



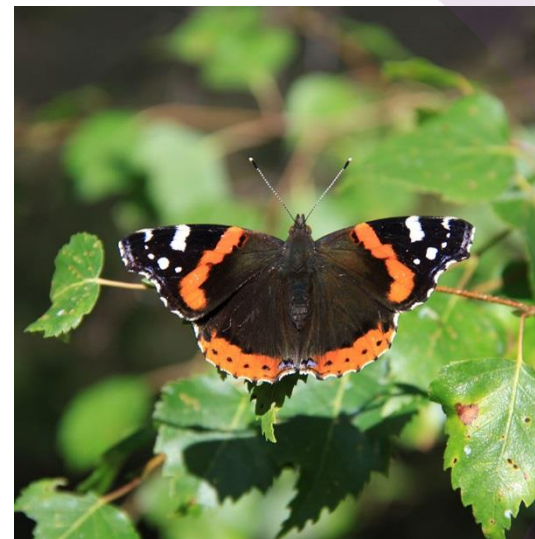
Rutland
County Council

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Rutland County Council

Rutland County Council Local Plan Habitats Regulations Assessment

Information to support an assessment under Regulation 105 of
the *Conservation of Habitats and Species Regulations 2017*



Report for

Rachel Armstrong
Rutland County Council
Catmose House
Catmose Street
Oakham
LE15 6HP

Main contributors

Mike Frost

Issued by

██████████

.....
Mike Frost

Approved by

██████████

.....
Dr. Andrew Brooks

Wood

Canon Court
Abbey Lawn
Abbey Foregate
Shrewsbury SY2 5DE
United Kingdom
Tel +44 (0) 1743 342 000

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Document revisions

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1	Draft for RCC review	09/12/19
2	RCC internal approvals (scrutiny, cabinet, council) version	07/01/20
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Executive summary

Rutland County Council (RCC) is currently reviewing its Local Plan. The new Local Plan will set out the vision, spatial principles, planning policies and site allocations that will guide development in the local authority area in the period up to 2036. The Council is currently consulting on the Pre-submission Draft Local Plan before it is considered by an independent Planning Inspector.

Regulation 105 of the Habitats Regulations states that if a land-use plan is “(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site” then the plan-making authority must “...make an appropriate assessment of the implications for the site in view of that site’s conservation objectives” before the plan is given effect. The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA). An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a plan’s implementation (either on its own or ‘in combination’ with other plans or projects) and, if so, whether these effects will then result in any ‘adverse effects on site integrity’¹. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.

The first stage of the HRA process, ‘screening’, demonstrated that the Pre-Submission Draft Local Plan will have either no effects or no significant effects alone or in combination on the interest features of Barnack Hills and Holes SAC, Grimsthorpe SAC or Baston Fen SAC. This is principally due to the absence of reasonable impact pathways by which the Local Plan could affect these sites.

The screening indicated that interest features of **Rutland Water SPA/Ramsar** may be exposed and sensitive to environmental changes associated with the Local Plan, principally in relation to the cumulative effects of visitor pressure, water quality and air quality affecting the site itself. Some qualifying features may also be exposed to development-related effects when utilising habitats away from the site. These aspects have therefore been examined through an ‘appropriate assessment’ stage to ensure that proposals coming forward under the Local Plan either avoid affecting designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain, taking into account specific and cross-cutting policy-based mitigation and avoidance measures that have been incorporated into the plan; and the Conservation Objectives for these sites. These appropriate assessments have employed additional analyses and data to resolve uncertainties present at the initial screening, and have concluded that **the Local Plan will have no adverse effects, alone or in combination, on the integrity of Rutland Water SPA or the Rutland Water Ramsar site.**

It will be necessary to review any changes that are made to the Pre-Submission Local Plan prior to adoption in order to ensure that the HRA conclusions remain applicable. A formal assessment conclusion against the requirements of Regulation 105 will be made by RCC at that point.

¹ Site integrity (in HRA terms) is “the coherent sum of the site’s ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated” (EC Guidance ‘Managing Natura 2000’ (2018)).

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1. Introduction

1.1 Background

The Rutland Local Plan

- 1.1.1 The Rutland County Council (RCC) Local Plan sets out the planning policies for Rutland to 2026. It comprises three documents, the Core Strategy Development Plan Document 2011 (DPD), the Site Allocations and Policies Development Plan Document 2014 (DPD), and the Minerals Core Strategy and Development Control Policies Development Plan Document 2010 (DPD).
- 1.1.2 RCC is currently reviewing and updating the Local Plan to extend its planning period to 2036, and to combine the three existing DPDs into a single Local Plan. The review will provide for any additional new housing, employment or other development that may be needed over the extended plan period.
- 1.1.3 The extension to the Local Plan has been in preparation since 2015. The Council published an 'Issues and Options' consultation document in November 2015, followed by a 'Consultation Draft Local Plan' in July 2017. This was followed by a further consultation in August 2018, which sought views on:
- additional sites promoted to the Council as potential allocation sites²; and
 - the proposed changes to the draft plan that would be required to incorporate one particular strategic allocation (St. George's Barracks, near Edith Weston)³.
- 1.1.4 RCC has consequently prepared its Pre-Submission Local Plan in accordance with Regulation 19 of the *Town and Country Planning Act (Local Planning) (England) Regulations 2012*. The Pre-submission Local Plan must be supported by a range of assessment and evidence documents, including a 'Habitats Regulations Assessment' (HRA).

Habitats Regulations Assessment

- 1.1.5 Regulations 105 and 107 of *The Conservation of Habitats and Species Regulations (2017)* (the 'Habitats Regulations') transpose the provisions of Articles 6(3) and 6(4) of *Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora* (the 'Habitats Directive') as they relate to land-use plans in England and Wales. Regulation 105 states that if a land-use plan is "(a) is likely to have a significant effect on a European site⁴ or a European offshore

² Rutland County Council (2018a). *Additional Sites 2018: Rutland Local Plan Review*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79385.pdf>

³ Rutland County Council (2018b). *Rutland Local Plan: Specific Consultation considering the implications of potential development of St. George's within the Local Plan*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79384.pdf>

⁴ Strictly, 'European sites' are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (National Planning Policy Framework para. 176) when considering development proposals that may affect them. "European site" is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites. Additional information on European site designations is provided in **Appendix A**.

marine site⁵ (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site" then the plan-making authority must "...make an appropriate assessment of the implications for the site in view of that site's conservation objectives" before the plan is given effect.

- 1.1.6 The plan can only be given effect if it can be concluded (following an 'appropriate assessment') that the plan "...will not adversely affect the integrity" of a site, unless the provisions of Regulation 107 are met.
- 1.1.7 The process by which Regulation 105 (and, if applicable, Regulation 107) is met is known as Habitats Regulations Assessment (HRA)⁶. An HRA determines whether there will be any 'likely significant effects' (LSE) on any European site as a result of a plan's implementation (either on its own or 'in combination' with other plans or projects)⁷ and, if so, whether there will be any 'adverse effects on site integrity'⁸. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.
- 1.1.8 Regulation 105 essentially provides a test that the final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, as with Sustainability Appraisal (SA), it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development, with the emerging policies or options reviewed during development to ensure that potentially significant effects on European sites can be identified at an early stage, so providing time for the effects (and any mitigation requirements) to be identified and assessed, and taken into account in the plan development. This is undertaken in consultation with Natural England (NE) and other appropriate consultees.

1.2 This Report

- 1.2.1 The 2015 and 2017 consultations were accompanied by 'HRA Screening' reports^{9,10}, which were designed to identify potential significant effects on European sites and so inform the drafting of the emerging Local Plan. These 'HRA Screening' reports suggested that the possibility of significant effects on one or more European sites could not necessarily be excluded at that stage, and that additional assessment may be required to inform the HRA of the reviewed Local Plan prior to adoption.
- 1.2.2 Natural England (NE) stated in its 2015 response to the Issues and Options Consultation that it agreed "...with the conclusion [of the HRA screening report] that the likely effects can only be properly assessed as the Local Plan develops and that further HRA screening will need to be undertaken at the next preferred options stage in the Local Plan review to ensure that there would be

⁵ 'European offshore marine sites' are defined by Regulation 15 of *The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007* (as amended); these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

⁶ The term 'Appropriate Assessment' has been historically used to describe the process of assessment; however, the process is now more accurately termed 'Habitats Regulations Assessment' (HRA), with the term 'Appropriate Assessment' limited to the specific stage within the process.

⁷ Also referred to as the 'test of significance'.

⁸ Also referred to as the 'integrity test'.

⁹ Rutland County Council (2015). *Rutland Local Plan Review Issues & Options Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/27661.pdf>. [Accessed Jan 2019].

¹⁰ Rutland County Council (2017). *Rutland Local Plan Review Consultative Draft Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/47693.pdf>. [Accessed Jan 2019].

no likely significant effects on any European site"; NE had no additional comments on the 2017 Consultation Draft Plan, but did provide detailed comments on the 2018 re-consultation.

