/yr max = 12.6, min = 11.34 & average = 11.75 | | | | |
| | <i>Ensor's Pool SAC</i> Kg N/ha/yr max, min & average = 14.28 | | | | |

| | | | | | | | | | | | | | | | | | |
|--|---|--------------------------|---|--|---|-----------------------|---|--|--|-------------------|--|--|---|-------------------|---|--|--|
| | <table border="1"> <tr> <td data-bbox="741 193 976 245">Acid Deposition Nitrogen</td> <td data-bbox="976 193 2136 245"><i>River Mease SAC</i> Keq/ha/yr max, (0.9 0.4) min (0.81 0.3) and average = (0.84 0.32)</td> </tr> <tr> <td data-bbox="741 245 976 298"></td> <td data-bbox="976 245 2136 298"><i>Ensor's Pool SAC</i> Keq/ha/yr max, min & average = 1.02 0.38</td> </tr> <tr> <td data-bbox="741 298 976 351">Ammonia Concentration</td> <td data-bbox="976 298 2136 351"><i>River Mease SAC</i> µg/m3 max (2.65), min (2.08) and average (2.38)</td> </tr> <tr> <td data-bbox="741 351 976 403"></td> <td data-bbox="976 351 2136 403"><i>Ensor's Pool SAC</i> µg/m3 max, min & average = 1.95</td> </tr> <tr> <td data-bbox="741 403 976 456">NOx Concentration</td> <td data-bbox="976 403 2136 456"><i>River Mease SAC</i> µg/m3 max (22.78), min (17.11) and average (18.69)</td> </tr> <tr> <td data-bbox="741 456 976 509"></td> <td data-bbox="976 456 2136 509"><i>Ensor's Pool SAC</i> µg/m3 max, min & average = 23.04</td> </tr> <tr> <td data-bbox="741 509 976 561">SO2 Concentration</td> <td data-bbox="976 509 2136 561"><i>River Mease SAC</i> µg/m3 max (3.54), min (2.06) and average (2.33)</td> </tr> <tr> <td data-bbox="741 561 976 614"></td> <td data-bbox="976 561 2136 614"><i>Ensor's Pool SAC</i> µg/m3 max, min & average = 2.84</td> </tr> </table> | Acid Deposition Nitrogen | <i>River Mease SAC</i> Keq/ha/yr max, (0.9 0.4) min (0.81 0.3) and average = (0.84 0.32) | | <i>Ensor's Pool SAC</i> Keq/ha/yr max, min & average = 1.02 0.38 | Ammonia Concentration | <i>River Mease SAC</i> µg/m3 max (2.65), min (2.08) and average (2.38) | | <i>Ensor's Pool SAC</i> µg/m3 max, min & average = 1.95 | NOx Concentration | <i>River Mease SAC</i> µg/m3 max (22.78), min (17.11) and average (18.69) | | <i>Ensor's Pool SAC</i> µg/m3 max, min & average = 23.04 | SO2 Concentration | <i>River Mease SAC</i> µg/m3 max (3.54), min (2.06) and average (2.33) | | <i>Ensor's Pool SAC</i> µg/m3 max, min & average = 2.84 |
| Acid Deposition Nitrogen | <i>River Mease SAC</i> Keq/ha/yr max, (0.9 0.4) min (0.81 0.3) and average = (0.84 0.32) | | | | | | | | | | | | | | | | |
| | <i>Ensor's Pool SAC</i> Keq/ha/yr max, min & average = 1.02 0.38 | | | | | | | | | | | | | | | | |
| Ammonia Concentration | <i>River Mease SAC</i> µg/m3 max (2.65), min (2.08) and average (2.38) | | | | | | | | | | | | | | | | |
| | <i>Ensor's Pool SAC</i> µg/m3 max, min & average = 1.95 | | | | | | | | | | | | | | | | |
| NOx Concentration | <i>River Mease SAC</i> µg/m3 max (22.78), min (17.11) and average (18.69) | | | | | | | | | | | | | | | | |
| | <i>Ensor's Pool SAC</i> µg/m3 max, min & average = 23.04 | | | | | | | | | | | | | | | | |
| SO2 Concentration | <i>River Mease SAC</i> µg/m3 max (3.54), min (2.06) and average (2.33) | | | | | | | | | | | | | | | | |
| | <i>Ensor's Pool SAC</i> µg/m3 max, min & average = 2.84 | | | | | | | | | | | | | | | | |
| | <p>No LSE anticipated. There is little information on the zone of influence of air pollutants. The Design Manual for Roads and Bridges (DMRB) considered a 2km buffer around a SAC to trigger the requirement of an HRA. Cornwall County Council cite 200m as a buffer for significant effects from the air quality impacts of increased traffic generated emissions (Parsons Brinckerhoff 2012). Given that Rugby lies approximately 3.9 km from Ensor's Pool and 13.5 km from the River Mease Natural England River Mease Catchment Risk Zone at its nearest point, any indirect impacts to Ensor's Pool SAC or the River Mease SAC via air pollution are screened out of this assessment.</p> | | | | | | | | | | | | | | | | |
| <p>ENSOR'S POOL</p> <p>Water quantity / changes in water levels / drainage</p> | <p>River flows can be impacted by water abstraction (could reduce flow) required to supply new residential and other new development under the Rugby Local Plan. Neither Severn Trent Water nor the Environment Agency have highlighted any concerns regarding Ensor's Pool or hydrologically dependant Welsh SACs and water abstraction.</p> <p>The Environment Agency's Groundwater Team have also highlighted that any development within 2-3km of Ensor's Pool could have a hydrogeological connection to Ensor's Pool, so would require further investigation on potential impacts to the SAC including water level changes. Given Ensor's Pool lies over 3.9 km from Rugby Borough any hydrogeological impacts can be screened out.</p> <p>No proposed development within the surface water flooding zone around Ensor's Pool (see Figure 10 in Appendix 3) is anticipated as part of the Rugby Local Plan.</p> | | | | | | | | | | | | | | | | |

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|--|---|
| ENSOR'S POOL AND RIVER MEASE SAC | |
| Introduction of invasive non-native species, particularly non-native crayfish species but also bottom feeding coarse fish | <p>It is considered that the introduction of invasive non-native species into Ensor's Pool is not a LSE of the Rugby Local Plan to Ensor's Pool, given the distance from Rugby and the fact that Ensor's Pool is not a destination likely to attract tourists for recreation.</p> <p>Given the only connection between Rugby Borough and the Natural England River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal and there are no rivers that run into the Natural England River Mease Catchment Risk Zone directly from Rugby Borough Council the risk of the introduction of non-native species to the River Mease SAC as a result of the Rugby Local Plan can be screened out.</p> <p>Hence direct introduction of non-native species is not considered further for either SAC.</p> |
| ENSOR'S POOL | |
| Direct disturbance: e.g. removal of natural aquatic vegetation and direct physical disturbance of Ensor's Pool | No LSE anticipated, Rugby Borough is at least 3.9km from Ensor's Pool SAC. |
| Indirect disturbance: e.g. from light and noise | No LSE anticipated, Rugby Borough is at least 3.9km from Ensor's Pool SAC |

Table 8: Key functional pathways for potential LSE from the Rugby Local Plan.

3.5. Screening Assessment

The screening of the Rugby Local Plan has been undertaken following guidance and specific ‘screening categories’ provided in the HRA Handbook 2016, listed in Table 2 in [Section 2.3](#).