1.2.3

Wood Environment and Infrastructure UK Ltd (Wood) was commissioned by the Council to assist with the completion of the HRA of the Local Plan following the 2018 re-consultation. This report summarises the HRA process that has been undertaken to support the Rutland Local Plan and ensure that it meets the requirements of Regulation 105. The report includes the following aspects:

- Details of the approach to the HRA of the Local Plan (**Section 2**).
- A summary of the baseline condition of the European sites and features that are potentially vulnerable (i.e. both exposed and sensitive) to the likely effects of the Local Plan, and the impact pathways (**Section 3**).
- A summary of the screening assessments undertaken as part of the HRA of the emerging policies and proposals of the Local Plan, identifying those European sites and features that will not be affected by plan proposals, and those plan aspects (policies or allocations) which will not significantly affect any European sites (**Section 4**).
- Appropriate assessments for those European sites and features that are vulnerable to aspects of the Local Plan, taking account of mitigation measures included in the Pre-Submission Draft (**Sections 5**).
- A summary of the proposed conclusion for the HRA of the Local Plan (**Section 6**).

1.2.4

The report is intended to support the Regulation 19 consultation for the Pre-Submission Draft of the Local Plan; the assessment conclusions will therefore be reviewed following any amendments that are made post-consultation, prior to the submission of the final plan for Examination. A formal assessment conclusion against the requirements of Regulation 105 will be made following Examination in Public, although this report sets out the proposed conclusion for the final assessment.

2. Approach to the HRA of the Local Plan

2.1 Overview

- 2.1.1 European Commission guidance¹¹ suggests a four-stage process for addressing Articles 6(3) and 6(4), and hence Regulations 105 and 107 (see **Box 1**), although not all stages will necessarily be required.

Box 1 – Stages of HRA

Stage 1 – Screening or ‘Test of significance’

This stage identifies the likely impacts upon a European site of a project or plan, either alone or ‘in combination’ with other projects or plans, and considers whether these impacts are likely to be significant. The screening test is a ‘low bar’ test and mitigation measures should not be considered at this point.

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

Where there are likely significant effects, or where this is uncertain, this stage considers the effects of the plan or project on the integrity of the relevant European Sites, either alone or ‘in combination’ with other projects or plans, with respect to the sites’ structure and function and their conservation objectives. Where it cannot be concluded that there will be no adverse effects on sites’ integrity, it is necessary to consider potential mitigation for these effects. If mitigation is not available then the assessment may need to proceed Stage 3.

Stage 3 – Assessment of Alternative Solutions

Where adverse effects remain after the inclusion of mitigation, this stage examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European sites.

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

This stage assesses compensatory measures where it is deemed that there are no alternatives that have no or lesser adverse effects on European sites, and the project or plan should proceed for imperative reasons of overriding public interest (IROPI). The EC guidance does not deal with the assessment of IROPI.

- 2.1.2 The ‘screening’ test or ‘test of significance’ is a low bar, intended as a trigger rather than a threshold test: a plan should be considered ‘likely’ to have an effect if the competent authority (in this case the Council) is unable (on the basis of objective information) to exclude the possibility that the plan could have significant effects on any European site, either alone or in combination with other plans or projects; an effect will be ‘significant’ simply if it could undermine the site’s conservation objectives.
- 2.1.3 An ‘appropriate assessment’ stage (if required) allows for a closer examination of the plan (or its components) where the effects are significant or uncertain¹² to determine whether any European sites will be subject to ‘adverse effects on integrity’ as a result of the plan’s implementation. The scope of any ‘appropriate assessment’ stage is not set, however, and such assessments need not be extremely detailed in every case: they must be ‘appropriate’ to the effects and proposal being considered, and sufficient to ensure that there is no reasonable doubt that adverse effects on site integrity will not occur (or sufficient for those effects to be appropriately quantified should Stages 3 and 4 be required).

¹¹ *Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (EC 2002).

¹² i.e. ‘likely significant effects’, where the possibility of significant effects cannot be excluded.

- 2.1.4 It should be noted that the “**People Over Wind**” judgment¹³ has altered how mitigation and avoidance measures are accounted for in an HRA (see Section 2.3 below). The judgment states that “...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site”. This contrasts with established practice in this area (based on the “Dilly Lane” judgment¹⁴) whereby avoidance and mitigation measures were typically considered at screening. This presents some challenges for plan-level HRA, and in practice many more Local Plan HRAs will now require an ‘appropriate assessment’; however, this should not substantially increase the workload required to complete an HRA for a Local Plan that would have previously been subject to screening only – as noted, any such assessment must simply be ‘appropriate’ to the issues being considered.
- 2.1.5 It is important to recognise that the *process* of strategic HRA also assists in guiding the development of the plan, and demonstrating that effects on European sites have been considered appropriately, as well as (ultimately) assessing its effects and whether there would adverse effects and the implications of these. The HRA therefore contributes to the plan evidence-base, so assisting with the development of sustainable policies from the beginning of the plan-making process rather than being a purely retrospective ‘test’ applied towards the end.
- 2.1.6 As a result, whilst the HRA reports that accompany the formal consultation stages of the plan development (Issues and Options, Preferred Options, Submission, etc.) necessarily reflect and assess the plan at that stage in its evolution, they also document the broader process of data gathering and assessment that occurs concurrently with the plan evolution and which ultimately demonstrates how the plan safeguards European sites. The HRA process therefore includes both evidence gathering and assessment, and informal reviews of the performance of the emerging plan and its policies, and whilst the two are inter-related for practical reasons a degree of separation is required in the reporting; therefore, this HRA report focuses on the evidence gathering and assessment of the Pre-Submission Local Plan, with the periodic reviews of the emerging policies summarised in appendices.

2.2 Guidance

- 2.2.1 The following guidance has been used during the review and assessment of the Publication Local Plan:
- UK Government (2019). *Appropriate Assessment: Guidance on the use of Habitats Regulations Assessment* [online]. Available at: <https://www.gov.uk/guidance/appropriate-assessment>. [Accessed 02.08.19].
 - EC (2018). *Managing Natura 2000 sites: The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC*. Commission Notice C(2018) 7621 final, Brussels, 21.11.2018.
 - PINS Note 05/2018: *Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta*.
 - DTA Publications (2018) *The Habitats Regulation Handbook* [online]. Available at: <http://www.dtapublications.co.uk/handbook/>. [Accessed 20.04.19].
 - SNH (2017) *Habitats Regulations Appraisal of Plans: Guidance for plan-making bodies in Scotland*. Scottish Natural Heritage.

¹³ Court of Justice of the European Union (ECJ) Case C-323/17 - People over Wind, Peter Sweetman v Coillte Teoranta, preliminary ruling which is accepted by the English courts as binding: see e.g. *Gladman Developments Ltd. v SSHLG* [2019] EWHC 2001 (Admin).

¹⁴ Hart District Council v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin).

- DCLG (2006) *Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents*. Department for Communities and Local Government, HMSO, London;
- English Nature (1997-2001) *Habitats Regulations Guidance Notes 1-9*, Natural England, Peterborough;
- European Commission (2002) *Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. European Commission, Brussels;
- European Commission (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites*. European Commission, Brussels;
- European Commission (2007) *Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/433/EEC*. European Commission, Brussels.

2.3 Approach and Assessment Principles

Consultation and Plan Evolution

- 2.3.1 The HRA has been completed alongside the development of the Plan. The 'Issues and Options' consultation document (November 2015) and 'Consultation Draft Local Plan' (July 2017) were both accompanied by 'HRA Screening' reports^{15,16}, which were designed to identify the potential for significant effects on European sites and so inform the drafting of the emerging Local Plan. The statutory consultee, Natural England (NE) responded to the Issues and Options Consultation, noting that it agreed "...with the conclusion [of the HRA screening report] that the likely effects can only be properly assessed as the Local Plan develops and that further HRA screening will need to be undertaken at the next preferred options stage in the Local Plan review to ensure that there would be no likely significant effects on any European site".
- 2.3.2 NE had no additional comments on the 2017 Consultation Draft Plan, but did provide detailed comments on the 2018 re-consultation (August 2018), which sought views on additional sites promoted to the Council as potential allocation sites¹⁷ (although the HRA was not updated for the 2018 consultation).
- 2.3.3 Wood re-consulted with NE in February 2019 due to the implications of two legal judgments published since the 2017 'HRA screening' report, specifically:
- *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351* (relates to Air Quality and the 'in combination' assessment of this; generally referred to as 'the Wealden case'); and
 - *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* (relates to the treatment of 'mitigation' and 'avoidance measures'; generally referred to as 'People over Wind' (or PoW)).

¹⁵ Rutland County Council (2015). *Rutland Local Plan Review Issues & Options Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/27661.pdf>. [Accessed Jan 2019].

¹⁶ Rutland County Council (2017). *Rutland Local Plan Review Consultative Draft Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/47693.pdf>. [Accessed Jan 2019].

¹⁷ Rutland County Council (2018a). *Additional Sites 2018: Rutland Local Plan Review*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79385.pdf>

- 2.3.4 NE subsequently provided a response to this re-consultation (letter from NE to Wood dated 9 April 2019, ref. 274919). These consultation responses have been used to inform the scope and approach of the HRA.

Data Collection

- 2.3.5 Data on European site interest features, their distribution, and their sensitivity to potential effects associated with the Local Plan were obtained from various sources and reports, including the Joint Nature Conservation Committee (JNCC) and Natural England websites (citations; boundaries; Site Improvement Plans (SIPs); etc.); information on site condition was based on the Natural England condition assessments for the corresponding Site of Special Scientific Interest (SSSI) units. Additional information on particular sites or features was obtained from other sources where available. The protocols used to gather other baseline data required to characterise a particular environmental change (for example, air quality data) are summarised in the relevant sections of this report.
- 2.3.6 A broad study area was determined through an initial review of the potential environmental changes associated with the emerging Local Plan (to identify a suitably precautionary 'zone of influence'; and through consultations with NE (see also Section 3.2 'Study Area').

'Screening' the emerging plan

- 2.3.7 The principles¹⁸ of '**screening**' are applied to the emerging plan and its components (i.e. the policies and allocations) as part of an iterative review process, to ensure that:
- any necessary technical assessments focus on those plan aspects that are likely to result in significant effects on European sites; and
 - that the policies of the adopted plan are drafted to provide appropriate overarching safeguards that help (alongside any subsequently identified mitigation) to ensure that the adopted plan will have no significant effects or no significant adverse effects.
- 2.3.8 The emerging plan was informally 'screened' for the earlier consultations (see '**Consultations**', above), with the Pre-Submission Draft plan also subject to an informal review to check its performance during its development (see **Appendix B**). The outcomes of these reviews are re-visited throughout plan evolution to ensure that they remain robust, and that the overall performance of the plan in relation to the safeguarding of European sites meets expectations.

Screening of the Pre-Submission Draft Plan

- 2.3.9 The approach and outcomes of the Pre-Submission Draft plan screening are set out in **Section 4**. In summary, the screening is used to exclude European sites and plan components from further assessment if it is possible to determine that significant effects will not occur (e.g. if sites or interest features are clearly not vulnerable (i.e. both exposed and sensitive) to the outcomes of the plan due to the absence of any reasonable impact pathways). It is intended to be a coarse filter for identifying potential effect pathways that cannot be self-evidently discounted, and hence those aspects where further investigation ('appropriate assessment') is required to determine the scale or nature of any effects and / or any bespoke mitigation that is necessary, rather than a detailed

¹⁸ i.e. exploring whether significant effects on European sites are possible; note, from a strict procedural perspective the tests in Regulation 105 (including the 'test of significance') can only be formally applied to the plan intended for adoption and not to its various phases or iterations; therefore the term 'screening' is used advisedly when applied to assessments completed at earlier stages of the plan development.

assessment in its own right. The screening does not take into account 'mitigation', in accordance with 'People over Wind' (see '**Mitigation and Avoidance**', below).

- 2.3.10 However, the screening is of a strategic planning document and so necessarily reflects the strategic direction it provides and the definition limits of the policies; it cannot reasonably assess every possible developmental outcome that might conceivably arise in relation to a policy. To some extent, therefore, the screening is aiming to identify effects that are not obviously avoidable or controlled by those standard project-level measures typically required to meet existing regulatory regimes; for local plans these will generally be 'in combination' effects associated with the overall quantum of development. As a result, many policy 'types' can be 'screened out': for example, environmental protection policies or policies that support development or other changes but which are too general to allow any specific assessments of effects (e.g. the locations, scale, quantum etc. are not specified below the geographical level of the plan, assuming that the type of development proposed is not such that significant effects would be unavoidable regardless of these aspects). This is explored further in **Section 4**.

Appropriate Assessment

- 2.3.11 An 'appropriate assessment' determines whether any aspect of the plan will have 'adverse effects on integrity' for any European sites, taking into account the sites' conservation objectives and conservation status.
- 2.3.12 Site integrity (in HRA terms) is "*the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated*" (EC Guidance 'Managing Natura 2000' (2018)).
- 2.3.13 Where a site or interest feature has a 'favourable' conservation status then a 'no adverse effects on integrity' conclusion can be reached provided that this status will not be undermined by the plan or project at hand; if the conservation status is 'unfavourable' then the plan or project must not reduce the conservation status further or create conditions that would make it more difficult for the site or feature to reach 'favourable' conservation status. It should be noted that this is not simply a test of whether there are negative effects; an effect may be negative but not undermine the site's conservation objectives. The integrity test incorporates the precautionary principle, whereby plans or projects should not be approved unless there is no reasonable scientific doubt that adverse effects on site integrity will not occur¹⁹.
- 2.3.14 Appropriate assessments are therefore used to provide a more detailed examination of those plan aspects where significant effects are likely, or (commonly) where there is a residual uncertainty which the assessment is intended to resolve or a mitigation measure requires examination. The 'appropriate assessment' stage may therefore conclude that the proposals are likely to have an adverse effect on the integrity of a site (in which case they should be abandoned or modified); or that the effects will be 'significant' but not adverse (i.e. an effect pathway exists, but those effects will not undermine site integrity, perhaps due to mitigation proposed for inclusion within the plan); or that the effects would, if screening were re-visited, be 'not significant' (i.e. the anticipated effect is subsequently shown to be nugatory or *de minimis*²⁰). The approaches used for appropriate

¹⁹ It should be noted that 'no reasonable scientific doubt' does not mean 'absolute certainty' (which is rarely achievable in any case, particularly at the plan level where detail on specific future developments is often unavailable); sufficient certainty may be achieved through the use of suitably conservative assumptions (e.g. in modelling) or evidence from best-practice elsewhere, taking into account any advice from the relevant statutory bodies. The plan-making authority can then put in place a legally enforceable framework that provides certainty by ensuring that the potential adverse effects identified using the best-available information will not be realised.

²⁰ In the absence of avoidance or mitigation measures, as per 'People over Wind'.

assessments vary according to the sites affected and the effect-pathways; specific technical assessments are detailed in the relevant sections.

- 2.3.15 Therefore, the initial screening essentially sets the framework for a more detailed examination of particular European sites or plan aspects, which is then undertaken alongside the plan development. However, there is obviously substantial overlap in the data requirements and assessment approaches for screening and appropriate assessment.

'In Combination' Effects

- 2.3.16 Article 6(3) of the Habitats Directive requires that the potential effects of the Local Plan on European sites must also be considered 'in combination with other plans or projects'. The 'in combination' assessment must also consider within-plan effects (i.e. between policies or allocations). Consideration of 'in combination' effects is not a separate assessment, but is integral to both the screening and appropriate assessment stages (although it should be noted that effects that are nil or nugatory and indistinguishable from background variations cannot operate 'in combination' and so can be excluded at the screening stage).
- 2.3.17 There is limited guidance available on the scope of the 'in combination' element, particularly with regard to which plans should be considered. However, the assessment should not be limited to plans at the same level in the planning hierarchy and there is consequently a wide range of plans that could have potential 'in combination' effects with the Local Plan.
- 2.3.18 The plans identified by the SA have provided the basis for the assessment of 'in combination' effects; these plans have been reviewed to identify any potential effects and then considered (as necessary) within the screening and appropriate assessment stages. The assessment has not generally included national strategies, national policy or legislation since the Local Plan must be compliant with these. It is considered that 'in combination' effects are most likely in respect of other regional and sub-regional development plans and strategies. The plans considered 'in combination', and the results of the screening of these, are summarised in **Appendix C**.

Mitigation and Avoidance

- 2.3.19 The development of avoidance or mitigation measures is important to the HRA and plan development process. Avoidance measures are those that are implemented during the iterative plan development process (for example, abandoning a policy or allocation that is likely to have unavoidable adverse effects if implemented)²¹; mitigation measures are used where significant effects are identified in order to prevent adverse effects on a site's integrity²².
- 2.3.20 Avoidance or mitigation measures should aim to reduce the probability or magnitude of impacts on a European site until 'no likely significant effects' or 'no adverse effects on integrity' are anticipated, and they will generally involve the development and adoption of (for example) wording changes to policies, or additional safeguarding policies. Measures must be specific and targeted, and likely to work; it is not appropriate to re-state existing legislation or policy, for example by adding "*and must have no significant effect on any European site*" (or similar) to every policy. The avoidance or mitigation measures should also reflect the limited influence that the Council can

²¹ Note, the term 'avoidance measures' in this context is not synonymous with the representation of 'mitigation' used in the People over Wind judgment; see also para. 2.3.21.

²² Although it should be noted that not all 'likely significant effects' will require mitigation measures: the effect may be considered to be likely to be significant (i.e. has the potential to undermine the conservation objectives) but may be shown on further examination to be too limited to have any risk of adversely affecting site integrity.

exert on non-planning issues, and should not generally exceed requirements set by national planning policy or guidance.