All policies and wording within the Rugby Local Plan were screened out in terms of having any LSE on any European Sites. A summary of the results for each policy are provided in Table 9 below, with the detailed results of the screening of all policies and wording are provided with justification text in Table 10 in [Appendix 4](#)

| Content of plan | Screening conclusion | Screening Category |
|---|-----------------------------|---------------------------|
| Spatial Vision | Screened out | A |
| Spatial Objective 1 | Screened out | A |
| Spatial Objective 2 | Screened out | A |
| Spatial Objective 3 | Screened out | A |
| Spatial Objective 4 | Screened out | A |
| Spatial Objective 5 | Screened out | A |
| Spatial Objective 6 | Screened out | A |
| Spatial Objective 7 | Screened out | A |
| Spatial Objective 8 | Screened out | D |
| Spatial Objective 9 | Screened out | D |
| Policy GP1: Securing Sustainable Development | Screened out | B |
| Policy GP 2: Settlement Hierarchy | Screened out | H |
| Policy GP3: Previously Developed Land and Conversions | Screened out | B |
| Policy GP4: Safeguarding development potential | Screened out | B |
| Policy GP5: Parish or Neighbourhood level documents | Screened out | B |
| Policy DS1: Overall Development Needs | Screened out | H |
| Policy DS2: Sites for Gypsy, Travellers and Travelling Showpeople | Screened out | B |
| Policy DS3: Residential allocations | Screened out | H |
| Policy DS4: Employment Allocations | Screened out | H |
| Policy DS5: Comprehensive Development of Strategic Sites | Screened out | B |
| Policy DS6: Rural Allocations | Screened out | B |
| Policy DS7: Coton Park East | Screened out | B |
| Policy DS8: South West Rugby | Screened out | H |
| Policy DS9: South West Rugby Spine Road North Western Alignment | Screened out | H |
| Policy DS10: Lodge Farm | Screened out | H |
| Policy H1: Informing Housing Mix | Screened out | B |
| Policy H2: Affordable Housing Provision | Screened out | H |
| Policy H3: Housing for rural businesses | Screened out | B |
| Policy H4: Rural Exception Sites | Screened out | B |
| Policy H5: Replacement Dwellings | Screened out | B |
| Policy H6: Specialist Housing | Screened out | B |
| Policy ED1: Protection of Rugby’s Employment Land | Screened out | B |
| Policy ED2: Employment development within Rugby urban area | Screened out | B |
| Policy ED3: Employment development outside Rugby urban area | Screened out | B |
| Policy ED4: The Wider Urban and Rural Economy | Screened out | B |
| Policy TC1: Development in Rugby Town Centre | Screened out | H |
| Policy TC2: Rugby Town Centre Comparison and Convenience Floorspace Requirements | Screened out | B |
| Policy TC3: Directing Development in the Town Centre | Screened out | B |

| | | |
|---|--------------|---|
| Policy TC4: Primary Shopping Area and Shopping Frontages | Screened out | B |
| Policy HS1: Healthy, Safe and Inclusive Communities | Screened out | B |
| Policy HS2: Health Impact Assessments | Screened out | B |
| Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services | Screened out | B |
| Policy HS4: Open Space and Recreation | Screened out | B |
| Policy HS5: Traffic Generation and Air Quality | Screened out | D |
| Policy NE1: Protecting Designating Biodiversity and Geodiversity Assets | Screened out | D |
| Policy NE2: Biodiversity | Screened out | D |
| Policy NE3: Blue and Green Infrastructure Policy | Screened out | D |
| Policy NE4: Landscape Protection and Enhancement | Screened out | B |
| Policy SDC1: Sustainable Design | Screened out | B |
| Policy SDC2: Landscaping | Screened out | D |
| Policy SDC3: Protecting and enhancing the Historic Environment | Screened out | B |
| Policy SDC4: Sustainable Buildings | Screened out | H |
| Policy SDC5: Flood Risk Management | Screened out | B |
| Policy SDC6: Sustainable Urban Drainage | Screened out | D |
| Policy SDC7: Protection of the Water Environment and Water Supply | Screened out | D |
| Policy SDC8: Supporting the provision of renewable energy and low carbon technology | Screened out | B |
| Policy SDC9: Broadband and mobile Internet | Screened out | H |
| Policy D1: Transport | Screened out | B |
| Policy D2: Parking facilities | Screened out | H |
| Policy D3: Infrastructure and Implementation | Screened out | H |
| Policy D4: Planning Obligations | Screened out | B |
| Policy D5: Airport flightpath safeguarding | Screened out | F |

Table 9: Summary of Screening Assessment for Rugby Local Plan

4. In-combination Assessment

The requirement for an In-combination Assessment as part of the HRA is outlined under Article 6 (3) of the Habitats Directive. The HRA Handbook 2016 states that *'European Commission guidance and case law establishes that the underlying intention of the in combination provision is to take account of cumulative effects.'*

The ten steps in the screening assessment of in-combination effects are provided in Figure 6 in Section 1.2.

Principle 17 in the In-combination Assessment section of the HRA Handbook 2016 states that *'where a plan or project has no adverse effect on a site at all, no 'in combination' test is necessary because it cannot contribute to any cumulative effects.'* This was clarified by the recent High Court judgment: Foster and Langton⁶.

The results of the Stage 1 screening of the Rugby Local Plan concluded that the plan was not considered to have any Likely Significant Effects on any European Sites either alone or in-combination with other plans or projects. Given this conclusion, it is considered that cumulative effects can be eliminated for these plans and no In-combination Assessment is required (see step 2 of Figure 6: Ten steps in the screening assessment of in-combination effects, in Section 1.2).

⁶ Foster and Langton v Forest of Dean District Council [2015] EWHC 2648 22nd September.

5. Summary and Next Steps

This Stage 1 draft screening HRA report has considered all aspects of the Rugby Borough Council Local Plan 2011 to 2031 Publication Draft dated 19th July 2016 and concluded that the plan will not have any LSE on any European Sites.

The next steps are as follows:

- To aid clarification, Ecological Services recommend that the following wording be changed to NE1:
 - The paragraph that starts ‘Development that is likely to result.....’ should be changed to:
 - **‘Any development that would have an adverse effect on the integrity of an International or European Site of nature conservation importance either alone or in combination with other plans and projects will be subject to an appropriate assessment by the developer as per the Habitats Regulations.’**
 - **‘International and European Sites’** should be added to the bulleted list of ‘the habitats and species of importance to biodiversity’
- The HRA report should be send to Natural England and the Environment Agency for consultation and comment; this will be done as part of the public consultation starting in September 2016;
- Following consultation, and provided recommendations in this report are followed and consultees (in the main Natural England) are in agreement that no LSE are anticipated either alone or in-combination, the plan can be authorised and the final HRA report produced and the template within [Appendix 6](#) of this report completed.

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Legislation, Other Policy and websites consulted.

Air Pollution Information System. www.apis.ac.uk

Conservation of Habitats and Species Regulations 2010 (as amended)

European Birds Directive 79/409/EC

European Habitats Directive 92/43/EEC

European Codified Birds Directive 2009/147/EC

European Strategic Environmental Assessment (SEA) Directive 2001/42/EC

Joint Nature Conservancy Council (JNCC) Website <http://jncc.defra.gov.uk>

Localism Act 2011

Natural England (NE) website

<http://publications.naturalengland.org.uk/publication/5415467531370496?category=5134123047845888> –

National Planning Policy Framework (NPPF). Department for Communities and Local Government. March 2012.

HRA Case Law:

The Ribble Case Reference: RSPB v Secretary of State for Environment Food and Rural Affairs, ‘BAE Systems (Operations) Ltd and Natural England’ 18th March 2015, [2015] EWHC Cv 227.

The Waddenzee Case: Ruling from the European Court of Justice (ECJ) C-1272/02 Waddenzee (Netherlands).

Foster and Langton. Reference: Foster and Langton v Forest of Dean District Council 22nd September 2015 [2015] EWHC 2648.

Appendix 1: Key Consultation Responses

1.1. Natural England Correspondence

On 28 July 2016 at 13:09, Plan Cons Area Team (South Mercia) (NE) <Consultations.SouthMercia@naturalengland.org.uk> wrote:

Hi Louise

Thanks for the early contact. Apologies I have not been able to get back to you sooner.