- 2.3.21 The 'People Over Wind' judgment creates some issues for the application of avoidance and mitigation measures in the HRA process, stating that "...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site"; as noted, this contrasts with established practice in this area (based on the 'Dilly Lane' judgment)
- 2.3.22 There is currently little information on the practical implementation of the 'People over Wind' judgment²³, particularly for plan-level HRAs where the assessment process is usually concurrent with plan development and where measures are invariably incorporated into the plan before the formal 'screening' of the final version takes place. Indeed, many 'recommendations' derived from an iterative policy review process might be interpreted as 'avoidance' or 'mitigation' measures if viewed solely in terms of their implications for European sites, making it difficult to distinguish between basic good policy practice and 'mitigation'. For example, generic policies promoting the use of Sustainable Drainage Systems (SuDS); or safeguarding designated sites (including European sites); or requiring that developers ensure utility provision in advance are fairly standard inclusions in virtually all land-use plans, but will all act to moderate potential environmental changes that could affect European sites. However, it would clearly be illogical to attempt to screen a hypothetical version of the plan that did not include such policies, particularly if these are included independently of the HRA results.
- 2.3.23 The broader context of the 'People over Wind' case suggests that the judgment is principally focusing on those instances where specific measures are included or relied on to avoid or mitigate a specific effect that has been identified, and which would otherwise be significant; the judgment argues that the effectiveness of any such measures should be examined through an appropriate assessment stage. It is therefore arguable that an exhaustive examination of a plan's genesis to see if any aspects might count as 'mitigation' for screening purposes is not necessary, or (arguably) consistent with the intent of the Habitats Directive or the 'People over Wind' judgment.
- 2.3.24 Therefore, the screening **does not** take account of specific measures that are included in response to a specific identified effect on a European site, and which are intended to avoid or reduce that effect. However, generic policy safeguards that would be included regardless of the presence of European sites are essentially just 'the plan' and are not considered to be 'mitigation' unless there is a specific effect or pathway that they are intended or relied on to obviate. Aspects requiring specific investigations to understand the problem (and hence the mitigation requirements), or which rely on established mitigation to avoid an effect, are subject to AA.

Uncertainty and 'Down the Line' Assessment

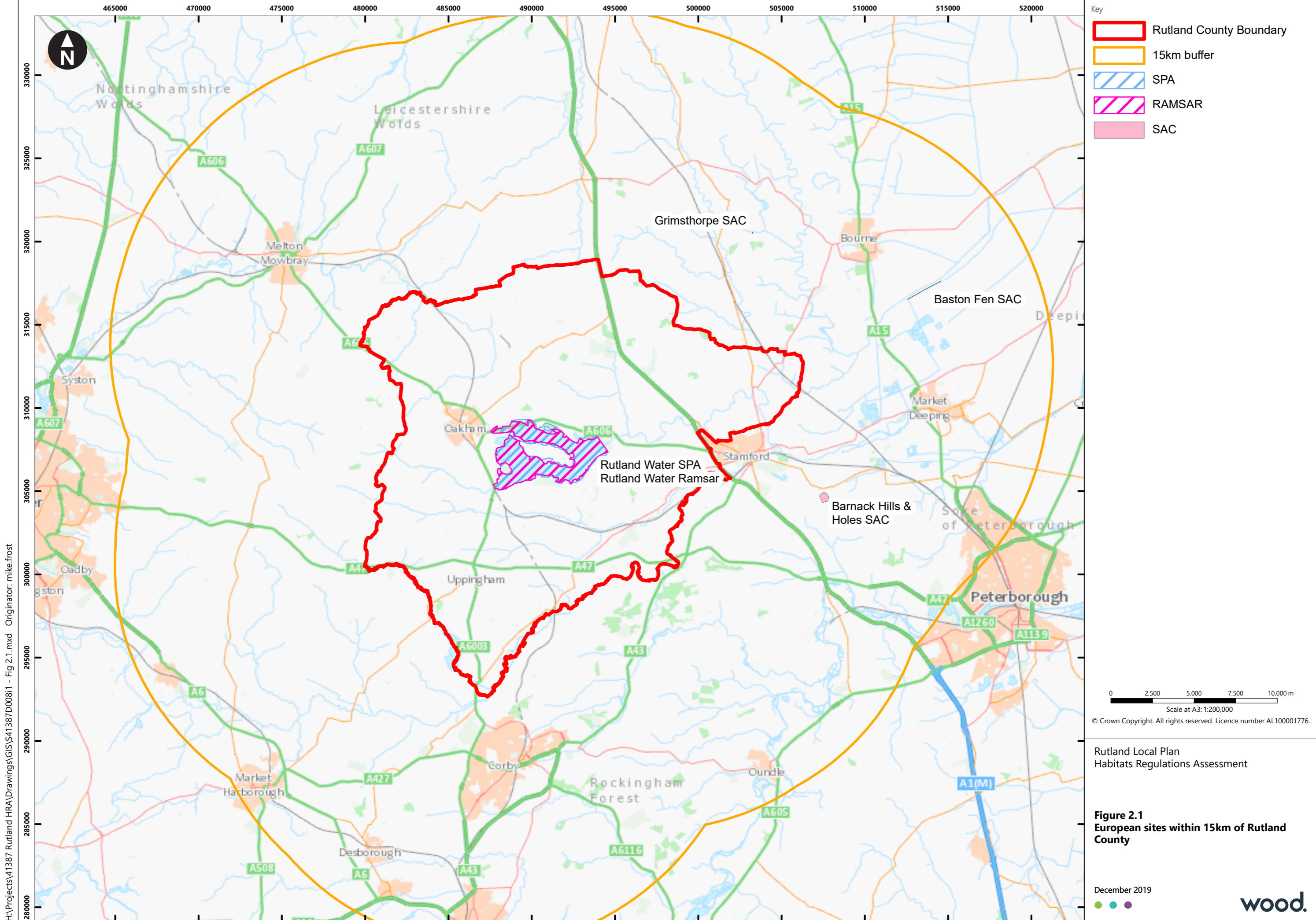
- 2.3.25 For most policies, even at the strategic level, it will be clear if adverse effects are likely at an early stage, and in these instances the policy should not be included within the plan since plans should not include proposals which would be likely to fail the Habitats Regulations tests at the project application stage. For other options, however, the effects may be uncertain and it is therefore important that this uncertainty is addressed either through additional investigation or (if this is not possible) appropriate mitigation measures that provide certainty that the predicted effect will not occur or will not adversely affect site integrity.

²³ The Planning Inspectorate has issued a guidance note (PINS Note 05/2018: *Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta*) although this does not provide substantive practical information for LPAs or clear guidance on what might constitute an 'avoidance measure'.

2.3.26

It is usually possible to incorporate caveats or measures within policy text that are sufficient to ensure that adverse effects will not occur. However, for other policies this may not be possible because there is insufficient available information about the nature of the development that is being proposed through the policy to enable a robust conclusion to be reached. In these instances, it may be appropriate and acceptable for assessment to be undertaken 'down-the-line' at a lower tier in the planning hierarchy. For this to be acceptable, the following conditions must be met:

- the higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas;
- the lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and
- HRA of the plan at the lower tier is required as a matter of law or Government policy.



- Key
- Rutland County Boundary
 - 15km buffer
 - SPA
 - RAMSAR
 - SAC

0 2,500 5,000 7,500 10,000 m
 Scale at A3: 1:200,000
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Rutland Local Plan
 Habitats Regulations Assessment

Figure 2.1
European sites within 15km of Rutland County

H:\Projects\41387 Rutland HRA\Drawings\GIS\S41387D008i1 - Fig 2.1.mxd Originator: mike.frost

3. Baseline Summary and Impact Pathways

3.1 Effect Pathways and Key Regional Pressures

- 3.1.1 The emerging plan has been reviewed during its development to identify the potential mechanisms by which European sites and features could be significantly affected.
- 3.1.2 The provisions of the Habitats Regulations ensure that 'direct' (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the Local Plan. Indeed, local plans will generally assist the safeguarding of European sites through their protective policies. However, there will be a number of areas where the direction, controls or influence provided by a plan can result in outcomes that can affect European site interest features.
- 3.1.3 Most potential effect pathways are associated with broad 'quantum of development' or population growth aspects, and whilst a local plan is not necessarily the main driver of these effects, they do have a key role in managing them locally through the site allocation process. In this context, the main aspects through which the Local Plan could affect European sites in the study area are:
- through individual allocations or supported developments that are 'directed' to a specific location or area; or
 - through 'in combination' effects resulting from the cumulative impacts of development associated with the Local Plan and with the plans and programmes of external authorities (such as neighbouring LPAs).
- 3.1.4 In broad terms, the Local Plan includes:
- provision for 2942 homes over the plan period (the quantum of growth), including 1000 homes in a 'garden village' at St. George's Barracks, Edith Weston;
 - a commitment for an additional 1215 homes at the St. George's Barracks site beyond the plan period (i.e. post-2036)^{24,25};
 - policies providing geographical direction for development (typically specific housing and minerals site allocations, but also implicit location preferences for certain activities or sectors prescribed through (for example) areas of search);
 - policies broadly supporting development or other changes, but which do not specify a quantum or location;
 - various development control policies that set out RCC's tests or expectations when considering proposals, such as safeguarding policies, environmental protection policies or policies relating to design or other qualitative criteria.

²⁴ HRAs do not normally consider potential growth beyond the plan period (since identifying the scale and location is usually speculative and, in any case, is managed through subsequent local plans that are themselves subject to HRA). In this instance, however, the commitment to the continued growth of the St. George's Barracks site beyond the plan period provides a degree of certainty in relation to the scale and location of housing growth, and the precautionary approach is therefore to consider the potential effects of the additional housing and associated developments also when considering the potential effects the St. George's Barracks allocation as the assumption inherent within the plan is that this will be delivered.