Let me just provide some clarity in regards to Ensors Pool SAC as I know you have also contacted my colleague Antony Muller on this matter:

The current status of Ensor's Pool as a Special Area of Conservation (SAC) remains and Natural England's continues to advise competent authorities and those undertaking assessment under the habitat regulations to continue on a business as usual basis (BAU). Actions underway, including survey effort have led to a decision to amend the Site of Special Scientific Interest (SSSI) condition assessment based on fair and robust evidence base. HOWEVER, until there is agreement on the role of the site in the wider picture of the White-Clawed Crayfish population we must still operate on this BAU basis. Conversations with DEFRA are ongoing on this matter.

My thoughts in regards to your preparation of the HRA for Rugby Local Plan:

The only water body that connects Rugby Borough Council to the NE River Mease Catchment Risk Zone is the Ashby de-la-Zouch canal (see attached plan). On this basis there does not appear to be any clear functional pathways between Rugby Borough Council and the River Mease Catchment Risk Zone and we would welcome your comment on this initial assessment.

On the understanding that I have not seen any detail of where sites are allocated in the latest version of the Local Plan I would concur with this assessment based on the catchment zones for the River Mease.

I am currently considering if an in-combination assessment is necessary following the initial screening of the plan. I would however, be interested to know if there are any specific plans or projects that we should be aware of whilst undertaking this HRA.

Possibly the Warwickshire Minerals Plan, I also understand Nuneaton and Bedworth are looking again at their site allocations which with one next to Ensor's Pool may need to be taken into account?

Does this provide you with the level of detail you need for now Louise?

Thanks

Steph Jones

Lead Adviser - Sustainable Development South Mercia Team

Natural England

Level 2 County Hall

Spetchley Rd, Worcester, WR5 2NP

T:020 822 56760

M: 07917 041195

Follow the South Mercia team on Twitter - @NESouthMercia



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

Confidential consultation - HRA of Rugby Borough Local Plan

1 message

Louise Mapstone <louisemapstone@warwickshire.gov.uk> 14 July 2016 at 16:08
To: consultations@naturalengland.org.uk, "Jones, Steph (NE)" <Steph.Jones@naturalengland.org.uk>
Cc: David Lowe <davidlowe@warwickshire.gov.uk>, Victoria Chapman <victoria.chapman@rugby.gov.uk>

Dear Steph

I hope you are well.

I write in reference to another HRA I am undertaking of the Rugby Borough Council Local Plan 2011 to 2031 Publication Draft on behalf of Rugby Borough Council. The Local Plan sets out the Council's policies and proposals to support the development of the Borough through to 2031 and will be out for public and statutory consultation in September, along with the draft HRA for your comment.

At this stage I am contacting you at an early stage of my HRA work on a confidential basis to determine if there are any issues or concerns about this new plan in relation to European Sites that you wish to raise at this screening stage?

I attach a confidential plan providing the location of development sites associated with the Local Plan in the context of the two European Sites within a 20km buffer of the Rugby District Council boundary.

You will see that Ensor's Pool and its 3km buffer (as advised by the Environment Agency for triggering project level HRAs), lies outside of Rugby Borough Council.

The Natural England River Mease Catchment Risk Zone lies within the 20km buffer, but there are no rivers that run from or through Rugby Borough Council into the River Mease Catchment Risk Zone either directly or indirectly. The only river that flows out of Rugby Borough Council northwards is the River Soar, that flows into the River Trent downstream of the River Mease. The only water body that connects Rugby Borough Council to the NE River Mease Catchment Risk Zone is the Ashby de-la-Zouch canal (see attached plan). On this basis there does not appear to be any clear functional pathways between Rugby Borough Council and the River Mease Catchment Risk Zone and we would welcome your comment on this initial assessment.

I am currently considering if an in-combination assessment is necessary following the initial screening of the plan. I would however, be interested to know if there are any specific plans or projects that we should be aware of whilst undertaking this HRA.

I have contacted Antony Muller at Natural England separately regarding the current status of Ensor's Pool SAC.

To provide some background, a previous HRA (by UE Associates) of the Submission Version of the Core Strategy for Rugby in 2009 used a 20km buffer for the HRA. This HRA was accepted by Natural England on 16.08.09 as not having any obvious pathways for significant effects on the European Sites identified. In line with this, and our recent HRA for Coventry, we will also be using a 20km buffer around Rugby for the purposes of this HRA.

The 2009 Core Strategy highlighted the need for 10 800 additional homes in Rugby DC (6000 to be allocated through the LDF) and 108ha of employment land required (with around 66ha delivered through the LDF) between 2009 and 2026. This new draft Rugby Borough Council Local Plan for 2011 to 2031 proposes 12400 additional homes and 110ha of employment land.

We will also be consulting the Environment Agency and Severn Trent Water in relation to this HRA.

I look forward to hearing from you.

Sincerely

Louise Mapstone MSc CEcol CEnv MCIEEM PIEMA
Ecologist
Ecological Services
Community Services
Communities Group
Warwickshire County Council
Tel: 01926 412635

Please note I work Tuesdays, Wednesdays and Thursdays



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

Ensor's Pool SAC - Consultation Request Advice on HRA

Louise Mapstone <louisemapstone@warwickshire.gov.uk>

14 July 2016 at 15:45

To: "Muller, Antony (NE)" <Antony.Muller@naturalengland.org.uk>

Cc: David Lowe <davidlowe@warwickshire.gov.uk>, Victoria Chapman <victoria.chapman@rugby.gov.uk>

Dear Antony

I hope you are well. I am writing to ask for an update on the current status of Ensor's Pool SAC in relation to a Habitats Regulations Assessment (HRA) I am currently undertaking for the Rugby Borough Council Local Plan 2011 to 2031.

Our last correspondence was in December 2015, when you confirmed that there had been no change in the SSSI/SAC designation for Ensor's Pool and that we should continue on a **'business as usual'** approach to the HRA in relation to this SAC. However, having recently checked your SSSI Conditions Assessment information on-line, I now see that a new assessment was undertaken on 29.04.16 by Helen Trapp in which the assessment for Ensor's Pool SAC/SSSI has now been updated to **'Unfavourable-Declining'** from the previous assessment from 2012 of being **'Favourable'**, following the negative surveys in 2014 and 2015.

Are you able to confirm if this has changed the actual designation for the SSSI/SAC for HRA purposes please?

Also do you have any new information on Ensor's Pool and or details of any proposals for re-introduction of white-clawed crayfish to this site in the future?

We look forward to hearing from you, please do feel free to call me if you have any queries.

Kind Regards

Louise

Louise Mapstone MSc CEcol CEnv MCIEEM PIEMA
Ecologist
Ecological Services
Community Services
Communities Group
Warwickshire County Council
Tel: 01926 412635

Please note I work Tuesdays, Wednesdays and Thursdays



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

Ensor's Pool SAC update

Muller, Antony (NE) <Antony.Muller@naturalengland.org.uk>

2 December 2015 at 16:48

To: "louisemapstone@warwickshire.gov.uk" <louisemapstone@warwickshire.gov.uk>

Dear Louise

Our reference 171168

Thank you for your email dated 10 November 2015. I've set out your questions below together with our responses:

We would be interested to know if:

1) There has been any change in SSSI/SAC designation of Ensor's Pool since our last correspondence (your email dated 24.08.15 and letter dated 03.07.15) in relation to a Habitats Regulation Assessment (HRA).

No change.

2) If the new anticipated 'supplementary information' for Ensor's Pool has been produced yet? If it has we would like to have a copy. If not, it would be helpful to have an indication of likely publication date, to ensure we can take any revisions into account when undertaking further HRA work over the next few months.