²⁵ It should be noted that the August 2018 consultation indicated that the total housing provision at St. George's Barracks would be between 1500 and 3000 homes, and the consultation responses (including from NE) were made on this basis.

- 3.1.5 These aspects could affect European sites on their own, through typical development-related mechanisms operating at the local scale in relation to specific allocations (e.g. noise, lighting, etc.; see **Table 3.1**); or collectively by exacerbating regional pressures (e.g. pressures on water supply).

Table 3.1 Typical effect pathways and environmental changes associated with terrestrial development

Pressure / Threat	Common environmental changes
Hydrological changes	Temperature changes Salinity changes Water flow changes Flood regime changes
Pollution and other chemical changes	Non-synthetic and synthetic compound contamination Radionuclide contamination Introduction of other substances (solid, liquid or gas) De-oxygenation Nutrient enrichment Organic enrichment
Physical loss	Physical loss of habitat Physical change to another habitat
Physical damage	Habitat structure changes Changes in suspended solids Siltation rate changes
Other physical pressures	Litter Electromagnetic changes Noise changes Introduction of light Barrier to species movement Death or injury by collision
Biological pressures	Visual disturbance Genetic modification and translocation of indigenous species Introduction or spread of non-indigenous species Introduction of microbial pathogens Exploitation / harvesting of species Removal of non-target species during exploitation / harvesting

- 3.1.6 Significant effects as a result of individual allocations are generally unlikely as most environmental changes have a limited 'zone of influence' (for example, noise effects on species will rarely be significant over 500m from the source based on natural rates of attenuation alone). However, the Local Plan HRA must also consider the potential for development supported by the plan to operate 'in combination' to affect European sites, both internally (e.g. between allocations) or with external plans and programmes (e.g. cumulative housing growth regionally). 'In combination' changes are often of an inherently larger scale or operate over larger areas.
- 3.1.7 There is obviously a wide range of potential mechanisms and pathways for 'in combination' effects depending on the European sites and features. However, there are a few key mechanisms by which local plans (etc.) can operate cumulatively to affect European sites; these are noted below, and provide the broad framework for assessing potential 'in combination' effects associated with the Local Plan:
- **Recreational pressure:** Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and

very much dependent on the specific conditions and interest features at each site. Local plans can influence recreational pressure through their allocations and associated controls.

- **Urbanisation:** Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. This would include varied aspects such as fly-tipping or vandalism, predation by cats, or the dispersal of invasive species, although the effects of these aspects depend on proximity, accessibility and the interest features of the sites. This is generally only realised where allocations are close to a designated site.
- **Atmospheric pollution:** The most relevant air pollutants to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO₂, typically from combustion of coal and heavy fuel oils), nitrogen oxides (NO_x, mainly from vehicles) and ammonia (NH₃, typically from agriculture). These pollutants affect habitats and species mainly through acidification and eutrophication. Local Plans will generally have few specific point-sources for air emissions and such emissions would typically be controlled through project-level permissions; the main issue for local plans is the assessment of 'in combination' effects due to air quality changes that might be associated with the quantum of development growth proposed / supported by a Local Plan, particularly in relation to traffic and N-deposition.
- **Water resources and flow regulation:** The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by local plans; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is therefore managed through specific consenting regimes that are independent of local plans. Increased housing growth (which is likely to be supported by a local plan) increases demand on public water supply abstractions, some of which are associated with European sites; however, the consenting regimes are subject to HRA and, importantly, water companies are required to produce 25 year Water Resource Management Plans (WRMPs) that take into account predicted population growth and protected sites when considering future water resource provision. It is therefore very unlikely that development within one local planning authority area could have direct and consequential effects on a European site if growth is in line with water company predictions, particularly as most water companies operate conjunctive-use systems that do not rely on single-source provision. This aspect is most typically managed through policy.
- **Water quality:** Most waterbodies and watercourses are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates. Point sources are usually discrete discharge points, such as wastewater treatment works (WTW) outfalls, which are generally managed through specific consenting regimes that are independent of local plans. In contrast, diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by local plans is likely to increase demand on wastewater treatment works, and potentially increase run-off which could indirectly affect downstream European sites – although there will inevitably be attenuation as distance from the source increases.

3.1.8

In addition, many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site during their life-cycle. Developments some distance from a European site can therefore have an effect on the site if its population of interest features is reliant on habitats being affected by a development. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on functional habitats outside of the designated site boundary.

3.2 Study Area

- 3.2.1 The zone of influence of a Local Plan will vary according to the aspect being considered (for example, noise effects would rarely extend more than a few hundred metres from the source) and so it is not usually appropriate to employ 'arbitrary' spatial buffers to determine those European sites that should be considered within an HRA.
- 3.2.2 However, as distance is a strong determinant of the scale and likelihood of most effects, the considered use of a suitably precautionary search area as a starting point for the screening (based on a thorough understanding of both the plan outcomes and European site interest features) has some important advantages. Using buffers allows the systematic identification of European sites using GIS, so minimising the risk of sites or features being overlooked, and also ensures that sites where there are no reasonable impact pathways can be quickly and transparently excluded from any further screening or assessment. It also has the significant advantage of providing a consistent point of reference for consultees following the assessment process, allowing the 'screening' to focus on the potential effects, rather than on explaining why certain sites may or may not have been considered in relation to a particular aspect of the plan.
- 3.2.3 The screening stage therefore considers potential effects on:
- all European sites within 15km of the Council's Administrative Area;
 - any additional sites that may be hydrologically linked to the Local Plan's zone of influence and exposed to potentially significant environmental changes; and
 - any additional sites identified by Natural England during scoping consultations.
- 3.2.4 This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. The sites listed in **Table 2.1** are therefore included in the screening assessment (see also **Figure 2.1**).

Table 3.2 European sites within study area

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

- 3.2.5 For all other European sites, it is considered that there is no possibility of any significant effects, alone or in combination, as a result of the RDC plan; these are therefore 'screened out' and not considered further²⁶.
- 3.2.6 NE indicated that it is content with this approach in its letter dated 9 April 2019, ref. 274919.

²⁶ Note, this includes the European sites associated with The Wash; this is the ultimate receiving water body for the River Welland but is over 50km downstream of the RCC boundary.

3.3 European Site Summaries

- 3.3.1 The following sections provide a summary of the European sites within the study area, including a contextual overview of each site; their interest features; their condition; and the current pressures and threats identified for each site²⁷. These are based on the citations, the Site Improvement Plans (SIPs), information on the condition of the underlying SSSIs, and any supplementary advice provided by Natural England²⁸. A summary of the conservation objectives is subsequently provided.
- 3.3.2 The extent of each site in favourable or unfavourable condition has been estimated using the Natural England condition assessments for the corresponding SSSI units, although it must be noted that the boundaries of the component SSSI units (to which the condition assessments relate) do not always match the European site boundaries exactly (i.e. the SSSIs are often larger) and it is not always possible to split SSSI units to determine the precise area of the European site (or interest feature) that is in each condition category.
- 3.3.3 Where possible the site summaries also identify other features that may be relevant to site integrity, particularly '**typical species**' (for SACs), within-site **supporting habitats**, and designated or non-designated '**functional habitats**'.
- 3.3.4 A 'typical species' is broadly described by EC guidance as being any species (or community of species) which is particularly characteristic of, confined to, and/or dependent upon the qualifying Annex I habitat feature at a particular site. This may include those species which:
- are critical to the composition or structure of an Annex I habitat (e.g. constant species identified by the National Vegetation Classification (NVC) community classification);
 - exert a critical positive influence on the Annex I habitat's structure or function (e.g. a bioturbator (mixer of soil/sediment), grazer, surface borer or predator);
 - are consistently associated with, and dependent upon, the Annex I habitat feature for specific ecological needs (e.g. feeding, sheltering), completion of life-cycle stages (e.g. egg-laying) and/or during certain seasons/times; or
 - are particularly distinctive or representative of the Annex I habitat feature at a particular site.
- 3.3.5 Within-site supporting habitats are those which support the population(s) of the qualifying species and which are therefore critical to the integrity of the feature.
- 3.3.6 'Functional habitats' are generally taken to be habitats or features outside a European site boundary that are important or critical to the functional integrity of the site habitats and / or its interest features. These might include, for example:
- 'buffer' areas around a site (e.g. dense scrub areas preventing public access; areas of land that reduce the effects of agricultural run-off; etc.);

²⁷ The Natural England Site Improvement Plans identify 'pressures', which are factors that are known to be currently affecting a site, and 'threats' which are factors that may not be exerting a pressure at the moment but which have the potential to do so based on local site knowledge.

²⁸ NE has published '*Supplementary advice on conserving and restoring site features*' for Baston Fen SAC, Rutland Water SPA/Ramsar, Grimsthorpe SAC, and Barnack Hills and Holes SAC, which describe in more detail the range of ecological attributes which are most likely to contribute to a site's overall integrity, and the targets each qualifying feature needs to achieve in order for the site's conservation objectives to be met.

- specific features or habitats relied on by mobile species during their lifecycle (e.g. high-tide roosts for waders; significant maternity colonies for bats known to hibernate within an SAC; areas that are critical for foraging or migration; etc).