No, the 'supplementary information' for Ensor's Pool SAC has not been produced. The SAC is not on the priority list for the supplementary information package to be written.

3) Do you have any further information on the work you conducted on assessing the current status of the WCC population at Ensor's Pool this autumn? We assume the results of this study will be available shortly and would be good to have this information and an idea of when it might become available.

Surveys for white clawed crayfish were carried out in September 2014 (trapping survey), October 2014 (Dive survey), June – September 2015 (Bioassay) and September 2015 (trapping survey). Natural England has now received the results of the latest survey. We conclude that the population of native white-clawed crayfish is no longer present at Ensor's Pool. Natural England is now considering these results and their implications in conjunction with our national specialists and the ecologists who undertook the surveys.

Natural England is committed to ensuring that our advice is based on the best available information and we aim to keep you up to date with progress accordingly. Please get in touch if you have any further questions that arise from the information above.

Kind regards

Antony

Antony Muller

Lead Adviser

Sustainable Development & Wildlife Team - North Mercia Area

Direct dial - 0300 060 1640

Mobile - 07971 294109

HRA of Warks Minerals Plan - update

Muller, Antony (NE) <Antony.Muller@naturalengland.org.uk>
To: Louise Mapstone <louisemapstone@warwickshire.gov.uk>
Cc: "Steer, Eric (NE)" <Eric.Steer@naturalengland.org.uk>

24 August 2015 at 17:10

Hi Louise

Our reference – 159832

Hope you had a good holiday. Some feedback following your email of 30.7.15:

HRA process

Happy to discuss this over the phone but in essence:

The favourable condition table document provides information based on using common standards monitoring. This is for use when assessing the condition of designated sites. Although to some extent you can use the FCT as part of your HRA thought process I would advise that your approach in the context of a development plan is very likely to need a wider consideration of potential impacts/ pathways that the FCT tables won't help with. Nonetheless I appreciate that in the context of the Ribble case it makes sense to ensure you take account of relevant information, such as the FCT document, as an interim measure.

The primary focus for your attention should be on the 'European site conservation objectives' for the relevant N2k site. Link to list of relevant docs here:

<http://publications.naturalengland.org.uk/category/5134123047845888>

As you may be aware work is in hand to supplement these updated conservation objectives with 'supplementary information'. Although this information has not yet been produced for Ensor's Pool SAC I attach a copy of our new operational standard which provides a full description of the revised approach.

In terms of the way forward, until such time as the supplementary information for relevant N2k sites is available we would encourage an iterative approach whereby you keep in touch with us as you carry out HRA of development plans. We propose that as you identify candidate impact 'pathways' that generate a need for environmental information to complete the thought process (and that might in the fullness of time be included in the forthcoming 'supplementary information' document) you can contact us to agree next steps. We envisage a 'light touch' here.

Date: 17/08/09
Our ref: LA32/1
Your ref: DX 11681 Rugby (TSD)



Vicky Chapman
Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

Natural England
Block B
Government Buildings
Whittington Road
WORCESTER
WR5 2LQ

T 01295 768539
F 01295 768539

Dear Vicky

**Re: Habitat Regulation Assessment for Rugby Borough Core
Strategy: Screening Statement**

Thank you for your letter of 16/08/09 requesting Natural England's opinion on the above.

After consideration of the HRA screening assessment report submitted by UE Associates dated June 2009, Natural England is of the opinion that, at this stage, there aren't any obvious pathways for significant effects on the European Sites identified within a 20km boundary of Rugby.

Yours sincerely

A handwritten signature in black ink that reads "A. Crofts".

Allison Crofts
Environmental Planner (Warwickshire, Coventry and Solihull)

1.2. Severn Trent Water Correspondence

7/26/2016

Warwickshire County Council Mail - Confidential Consultation - HRA of Rugby Borough Local Plan



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

Confidential Consultation - HRA of Rugby Borough Local Plan

1 message

Louise Mapstone <louisemapstone@warwickshire.gov.uk> 14 July 2016 at 16:39
To: Growth Development <growth.development@severntrent.co.uk>, "Fossick, Daryl"
<Daryl.Fossick@severntrent.co.uk>
Cc: David Lowe <davidlowe@warwickshire.gov.uk>, Victoria Chapman <victoria.chapman@rugby.gov.uk>

Dear Daryl

I write further to our previous correspondence with STW in relation to a series of HRAs we have been undertaking for districts and boroughs in Warwickshire and Coventry. On this occasion I am contacting you on the HRA I am undertaking for Rugby District Council on their Local Plan 2011 to 2031.

We previously contacted you about HRAs for the adjacent Warwick District and Coventry Borough. This was in response to previous concerns raised by Natural England during the HRA process some years ago regarding the proposed water supply for proposed development in the area. Previously Natural England and the the Countryside Council for Wales (CCW) (now Natural Resources Wales) (NRW) had highlighted concerns that if STW were anticipating extracting or utilising water from Wales to growing Midland conurbations (including Rugby District) this could potentially impact hydrologically dependent Welsh SACs (Special Areas of Conservation - European Sites).

In an email from you last year dated 26.11.15 you confirmed that the current source of water for Coventry is from local sources and not from Wales. Are you able to confirm that water to supply new proposed development in the Rugby Local Plan will also come from local sources and not from Wales?

This new draft Rugby Borough Council Local Plan for 2011 to 2031 proposes 12400 additional homes and 110ha of employment land. The previous 2009 Core Strategy highlighted the need for 10800 additional homes (6000 to be allocated through the LDF) and 108ha of employment land required (with around 66ha delivered through the LDF) between 2009 and 2026.

In addition to your proposals for water supply, we would also be interested in where it is proposed that the water water from development as part of the Rugby Borough Council Local Plan will go?

I attach a confidential plan providing the location of development sites associated with the Local Plan in the context of the two European Sites within 20km of the Rugby District Council boundary to provide you with some context for your response.

We look forward to hearing from you.

Kind Regards

Louise Mapstone MSc CEcol CEnv MCIEEM PIEMA
Ecologist
Ecological Services
Community Services
Communities Group
Warwickshire County Council
Tel: 01926 412635

Please note I work Tuesdays, Wednesdays and Thursdays



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

RE: Confidential Consultation - HRA of Rugby Borough Local Plan

1 message

Growth Development <growth.development@severntrent.co.uk> 28 July 2016 at 15:50
To: Louise Mapstone <louisemapstone@warwickshire.gov.uk>, Growth Development <growth.development@severntrent.co.uk>, "Fossick, Daryl" <Daryl.Fossick@severntrent.co.uk>
Cc: David Lowe <davidlowe@warwickshire.gov.uk>, Victoria Chapman <victoria.chapman@rugby.gov.uk>

Dear Louise,

I can confirm the local source supply for Rugby is Draycote.

Hope this helps

A handwritten signature in cursive script that reads "Dawn".

Dawn Williams

Growth & Water Efficiency Analyst

☎ **07554114125 mobile**

✉ dawn.williams@severntrent.co.uk

1.3. Environment Agency Correspondence



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

FW: Confidential consultation - HRA of Rugby Borough Local Plan

1 message

Clark, Becky <becky.clarke@environment-agency.gov.uk>

2 August 2016 at 11:58

To: "louisemapstone@warwickshire.gov.uk" <louisemapstone@warwickshire.gov.uk>

Good Morning,

Further to our telephone conversation last week, I would like to confirm the following points:

We understand that Ensor's Pool SAC no longer has white claw crayfish.

We understand that it was likely that an American Signal Crayfish was deposited within the SAC by an RSPCA officer, which is the likely cause of their absence from the SAC. <http://www.telegraph.co.uk/news/uknews/1520234/RSPCA-blunder-puts-deadly-predator-into-crayfish-haven.html>

Having undertaken further works to assess the pool in 2014 we can confirm that we could not find any evidence of White Claw Crayfish within the pool, and it may have been affected by Crayfish Plague / American Signal Crayfish.

We understand that the pool is fed by groundwater and is not hydraulically linked to nearby ordinary watercourses, and that this was confirmed by the Environment Agency when we undertook a dye tracing exercise while we were investigating the loss of white claw crayfish at Ensor's Pool.

We note that NE have now described the SAC as unfavourable, and considering the proposed growth adjacent to it (as proposed on the Nuneaton & Bedworth Local Plan, there is a question mark about its future use as an ark site as increased interactions from local residents may make it less suitable as an 'ark site'

At present we do not consider a HRA assessment would be required to support the Rugby Local Plan, because of the above issues.

We do not consider the River Mease SAC to require assessment because of its distance from Rugby and the lack of hydrogeological connection as they are located within separate River Basin Management Areas (Rugby within the River Severn RBMP and the River Mease SAC is within the River Humber RBMP).

Kindest regards

Becky

Mrs Becky Clarke

Planning Specialist

Sustainable Places

West Midlands Area

☎ 01543 404945 (722 - 4945)

✉ becky.clarke@environment-agency.gov.uk

✉ The Sustainable Places Team address is swmplanning@environment-agency.gov.uk

📍 Environment Agency, 9 Wellington Crescent, Fradley Park, Lichfield, Staffordshire, WS13 8RR



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

RE: FW: Confidential consultation - HRA of Rugby Borough Local Plan

Clarke, Becky <becky.clarke@environment-agency.gov.uk>
To: Louise Mapstone <louisemapstone@warwickshire.gov.uk>

2 August 2016 at

Hi Louise,

The majority of Rugby lies outside the Humber Basin, I have attached a screen print that shows that even within the Humber Catchment a very small % of the area lies within the Tame Anker and Mease management area, with some of the very north of rugby draining towards the river soar.

I hope the map below is helpful,

Becky



Louise Mapstone <louisemapstone@warwickshire.gov.uk>

Confidential consultation - HRA of Rugby Borough Local Plan

1 message

Louise Mapstone <louisemapstone@warwickshire.gov.uk> 14 July 2016 at 16:30
To: midscentralplanning@environment-agency.gov.uk, "Ross, Martin" <martin.ross@environment-agency.gov.uk>, David Lowe <davidlowe@warwickshire.gov.uk>
Cc: Victoria Chapman <victoria.chapman@rugby.gov.uk>

Dear Martin

Following our correspondence last year on the Coventry Local Plan, I am writing to you in relation to another HRA I am undertaking for the Rugby Borough Council Local Plan 2011 to 2031.

I have permission from Rugby Borough Council to send you the attached map on a confidential basis that illustrates the location of development sites associated with the Local Plan in the context of two European Sites within the 20km buffer zone around Rugby District Council boundary.

You will see that there are two European Sites within the 20km buffer around Rugby District Council.

1) Ensor Pool. This lies in the Humber River District as does the northern part of Rugby District Council. Further to our correspondence with you in September 2015, in relation to the Warwickshire County Council's Minerals Plan, you highlighted that your Groundwater Team would wish to be alerted for any proposals within 2-3km around Ensor's Pool. As you can see from the attached map, Rugby Borough Council lies beyond this 3km buffer zone and hence we are not anticipating any Likely Significant Effects to Ensor's Pool as a result of the Local Plan. Can you confirm that you are in agreement with this?

2) The Natural England River Mease Catchment Zone lies within the 20km buffer (see attached map), but it appears there are no rivers that run from or through Rugby Borough Council into the River Mease Catchment Risk Zone either directly or indirectly. The only river that flows out of Rugby Borough Council northwards is the River Soar, that flows into the River Trent downstream of the River Mease. The only water body that connects Rugby Borough Council to the NE River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal (see attached map). On this basis there does not appear to be any clear functional pathways between Rugby Borough Council and the River Mease Catchment Zone. We would welcome your comments on this initial assessment.

To provide you with some background, the 2009 Core Strategy highlighted the need for 10 800 additional homes (6000 to be allocated through the LDF) and 108ha of employment land required (with around 66ha delivered through the LDF) between 2009 and 2026. An HRA of this Core Strategy was undertaken in 2009 and was accepted by Natural England where it concluded there were no obvious pathways for significant effects on the European Sites identified within a 20km boundary of Rugby. This new draft Rugby Borough Council Local Plan for 2011 to 2031 proposes 12400 additional homes and 110ha of employment land.

We would be grateful for an initial response from you on if there are any specific issues you consider need to be addressed as part of the HRA we are currently undertaking. I have already contacted Natural England and Severn Trent Water in relation to issues around water supply and where it is proposed that waste water from development as part of the Rugby Local Plan will go. Our consultation for our previous HRA for Coventry and Warwick District local plans raised concerns over potential impacts to hydrologically dependent Welsh SACs by extracting or utilising water from Wales to growing Midland conurbations.

I am currently considering if any in-combination assessment is required as part of the HRA process and this would involve the need to consider other plans and projects in the area that would increase the likelihood or significance of any effects on European Sites that are identified in the HRA. The aim of the in-combination assessment is to protect European Sites from cumulative effects of more than one project when effects of projects action on the site alone would not be likely to be a significant. I would welcome your views on any specific plans or projects that we should consider in this assessment if we decide it is necessary to undertake one.

We look forward to hearing from you. Should you have any queries, please do not hesitate to get in touch.

7/26/2016

Warwickshire County Council Mail - Confidential consultation - HRA of Rugby Borough Local Plan

Sincerely

Louise Mapstone MSc CEcol CEnv MCIEEM PIEMA
Ecologist
Ecological Services
Community Services
Communities Group
Warwickshire County Council
Tel: 01926 412635

Please note I work Tuesdays, Wednesdays and Thursdays

Warwickshire County Council
Department Of Planning Transport &
Economic Strategy
PO Box 43
Warwick
Warwickshire
CV34 4SX

Our ref: UT/2008/104606/OR-
03/PO1-L01
Your ref:
Date: 16 September 2015

Dear Madam

HABITAT REGULATIONS ASSESSMENT FOR WARWICKSHIRE MINERALS PLAN

Thank you for your recent enquiry in relation to the above document.

With reference to the potentially sensitive receptors, we only consider that Ensors Pool and The River Mease catchment has the potential to be impacted by the proposed minerals sites.

Looking at the 30 potential site options, there are only 2 that are in close enough proximity to impact the sensitive receptors, so only these have been looked at in further detail. These are the Polesworth Site on the River Mease Catchment and Burton Hastings on Ensors Pool.

Polesworth and the River Mease

Upon closer inspection, the potential site at Polesworth drains into the River Anker catchment, running west towards Tamworth initially, instead of north to the River Mease. The Anker then joins the River Tame and finally the Trent, just upstream of the River Mease confluence with the River Trent. We can therefore conclude that there is no linkage between potential quarry site and the River Mease SAC.

Burton Hastings and Ensors Pool

Ensors Pool lies approximately 7km west of the potential site at Burton Hastings. It is again in close proximity to the headwaters of the River Anker, but it does not run closely enough to Ensors Pool to have any effect on it. Our Groundwater Team have reviewed the potential for Hydrogeological linkages between the quarry option and the pool and have found that there is no potential for impact upon Ensors Pool from the Burton Hastings site due to the underlying geology being completely different in the two locations. It may be also worth noting that for future reference, our Groundwater Team have stated that it is only worth flagging up sites within about 2-3 km of a sensitive

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

receptor for checking.

However, we note that the 9 preferred sites do not include either location and therefore we are unlikely to have any further comments to make at any later stage of this particular process.

We are not aware of any plans or programmes that need to be considered as part of this assessment.