3.3.7 The potential mechanisms by which the Local Plan could affect these sites are discussed in **Section 3.2**. There are many factors currently affecting the European sites over which the Local Plan will have no or little influence; analysis of the available European site data and the SSSI condition assessments indicates that the most common reasons for an 'unfavourable' condition assessment of the component SSSI units are due to inappropriate management of some form (e.g. over- or under-grazing, scrub control, water-level management etc.).

Rutland Water SPA / Rutland Water Ramsar

Overview

- 3.3.8 Rutland Water is located centrally within the county of Rutland and was created in 1975 by damming the River Gwash to create the second largest lake by surface area in England. Following completion it rapidly became an important site for wintering waterbirds, particularly waterfowl using the lake during the moulting period, and it was submitted for designation as an SPA and Ramsar site in 1991.
- 3.3.9 The reservoir is fed primarily by abstractions from the River Nene upstream of Peterborough, and from the River Welland; catchment inflow is relatively small. It is operated by Anglian Water Services (AWS) to provide potable water to the west of its region, with Peterborough being a major recipient of the stored water.
- 3.3.10 The site is also a significant and well-used regional visitor attraction, with the dominant activities being water sports (principally sailing, canoeing and windsurfing); birdwatching; fishing; and walking and cycling along several maintained trails including a 23-mile perimeter path.
- 3.3.11 The western end of the site is a nature reserve managed by Leicestershire and Rutland Wildlife Trust and Anglian Water; this covers approximately 45% of the site and comprises the shallower sections of the reservoir at the top of the Gwash valley and a mosaic of wetlands, meadows, woodlands and lagoons where other recreational activity (principally sailing and fishing) is restricted and public access closely managed.
- 3.3.12 The reservoir and its margins are covered by two designations: Rutland Water Ramsar, and Rutland Water SPA. The Ramsar designation covers most of the nature reserve and the areas of open water outside of this; the SPA is larger, and includes some additional areas of woodland and grassland around the site margins. Rutland Water SPA and Rutland Water Ramsar are principally designated for the reservoir's non-breeding waterbird assemblage.
- 3.3.13 In addition, recent consented changes to the water abstraction regime at Rutland Water required the provision of compensatory wetland habitats for water birds, some of which are currently outside the SPA boundary at the eastern end of the site; it is Government policy (NPPF para. 176) that areas identified, or required, as compensatory measures for adverse effects on European sites be given the same protection and so these areas are treated as part of the SPA for assessment purposes.

Interest Features

- 3.3.14 The SPA has the following qualifying features:
- Qualifying individual species not listed in Annex I of the Wild Birds Directive (Article 4.2):

- ▶ Gadwall *Anas strepera* (non-breeding);
- ▶ Northern shoveler *Anas clypeata* (non-breeding).
- Qualifying assemblage of waterbird species (Article 4.2), including:
 - ▶ Great crested grebe *Podiceps cristatus* (non-breeding);
 - ▶ Mute swan *Cygnus olor* (non-breeding);
 - ▶ Eurasian wigeon *Anas Penelope* (non-breeding);
 - ▶ Eurasian teal *Anas crecca* (non-breeding);
 - ▶ Tufted duck *Aythya fuligula* (non-breeding);
 - ▶ Common goldeneye *Bucephala clangula* (non-breeding);
 - ▶ Goosander *Mergus merganser* (non-breeding); and
 - ▶ Common coot *Fulica atra* (non-breeding).

3.3.15 Note, the above assemblage species are noted in the citation, although the composition of the assemblage will vary over time.

3.3.16 The site meets the following Ramsar criteria:

- Criterion 5 (Assemblages of international importance):
 - ▶ Species with peak counts in winter: 19274 waterfowl (5-year peak mean 1998/99-2002/2003).
- Criterion 6 (Species/populations occurring at levels of international importance):
 - ▶ Gadwall *Anas strepera* (spring/autumn);
 - ▶ Northern shoveler *Anas clypeata* (spring/autumn).

3.3.17 The site's diversity of habitats is important in supporting these species. Four broad supporting habitats at the site are considered important for the SPA waterbird assemblage and its component species; these are:

- Open standing water associated with the main reservoir and other adjacent waterbodies;
- Neutral grassland;
- Fen, marsh and swamp associated with the open water;
- Broadleaved, mixed and yew woodland, including wet woodland.

3.3.18 No specific areas of known 'functional land' are identified away from the SPA or Ramsar; the compensatory lagoons that are currently outside the SPA boundary at the eastern end of the site arguably comprise 'functional land' (i.e. not designated and important for site integrity) but these are treated as per the SPA for HRA purposes, in line with the NPPF. The qualifying features of the sites may make use of other habitats outside the site boundary, although most of the features are strongly associated with the wetland and open water habitats of the SPA / Ramsar rather than exclusively terrestrial habitats, and are primarily attracted to the site for this reason.

3.3.19 The SPA is most important during the passage and winter periods although the supplementary advice notes that the waterbird assemblage is present within the SPA throughout the year.

Condition, Pressures and Threats

- 3.3.20 The SSSI underpinning the SPA and Ramsar sites is currently in 'favourable' condition, and the SIP does not identify any pressures currently affecting site integrity. The SIP identifies several threats, principally:
- water abstraction (related to the operational requirements of the reservoir);
 - water level management (principally relating to the compensatory lagoons, but linked to the operation of the reservoir for water abstraction);
 - direct impacts from 3rd parties (relates to unregulated activities occurring near the sites such as private firework displays or hot-air balloon flights);
 - invasive species (Rutland Water has been colonised by several invasive non-native species including zebra mussel);
 - water pollution (primarily from diffuse sources (agriculture), plus regulated and unregulated sewage discharges (e.g. wastewater treatment works and septic tanks respectively);
 - planning permission (principally relates to cumulative effects of windfarms and developments locally);
 - public access / disturbance (principally relates to the need to audit existing recreational activities prior to considering future proposals for recreational use of the reservoir, and ensuring management is compliant with the Habitats Regulations);
 - fishing (relates to the need for a fisheries management strategy).

Barnack Hills & Holes SAC

Overview

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

Interest Features

- 3.3.24 The SAC has the following qualifying features:
- Annex I habitats:

- ▶ Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)

3.3.25 Note, "orchid rich sites" is a priority habitat. The supplementary advice provides some guidance on the 'typical species' considered to be associated with the site; these include:

- the components of the CG5 Upright brome *Bromopsis erecta* -Tor-grass *Brachypodium pinnatum* grassland;
- the typical orchid species including fragrant orchid *Gymnadenia conopsea*, pyramidal orchid *Anacamptis pyramidalis*, bee orchid *Ophrys apifera*; man orchid *Orchis morio*; early purple orchid *Orchis purpurea*; common spotted orchid *Dactylorhiza fuchsia*; and frog orchid *Coeloglossum viride*; and
- nationally scarce plant species including Man Orchid *Aceras anthropophorum*, Pasque flower *Pulsatilla vulgaris*, fine-leaved sandwort *Minuartia hybrida*, rarespring sedge *Carex ericetorum* and the mosses *Tortella inflexa* and *Weissia controversa*;
- endangered or vulnerable plant species including purple milk vetch *Astragalus danicus*, mountain everlasting *Antennaria dioica*, common dodder *Cuscuta epithimum*, night-flowering campion *Silene noctiflora*; and
- nationally rare invertebrates including chalkhill blue *Lysandra coridon*; brown argus *Aricia agestis* and marbled white *Melanargia galathea* and glow-worms *Lampyrus noctiluca*.

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

Condition, Pressures and Threats

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

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

Grimsthorpe SAC

Site overview

3.3.28 Grimsthorpe SAC is a small (0.35 ha.) part of a disused stone quarry (known as 'Elsea Pit'), which is notable for its rich limestone grasslands and population of the rare Early gentian *Gentianella anglica*; there is no public access.

3.3.29 Other notable species include purple milk-vetch *Astragalus danicus*), clustered bellflower *Campanula glomerate*, wild marjoram *Origanum vulgare*, quaking-grass *Briza media*, autumn gentian *Gentianella amarella* and wild thyme *Thymus polytrichus*.

3.3.30 Grimsthorpe SAC is located approximately 6km from the RCC boundary, east of the village of Creeton.

Interest Features

3.3.31 The SAC has the following qualifying features:

- Annex I habitats:
 - ▶ Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*);
- Annex II species:
 - ▶ Early gentian *Gentianella anglica*.

3.3.32 The supplementary advice provides guidance on the 'typical species' considered to be associated with the site; these include Tor grass *Brachypodium pinnatum*, Erect brome *Bromopsis erecta*, clustered bellflower *Campanula glomerata*, common rock-rose *Helianthemum nummularium*, horseshoe vetch *Hippocrepis comosa*, rough hawkbit *Leontodon hispidus/L. saxatilis* and salad burnet *Sanguisorba minor*.

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

Condition, Pressures and Threats

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

Baston Fen SAC

Site overview

3.3.35 Baston Fen SAC is located approximately 7.2km from the RCC boundary, east of the village of Thurlby. The site is part of the Counter Drain, a narrow slow-flowing drainage channel approximately 2.3km long by 10m wide located adjacent to Baston Fen. The interest feature of the SAC is the Spined loach, and the drain also supports a diverse community of aquatic and emergent plants.