Yours faithfully

Mr Martin Ross
Planning Specialist

Direct dial 01543 405047
Direct e-mail martin.ross@environment-agency.gov.uk

End

2

Appendix 2: Summary of Former Detailed Conservation Objectives and Targets

Below is a summary of the former detailed Conservation Objectives and Targets for both Ensor’s Pool SAC (dated 2008) and River Mease SAC (dated 2012) as provided by Natural England.

| Ensor’s Pool – Summary of Detailed Conservation Objectives and Targets dated 2008 |
|--|
| <ul style="list-style-type: none"> ■ To maintain the designated habitats in favourable condition, which is defined in part in relation to a balance of habitat extent (extent attribute). Favourable condition is defined at this site in terms of the following site-specific standards: On this site favourable condition requires the maintenance of the extent of each designated habitat type. Maintenance implies restoration if evidence from condition assessment suggests a reduction in extent. The estimated extent in 2008 was 1.89 ha of Standing Open Water. The site specific target is to have no artificial reduction in the wetted area. ■ To maintain the native crayfish population at Ensor’s Pool SSSI in favourable condition with reference to the following on-site specific standards. These include ensuring the population of native white-clawed crayfish is at least moderately high abundance, an absence of individuals infected with crayfish plaque and porcelain disease (Thelohaniasis) should not affect more than 10% of the population. ■ To maintain the standing open water habitat that supports the native crayfish at Ensor’s Pool in favourable condition. Favourable condition of the supporting habitat is defined at this site in terms of the following site-specific standards. Biological Water Quality should be equivalent to Biological GQA Class b and should be equivalent to at least Chemical GQA Class: B. The extent and diversity of bankside refuges should be maintained. Overhanging vegetation should be present intermittently along the east, north and west banks throughout the year. This should cover 60% of the bank length, distributed in patches along the bank. The southern bank is open grassland. A fringe of marginal vegetation 1-4m wide should be present along at least 10% of the bank sides and submerged macrophytes should cover 10 to 20% of the pool from June to September. The extent and diversity of the site’s substrates should be maintained and non-native crayfish species should be absent from the waterbody and their catchments. |
| River Mease SAC – Summary of Detailed Conservation Objectives and Targets dated 2012 |
| <ul style="list-style-type: none"> ■ To maintain the designated features in favourable condition, which is defined in part in relation to a balance of habitat extents. On this site favourable condition requires the maintenance of the extent of each habitat type. In this instance the habitat features is Rivers and streams and the estimated extent in 2012 was 22.87ha. The target is to have no reduction in area and any consequent fragmentation without prior consent. ■ To maintain the designated species in favourable condition. This is defined at this site in terms of requiring the maintenance of the population of each designated species or assemblage. Species or assemblage present include: bullhead, spined loach, otter, white-clawed crayfish. ■ Specific Targets of species are as follows: <ul style="list-style-type: none"> ■ Bullhead <ul style="list-style-type: none"> ● No reduction in densities from existing levels (no less than 0.5m⁻² in lowland rivers) ● Young –of-year fish should occur at densities equal to adulates ● Four age classes with 0+ individuals at least 40% of population ● Largest females attain a fork length > 75mm ● Species should be present in all suitable reaches. As a minimum no decline in distribution from current. ■ Spined loach <ul style="list-style-type: none"> ● At least three year-classes should be present at significant densities. At least 50% of the population should consist of 0+ fish ● Largest females attain a fork length of > 85mm ■ Otter <ul style="list-style-type: none"> ● Otters present on site and the population maintained or increasing ■ White-clawed crayfish <ul style="list-style-type: none"> ● Population at least moderate abundance ● Berried females should be present during the period November to April ● Porcelain disease (Thelohaniasis) should not affect > 10% population ● Absence of individuals infected with crayfish plaque |

- To maintain Rivers and Streams in the River Mease in favourable condition. At this site favourable condition relates to site-specific standards and a number of targets have been set that apply to the river and marginal vegetation only. A summary of the targets are provided below
- Siltation: No excessive siltation. Maximum silt content <20% in top 10cm of mid-channel gravels. Channel should be dominated by clean gravels. For spined loach sand fractions in finer substrates should reach at least 20% sand and no more than 40% silt. For bullhead no excessive siltation on the surfaces of coarse substrates
- Channel Form: should be generally characteristic of river time with predominately unmodified planform and profile. In-channel natural features present at frequent intervals (such as riffle / pool sequences, pools, slacks and submerged tree root systems).
- A sufficient proportion of all aquatic macrophytes should be allowed to reproduce in suitable habitat, unaffected by river management practices. *Ranunculus* should be able to flower and set seed.
- Blanketweed, epiphytic or other algae, *Potamogeton pectinatus* or *Zannichellia palustris*: cover values over 25% should be considered unfavourable and should trigger further investigation. Cover values should not increase significantly from an established baseline.
- There should be no impact on native biota from alien or introduced macrophyte species and these species should not be present at levels likely to be detrimental to the characteristic biological community.
- No artificial barriers should be installed that significantly impact migratory species from essential life-cycle movements
- Species Composition: At least 60% of species with abundance V or IV in the constancy table should be present AND at least 25% of specie with abundance III should be present. Loss of Species: 60% of species with cover of over 1 in the baselines should be at least present along with dominant species in the baseline survey. Abundant species: At least 25-35% of species recorded as dominant in baseline survey should still be dominant.
- There should be no artificial release of fish unless agreed this is in the interests of the population and only with local stock. Any fish introductions should not interfere with the river to support self-sustaining and healthy populations of characteristic species
- Targets for EA standard protocols include the following: Biological GQA: Class A or B. Chemical GQA: Class A or B. Un-ionised ammonia ,0.021 mg L-1 as a 95-percentile. Suspended solids: No unnaturally high loads, Spined Loach and bullhead:, 25mg;/litre annually. Orthophosphate levels: ,0.06mg/litre as an annual mean.
- Bank and Riparian zone vegetation structure should be near-natural. Woody debris removal should be minimised and restricted to essential activities such as flood defence. Weed cutting should be limited to nor more than half of the channel width.
- Maintain the characteristic physical features of the river channel, banks and riparian zone
- Non-native crayfish should be absent and if present, measures taken to control numbers
- For otters: Fish biomass should stay within expected natural fluctuations. No increase in pollutants potentially toxic to otters. Otter populations not be significantly impacted by human induced kills. No significant change to river or bankside usage. No significant development. No overall permanent decrease
- Flow regime should be characteristic of the river. Levels of abstraction should not exceed the generic thresholds laid down for moderately sensitive SSSI rives by national guidance.