3.3.36 The SAC has an indirect hydrological relationship with the adjacent River Glen: water from the river is allowed to flood Baston Fen annually, with the water subsequently draining to the SAC. There is not thought to be substantive direct hydraulic connectivity between the SAC and the river (such that river levels directly affect water levels in the drain), and the primary water resource feed to the Counter Drain is surface water flow derived from the local catchment rather than baseflows from groundwater aquifers (Entec 2003). Water levels across Baston Fen and in the SAC are managed by the Welland and Deeping Internal Drainage Board (IDB) and the Lincolnshire Wildlife Trust (LWT).

3.3.37 The relationship between the SAC population of Spined loach and the River Glen is not certain. The species is present within the River Glen and the wider River Welland catchment (including in other drains on Baston Fen and the non-designated sections of the Counter Drain), and fish may be transferred between the River Glen and the SAC during the annual flood releases (although this has not been established). It is therefore possible that Spined loach populations within the SAC are

dependent to some extent on the integrity of sections of river channel and riparian areas that lie outside of the site boundary, including headwater areas and tributaries that may be used for spawning and juvenile development. A tributary of the River Glen (the West Glen River) runs for approximately 3km through the RCC area near Essendine.

Interest Features

3.3.38 The SAC has the following qualifying features:

- Annex II species:
 - ▶ Spined loach (*Cobitis taenia*).

3.3.39 The supporting habitat for the qualifying features is 'standing open water' associated with large drainage channels, and the invertebrate community and component vegetation of these habitats can be considered as 'typical species' important to site integrity, although the supplementary advice is not specific in this regard.

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

Condition, Pressures and Threats

3.3.41 The SIP does not identify any current pressures on the site, which is in 'unfavourable recovering' condition, although 'siltation' and 'changes in species distribution' are identified as threats.

3.3.42 The siltation issue is currently being addressed through a ditch management plan, which involves some de-silting and vegetation clearance; 'species distribution' is identified as a threat due to concerns over apparent declines in the numbers of spined loach since 1998 and the absence of a regular monitoring programme.

3.3.43 No other threats (e.g. water quality changes) are identified by the SIP although there is a theoretical risk of changes in water quality within the River Glen affecting the SAC due to the water-level management regime. It should be noted that no allocations or other developments are proposed or promoted by the RCC plan within the catchment of the West Glen River (principally, the area immediately around Essendine).

Conservation Objectives

3.3.44 The conservation objectives for the sites noted above have been revised by Natural England in recent years to improve the consistency of assessment and reporting. As a result, the high-level conservation objectives for all sites are effectively the same:

3.3.45 For SACs:

- *With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'...), and subject to natural change; ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring [as applicable to each site];*
 - ▶ *The extent and distribution of the qualifying natural habitats;*

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

3.3.46

For SPAs:

- *With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features'...), and subject to natural change; ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:*
 - ▶ *The extent and distribution of the habitats of the qualifying features;*
 - ▶ *The structure and function of the habitats of the qualifying features;*
 - ▶ *The supporting processes on which the habitats of the qualifying features rely;*
 - ▶ *The population of each of the qualifying features; and*
 - ▶ *The distribution of the qualifying features within the site.*

3.3.47

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

3.3.48

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

4. Screening ('Test of Significance')

4.1 'Screening' the emerging plan

- 4.1.1 The extension to the Local Plan has been in preparation since 2015. The Council published an 'Issues and Options' consultation document in November 2015, followed by a 'Consultation Draft Local Plan' in July 2017. This was followed by a further consultation in August 2018, which sought views on:
- additional sites promoted to the Council as potential allocation sites²⁹; and
 - the proposed changes to the draft plan that would be required to incorporate one particular strategic allocation (St. George's Barracks, near Edith Weston)³⁰.
- 4.1.2 The 2015 and 2017 consultations were accompanied by 'HRA Screening' reports^{31,32}, which were designed to identify the potential for significant effects on European sites and so inform the drafting of the emerging Local Plan (although it should be noted that Regulation 105 essentially provides a test that the final plan must pass). These 'HRA screening' reports suggested that the possibility of significant effects on one or more European sites could not necessarily be excluded at that stage in the plan's development, and that additional assessment may be required to inform the HRA of the reviewed Local Plan prior to adoption.
- 4.1.3 Natural England (NE) stated in its 2015 response to the Issues and Options Consultation that it agreed "...with the conclusion [of the HRA screening report] that the likely effects can only be properly assessed as the Local Plan develops and that further HRA screening will need to be undertaken at the next preferred options stage in the Local Plan review to ensure that there would be no likely significant effects on any European site"; NE had no additional comments on the 2017 Consultation Draft Plan, but did provide detailed comment on the 2018 re-consultation.
- 4.1.4 The following sections summarise the screening of the Pre-Submission Local Plan; this draws on the earlier screening reports and data subsequently collected.

4.2 Screening of European Sites

- 4.2.1 The European sites considered at the screening stage are set out in **Table 2.1**. This includes all European sites within 15km of the Council's Administrative Area and any additional sites that may be hydrologically linked to the Local Plan's zone of influence and potentially exposed to significant effects, or which have been identified by Natural England during scoping consultations.
- 4.2.2 Sites or interest features within a study area can often be excluded from further assessment at an early stage in the assessment process ('screened out') because the plan or project will self-evidently have either 'no effect' or 'no significant effect' on these sites (i.e. the interest features are not

²⁹ Rutland County Council (2018a). *Additional Sites 2018: Rutland Local Plan Review*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79385.pdf>

³⁰ Rutland County Council (2018b). *Rutland Local Plan: Specific Consultation considering the implications of potential development of St. George's within the Local Plan*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79384.pdf>

³¹ Rutland County Council (2015). *Rutland Local Plan Review Issues & Options Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/27661.pdf>. [Accessed Jan 2019].

³² Rutland County Council (2017). *Rutland Local Plan Review Consultative Draft Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/47693.pdf>. [Accessed Jan 2019].

sensitive to the environmental changes associated with a plan or project; or will not be exposed to those changes due to the absence of any reasonable impact pathways); or, if both exposed and sensitive, the effects of the environmental changes will clearly be inconsequential to the achievement of the conservation objectives).

- 4.2.3 The following sections provide a brief summary of the screening of the European sites and their interest features based on the baseline data summarised in **Section 3** and the policies and proposals of the Local Plan. It should be noted that this aspect of the screening process is a 'low bar', with sites, aspects or features only 'screened out' if they will self-evidently be unaffected by the Local Plan (i.e. it is aiming to identify those aspects that will clearly have 'no effect' or 'no significant effect' (alone or in combination) due to an absence of impact pathways). It does not attempt a detailed quantification if significant effects via particular pathway cannot be simply or self-evidently excluded (this is completed at an 'appropriate assessment' stage, when mitigation is also accounted for).
- 4.2.4 When screening it is appropriate to assume that all relevant lower-tier consents and permissions (etc.) will be correctly assessed and controlled, and that any activities directly or indirectly supported by the Local Plan will adhere to the relevant legislative and regulatory requirements and all normal best-practice (e.g. it would be inappropriate to assume that normal controls on, for example, the installation of a new discharge to a watercourse would not be correctly followed). The screening also recognises that there are some aspects over which the Local Plan will have no control.

Recreational Pressure

- 4.2.5 Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. For example: some bird species are more sensitive to disturbance associated with walkers or dogs than others; some habitats will be more sensitive to trampling or mechanical disturbance than others; some sites will be more accessible than others.
- 4.2.6 The most typical mechanisms for recreational effects are through direct damage of habitats, or disturbance of certain species. Damage will most often be accidental or incidental, but many sites are particularly sensitive to soil or habitat erosion caused by recreational activities and require careful management to minimise any effects (for example, through provision and maintenance of 'hard paths' (boardwalks, stone slabs etc.) and signage to minimise soil erosion along path margins).
- 4.2.7 Disturbance of species due to recreational activities can also be a significant problem at some sites, although the relationship (again) is highly variable and depends on a range of factors including the species, the time of year and the scale, type and predictability of disturbance. Most studies have focused on the effects on birds, either when breeding or foraging. For example, a long-term monitoring project by Natural England on the Thanet Coast has found that turnstones (a shoreline-feeding waterbird) are particularly vulnerable to disturbance from dogs, which interrupts their feeding behaviour and can prevent them from gaining sufficient body fat for overwintering or migration. Finney *et al.* (2005), meanwhile, noted that re-surfacing the Pennine Way significantly reduced the impact of recreational disturbance on the distribution of breeding Golden plover, by encouraging walkers to remain on the footpath.
- 4.2.8 In contrast, some species are largely unaffected by human disturbance (or even benefit from it) which can result in local or regional changes in the composition of the fauna. The scale, type and predictability of disturbance is also important; species can become habituated to some disturbance

(e.g. noise), particularly if it is regular or continuous. Unpredictable disturbance is most problematic.

- 4.2.9 Most recreational activities with the potential to affect European sites are 'casual' and pursued opportunistically (e.g. walking, walking dogs, riding) rather than structured (e.g. organised group activities or trips to specific discrete attractions), which means that it can be difficult to quantify or predict either the uptake or the impacts of these activities on European sites and (ultimately) harder to control or manage effects. It also means that it is difficult to explore in detail all of the potential aspects of visitor pressure at the strategy level. However, it is possible for plans and strategies to influence recreational use of European sites through the planning process, for example by increasing the amount of green space required within or near developments if potentially vulnerable European sites are located nearby.