Appendix 3: Flooding Map

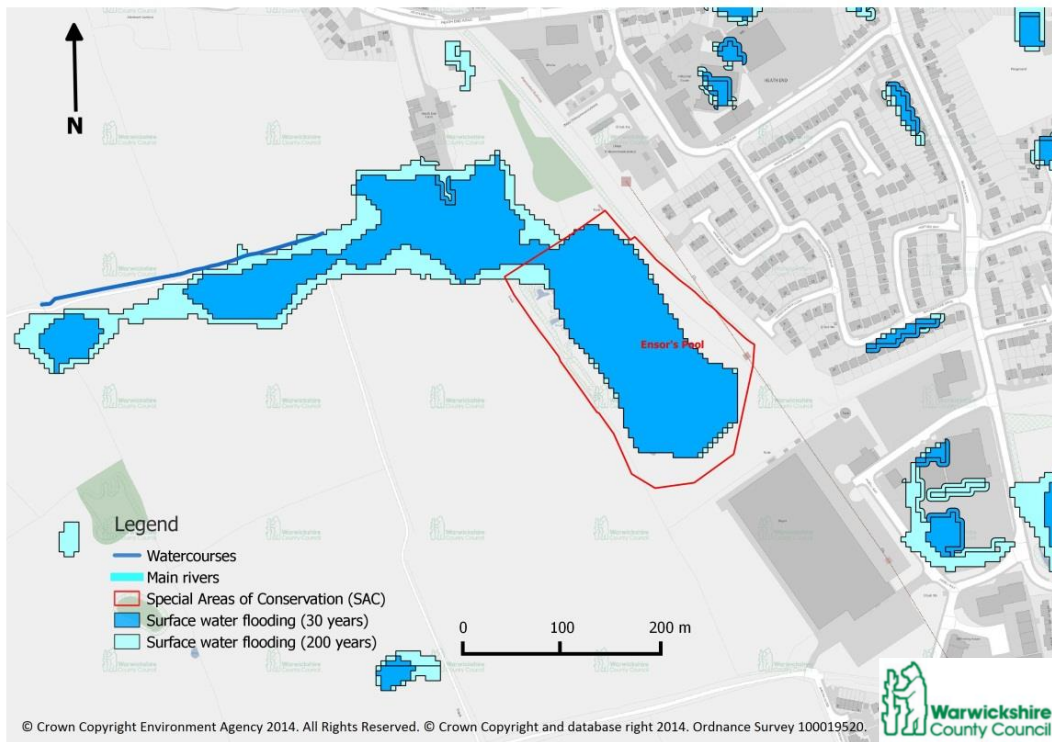


Figure 10: Ensor's Pool and surface water flooding predictions for 30 years and 200 years

Appendix 4: Results of the Screening of Policies in the Rugby Local Plan

| Content of plan | Screening conclusion | Screening Category | Justification |
|---|----------------------|---------------------|---|
| Chapter 1 | Screened out | Administrative Text | Introductory text about the plan. |
| Chapter 2 Sections 2.1 to 2.2. | Screened out | Administrative Text | Introductory text about the plan. |
| Spatial Vision | Screened out | A | General Statements of policy / general aspiration. |
| Para 2.3 | Screened out | Administrative Text | Introductory text about the plan. |
| Spatial Objective 1 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 2 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 3 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 4 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 5 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 6 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 7 | Screened out | A | General Statements of policy / general aspiration. Implications are considered under specific policies later in this table. |
| Spatial Objective 8 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Spatial Objective 9 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Chapter 3 Sections 3.1 to 3.3 | Screened out | Administrative Text | Introductory text about the plan. |
| Policy GP1: Securing Sustainable Development | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 3.4 to 3.6 | | | Background information to Policy GP1. |
| Policy GP 2: Settlement Hierarchy | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). |

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| | | | This policy outlines the hierarchy for proposed development within the plan. Given that no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 3.7 to 3.16 | | | Background to Policy GP2. |
| Policy GP3: Previously Developed Land and Conversions | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that this policy highlights potential impact on biodiversity assets being a consideration during the redevelopment of previously developed land. |
| Sections 3.17 to 3.20 | | | Background to Policy GP3. |
| Policy GP4: Safeguarding development potential | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 3.21 to 3.23 | | | Background to Policy GP4. |
| Policy GP5: Parish or Neighbourhood level documents | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 3.24-3.26 | | | Background to Policy GP5. |
| Chapter 4 Sections 4.1 to 4.6 | Screened out | Administrative Text | Introductory text about the chapter. |
| Policy DS1: Overall Development Needs | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the precise levels of housing and employment development provided by the local plan between 2011 and 2031. This comprises a) 12400 additional homes and b) 110ha of employment land. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 4.7 to 4.15 | | | Introductory text including proposed housing numbers etc. |
| Sections 4.16 to 4.19 | | | Introductory text on employment allocations |
| Policy DS2: Sites for Gypsy, Travellers and Travelling Showpeople | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 4.20 to 4.24 | | | Background text to policy DS2. |

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| Policy DS3: Residential allocations | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the precise number of dwellings proposed in each of the allocated settlements and garden village. Given that no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 4.25 to 4.37 | | | Background to policy DS3. |
| Policy DS4: Employment Allocations | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the precise area of proposed employment allocations for this plan. Given that no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 4.38 to 4.41 | | | Background to policy DS4. |
| Policy DS5: Comprehensive Development of Strategic Sites | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 4.42 to 4.43 | | | Background to policy DS5. |
| Policy DS6: Rural Allocations | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 4.44 to 4.46 | | | Background to Policy DS6. |
| Policy DS7: Coton Park East | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 4.47 to 4.51 | | | Background to Policy DS7. Paragraph 4.49 that can be classified as category D: Environmental protection / site safeguard policy. |
| Policy DS8: South West Rugby | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines proposals at South West Rugby. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Section 4.52 to 4.62 | Screened out | D | Section includes background text for policy DS8 in addition to the following |

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| | | | paragraphs: 4.57 and 4.58 that can be classified as category D: Environmental protection / site safeguard policy. |
| Policy DS9: South West Rugby Spine Road North Western Alignment | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines proposals for a Spine Road to the south west of Rugby. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Section 4.63 to 4.69 | | | Background text to Policy DS9. |
| Policy DS10: Lodge Farm | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines proposals for a new garden village development of 1500 dwellings. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. It is noted the policy includes commitments to retain on-site woodland and ensure a comprehensive Green Infrastructure Network on-site. |
| Section 4.70 to 4.75 | | | Background text to Policy DS10. |
| Chapter 5: Housing Sections 5.1 to 5.6 | Screened out | A | General Statement of Policy / general aspiration. |
| Policy H1: Informing Housing Mix | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Section 5.7 to 5.12 | | | Background text to Policy H1. |
| Policy H2: Affordable Housing Provision | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines targets for affordable housing targets within sites proposed for development. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Section 5.13 to 5.22 | Screened out | | Background text to Policy H2 including a commitment to seek to deliver for some of the housing needs emanating from Coventry City which cannot be met within |

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| | | | its own boundaries under the Duty to Corporate. |
| Policy H3: Housing for rural businesses | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 5.23 to 5.29 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals outlining circumstances where an exception to the general policy of housing restraint in the countryside could be considered. |
| Policy H4: Rural Exception Sites | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 5.30 to 5.35 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals provided further background text to Policy H4. |
| Policy H5: Replacement Dwellings | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 5.36 to 5.37 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy H6: Specialist Housing | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 5.38 to 5.47 | | | Background text to Policy H6. |
| Chapter 6: Economic Development Sections 6.1 to 6.2 | Screened out | | Introductory text to Chapter 6. |
| Policy ED1: Protection of Rugby's Employment Land | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 6.3 to 6.9 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Section 6.10 | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This section lists the designated employment sites in Rugby Borough Council. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Policy ED2: Employment development within Rugby urban area | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 6.11 to 6.14 | Screened out | | Background text to Policy ED2. |
| Policy ED3: Employment | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |

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| development outside Rugby urban area | | | |
| Sections 6.15 to 6.18 | Screened out | | Background text to Policy ED3. |
| Policy ED4: The Wider Urban and Rural Economy | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 6.19 to 6.21 | Screened out | | Background text to Policy ED4. |
| Chapter 7: Retail and The Town Centre Sections 7.1 to 7.5 | Screened out | | Background to chapter 7. |
| Policy TC1: Development in Rugby Town Centre | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the proposed development in Rugby Town Centre. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out. |
| Sections 7.6 to 7.7 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy TC2: Rugby Town Centre Comparison and Convenience Floorspace Requirements | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 7.8 to 7.11 | | | Background text to Policy TC2. |
| Policy TC3: Directing Development in the Town Centre | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 7.12 to 7.15 | Screened out | B | Background information supporting Policy TC3 and also a Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy TC4: Primary Shopping Area and Shopping Frontages | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 7.16 to 7.20 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Chapter 8: Healthy, Safe and Inclusive Communities Section 8.1 to 8.3 | Screened out | | Background introductory text for Chapter 8. |
| Policy HS1: Healthy, Safe and Inclusive Communities | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that this policy highlights the |

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| | | | need to improve the quality and quantity of green infrastructure networks. |
| Sections 8.4 to 8.5 | | | Background information to Policy HS1 |
| Policy HS2: Health Impact Assessments | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 8.6 to 8.7 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 8.8 to 8.13 | Screened out | | Background to Policy HS3. |
| Policy HS4: Open Space and Recreation | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Section 8.14 to 8.18 | Screened out | | Background to Policy HS4. |
| Policy HS5: Traffic Generation and Air Quality | Screened out | D | Environmental Protection / site safeguard Policy. This policy relates to avoiding air pollution. |
| Section 8.17 to 8.18 | | | Background to policy HS5. |
| Chapter 9: Natural Environment Sections 9.1 to 9.3 | | | Background to Chapter 9. |
| Policy NE1: Protecting Designating Biodiversity and Geodiversity Assets | Screened out | D | Environmental Protection / site safeguard Policy. Suggested edits to Policy NE1 to clarify the HRA process are provided in Section 5 of this report. |
| Sections 9.4 to 9.6 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Policy NE2: Biodiversity | Screened out | D | Environmental Protection / site safeguard Policy. |
| Policies 9.7 to 9.8 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Policy NE3: Blue and Green Infrastructure Policy | Screened out | D | Environmental Protection / site safeguard Policy. |
| Sections 9.9 to 9.14 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Policy NE4: Landscape Protection and Enhancement | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 9.15 to 9.16 | Screened out | | Background information for Policy NE4. |
| Chapter 10: Sustainable Design and Construction Sections 10.1 to 10.3 | Screened out | | Background to Chapter 10. |

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| Policy SDC1: Sustainable Design | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 10.4 to 10.11 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy SDC2: Landscaping | Screened out | D | Environmental Protection / site safeguard Policy. |
| Section 10.12 | | | Background to Policy SDC2. |
| Section 10.13 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Sections 10.14 to 10.16 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy SDC3: Protecting and enhancing the Historic Environment | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 10.17 to 10.23 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy SDC4: Sustainable Buildings | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the proposed threshold for water supply per person per day. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 10.24 to 10.33 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy SDC5: Flood Risk Management | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 10.34 to 10.37 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 10.38 to 10.40 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Section 10.41 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Section 10.42 | Screened out | D | Environmental Protection / site safeguard Policy. |
| Policy SDC6: Sustainable Urban Drainage | Screened out | D | Environmental Protection / site safeguard Policy. |
| Sections 10.43 to 10.45 | | | Background information to Policy SDC6. |
| Policy SDC7: Protection of the Water Environment and Water Supply | Screened out | D | Environmental Protection / site safeguard Policy. |

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|--|--------------|---|---|
| Sections 10.46 to 10.50 | | | Background information to Policy SDC7. |
| Policy SDC8: Supporting the provision of renewable energy and low carbon technology | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 10.51 to 10.59 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals |
| Policy SDC9: Broadband and mobile Internet | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on the provision of Broadband and mobile internet services to new developments. Given no functional pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 10.60 to 10.65 | | | Background information for Policy SDC 9. |
| Chapter 11: Delivery. Sections 11.1 to 11.2 | | | Background text to Chapter 11. |
| Policy D1: Transport | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 11.3 to 11.8 | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Policy D2: Parking facilities | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on car parking facilities within development. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out. |
| Sections 11.9 to 11.11 | | | Background information for Policy D2. |
| Policy D3: Infrastructure and Implementation | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on new infrastructure required to facilitate new development. Given no functional |

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| | | | pathways to impact European Sites have been identified (see Table 7 & 8 in Section 3) this policy can be screened out. |
| Sections 11.12 to 11.17 | Screened out | H | Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). These sections outline policies relating to education provision, transport mitigation, water supply and GP or Secondary Health Care provision. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out. |
| Policy D4: Planning Obligations | Screened out | B | Policy listing general criteria for testing acceptability / sustainability of proposals. |
| Sections 11.18 to 11.20 | | | Background to Policy D4. |
| Policy D5: Airport flightpath safeguarding | Screened out | F | Policy that cannot lead to development or other change. |
| Section 11.21 | Screened out | | Background to Policy D5. |
| Index of Policies | Screened out | | Whole section is screened out, the impacts of policies and General Principles are assessed earlier in this table. |

Table 10: Screening matrix for the Rugby Local Plan

Appendix 5: Key to Operations Likely to Damage the Special Interest of the Site (OLDSIS)

Operations Likely to Damage the Special Interest of the Site (OLDSIS) considered relevant to the Rugby Local Plan as per Table 4 in Section 3.3.

| Reference Number | Type of Operation | Relevant European Site |
|-------------------------|---|-------------------------------|
| 7 | Dumping, storage, spreading or discharging of any materials or substances (including effluent disposal) (N.B Abstractions and discharges, and certain alterations of water levels, are subject to regulation by the Environment Agency through byelaws, licences and consents.) | River Mease |
| 9 | The release into the site of any wild, feral, captive bred or domestic animal (includes any mammal, reptile, amphibian, bird, fish or invertebrate), plant, seed or micro-organism (including genetically modified organisms). | River Mease |
| 14a | The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes). | Ensor's Pool |
| 14b | Water impoundment, storage and alterations to water levels and tables. Abstraction from surface and ground water bodies and water utilisation including irrigation flooding**. | River Mease |
| 16a | The introduction of and alterations to freshwater fish rearing and production for fishing or food. | River Mease |

Table 11: Table of Operations Likely to Damage the Special Interest of the Site (OLDSIS) for the River Mease and Ensor's Pool

Appendix 6: Template for recording the conclusion of the Habitat Regulations Assessment

Extract from the HRA Handbook 2013

RECORD FOR A PLAN WHICH WOULD NOT BE LIKELY TO HAVE A SIGNIFICANT EFFECT ON ANY EUROPEAN SITE, EITHER ALONE OR IN COMBINATION WITH ANY OTHER PLAN OR PROJECT

Introduction and conclusion of the assessment

The *[enter title of plan]* was considered in light of the assessment requirements of regulation 61 of the Conservation of Habitats and Species Regulations 2010 by *[enter name of plan-making body]* which is the competent authority responsible for adopting the plan and any assessment of it required by the Regulations.

Having carried out a 'screening' assessment of the plan, the competent authority has concluded that the plan would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

[Enter name of SNCB] was consulted on this conclusion and has *[agreed / disagreed]*. Any relevant written responses are appended and referred to below.

Information used for the assessment

A copy of the list used to scan for and select European sites potentially affected by the plan is appended as *[Enter an appropriate reference to a scanning and site selection list based on that given as an example in Figure F.4.4 in the Handbook]*

A summary of the information gathered for the assessment is presented in the Information Required for Assessment table, which is appended as *[Enter an appropriate reference to a table or schedule based on that given as an example in Figure D.1.1 in the Handbook]*.

The screening of the plan

A summary of the outcomes of the screening process is given in the screening schedule below (and re-screening schedule where relevant), which is appended as *[Enter appropriate reference to a schedule based on those given as examples in F.6 of the Handbook]*

Mitigation measures

In reaching the conclusion of the assessment the competent authority took the following mitigation measures into account:

[Enter list which could be based on F.7 of the Handbook, or refer to appended document]

Assumptions and limitations

The screening conclusion necessarily relies on some assumptions and it was inevitably subject to some limitations. Most of the assumptions and limitations would not affect the conclusion but the following points are recorded in order to ensure that the basis of the assessment is clear.

[Enter list of assumptions and limitations that have the potential to affect the assessment conclusions if circumstances materially change]

References and reports

In reaching the conclusion of the assessment the competent authority took the following documents into account:

[Enter list of references and / or links to any supporting documentation or reports with dates as appropriate]

Further supplementary information [*is not required / is appended*]

Dated: [enter a date]

Copy sent to [*select appropriate body*] on [enter a date]

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