Table 4.1 Summary of European site screening in relation to visitor pressure

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	The site is within the LPA area and potentially vulnerable to visitor pressure, although public access / disturbance is identified as a threat rather than a pressure in the SIP (i.e. public access is not currently having adverse effects on site integrity), and the threat principally relates to uncertainties regarding the capacity of the site for additional recreational facilities and activities. There is nothing in the site data to suggest local residential growth is a potentially significant threat although some allocations are relatively close to the site.	Yes
Barnack Hills and Holes SAC	The SAC is approximately 5.4km from the Council's administrative boundary, and around 6.2km from the nearest allocation on the north side of Stamford (Quarry Farm, although the delivery of this allocation depends on South Kesteven council). The site is around 11.8km from the St. George's Barracks allocation. The SIP indicates that the main pressure on the site is public access / disturbance; this is principally because the area of the SAC is classified as 'open access land' under the Countryside and Rights of Way Act 2000, although access rights have recently been restricted under Section 26(3)(a) of the Act to address the principal access concern (dogs affecting site integrity by worrying livestock and other incidental effects). It is understood that this restriction is having a positive effect. The distance to the site and its small size (~23.5 ha.) will substantially limit its attractiveness to visitors from Rutland, and significant increases in recreational pressure will not occur as a result of the RCC plan, alone or in combination.	No
Grimsthorpe SAC	The SAC is approximately 6km from the Council's administrative boundary, and around 13km from the nearest allocations. There is no public access to the site, and recreational pressure is not identified as a pressure or a threat in the SIP; therefore, the RCC plan will not have significant effects on this site due to changes in recreational pressure, alone or in combination.	No
Baston Fen SAC	The SAC is approximately 7.2km from the Council's administrative boundary, and around 11km from the nearest allocations. There is no public access to the vast majority of the site, and recreational pressure is not identified as a pressure or a threat in the SIP; therefore, the RCC plan will not have significant effects on this site due to changes in recreational pressure, alone or in combination.	No

Urbanisation

- 4.2.10 Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. Typically, this would include aspects such as fly-tipping or vandalism, although the effects of these aspects again depend on the interest features of the sites: for example, predation of some species by cats is known to be sizeable (Woods *et al.* 2003) and can be potentially significant for some European sites. Recreational pressure is arguably one type of effect associated with urbanisation, although

this is usually considered separately as it is less closely associated with proximity; as a broad guide, urbanisation effects are more likely when developments (etc.) are within a few hundred metres of a designated site, whereas people will typically travel further for recreation.

- 4.2.11 Where sensitive sites are involved, development buffers of around 400m are typically used to minimise the effects of urbanisation: for example, Natural England has identified a 400m zone around the Chichester and Langstone Harbours SPA within which housing development should not be located due to the potential effects of urbanisation (particularly, the risk of chick predation by cats, which cannot be mitigated). Similarly, LPAs near the Thames Basin Heaths SPA have adopted a 400m zone around the SPA boundary where there is a presumption against new residential development as the impact on the SPA is considered likely to be adverse.
- 4.2.12 Urbanisation effects as a result of the Local Plan will not occur for the European sites located outside the RCC boundary due to the separation distances. With regard to Rutland Water SPA / Ramsar, the nearest allocation (Allocation H1.8, the 'Officer's Mess') is over 400m from the SPA boundary³³; the closest point of the next nearest allocation (EDI/04, St. George's Barracks) is almost 500m from the SPA boundary. Significant urbanisation effects would not therefore be expected although the effects of these allocations will be considered as part of the recreational pressure assessment.

Atmospheric Pollution

- 4.2.13 A number of pollutants have a negative effect on air quality; however, the most significant and relevant to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO₂, typically from combustion of coal and heavy fuel oils although this has declined substantially), nitrogen oxides (NO_x, mainly from vehicles) and ammonia (NH₃, principally from agriculture), which (together with secondary aerosol pollutants³⁴) are deposited as wet or dry deposits. These pollutants affect habitats and species mainly through acidification and eutrophication.
- 4.2.14 Acidification increases the acidity of soils, which can directly affect some organisms and which also promotes leaching of some important base chemicals (e.g. calcium), and mobilisation and uptake by plants of toxins (especially metals such as aluminium).
- 4.2.15 Air pollution contributes to eutrophication within ecosystems by increasing the amounts of available nitrogen (N)³⁵. This is a particular problem in low-nutrient habitats, where available nitrogen is frequently the limiting factor on plant growth, and results in slow-growing low-nutrient species being out-competed by faster growing species that can take advantage of the increased amounts of available N.
- 4.2.16 Overall in the UK, there has been a significant decline in SO_x and NO_x emissions in recent years and a consequential decrease in acid deposition. In England, SO_x and NO_x have declined by 97% and 72% respectively since 1970 (Defra, 2018) which is the result of a switch from coal to gas, nuclear and renewables for energy generation, and increased efficiency and emissions standards for cars. These emissions are generally expected to decline further in future years. In contrast, emissions of ammonia have remained largely unchanged; they have declined by 10% in England since 1980 (Defra, 2018), but since 2008 have started to increase slightly.

³³ The Ramsar site is slightly further away as this is not coincident with the SPA boundaries at this location.

³⁴ Secondary pollutants are not emitted, but are formed following further reactions in the atmosphere; for example, SO₂ and NO_x are oxidised to form SO₄²⁻ and NO₂⁻ compounds; ozone is formed by the reaction of other pollutants (e.g. NO_x or volatile organic compounds) with UV light; ammonia reacts with SO₄²⁻ and NO₂⁻ to form ammonium (NH₄⁺).

³⁵ Nitrogen that is in a form that can be absorbed and used by plants.

- 4.2.17 The effect of SO_x and NO_x decreases on ecosystems has been marked, particularly in respect of acidification; the key contributor to acidification is now thought to be deposited nitrogen, for which the major source (ammonia emissions) has not decreased significantly. Indeed, eutrophication from N-deposition (again, primarily from ammonia) is now considered the most significant air quality issue for many habitats.
- 4.2.18 The UK Air Pollution Information System (APIS) has been interrogated to identify those European sites and features in the study area where critical loads³⁶ for nutrient-N deposition and acidification are met or exceeded. APIS provides a comprehensive source of information on air pollution and the effects on habitats and species and although there are limitations to the data (see SNIFFER, 2007), particularly related to the scale at which data can be modelled, this provides the best basis for assessing the impacts of air emissions associated with the Local Plan in the absence of site-by-site monitoring data.
- 4.2.19 **Table 4.2** summarises the APIS data for SACs and SPAs with features that are directly sensitive to air quality in the study area. It should be noted that critical load values are generally provided for habitats rather than species, and that watercourses are not included as eutrophication of most watercourses due to air emissions is negligible compared to run-off from agricultural land.

Table 4.2 Summary of APIS interrogation

Site	Air quality sensitive features	Over CL?	
		Acid	N
Rutland Water SPA / Ramsar	Open standing water associated with the main reservoir and other adjacent waterbodies*	n/a	n/a
	Neutral grassland*	-	-
	Fen, marsh and swamp associated with the open water*	n/a	-
	Broadleaved, mixed and yew woodland, including wet woodland*	+	++
Barnack Hills and Holes SAC	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)	-	+
Grimsthorpe SAC	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>)	-	+
	Early gentian <i>Gentianella anglica</i>	-	+
Baston Fen SAC	Spined loach <i>Cobitis taenia</i> .	n/a	n/a

Table Notes:

CL Critical load

Acid Acidification

N Eutrophication from nitrates (etc.)

n/a Critical load not set for feature / feature not sensitive

- below minimum CL for that habitat

+ minimum CL for that habitat is exceeded

++ maximum CL for that habitat is exceeded

* The SPA interest features are not directly sensitive to air quality (at least at the levels encountered) and so the sensitivity is based on the sensitivity of the supporting habitats.

- 4.2.20 In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan does not provide for any new significant point-sources). The Department of Transport's *Transport Analysis Guidance*³⁷ states that "beyond 200m, the contribution of vehicle emissions from the

³⁶ 'Critical Loads' are the threshold level for the deposition of a pollutant above which harmful indirect effects can be shown on a habitat or species, according to current knowledge (APIS, 2019).

³⁷ See <http://www.dft.gov.uk/webtag/documents/expert/unit3.3.3.php#013>; accessed 15/06/14.

roadside to local pollution levels is not significant” and therefore this distance is used to determine the potential exposure of the European sites to any local effects associated with the Local Plan. Environment Agency (EA) guidance (EA, 2007) also states that “Where the concentration within the emission footprint in any part of the European site(s) is less than 1% of the relevant long-term benchmark (EAL, Critical Level or Critical Load), the emission is not likely to have a significant effect alone or in combination irrespective of the background levels”.

Table 4.3 Summary of European site screening in relation to air quality

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	There are two A- or B-roads within 200m of the SPA / Ramsar (the A6003 and the A606). The qualifying features of the SPA/Ramsar are not considered directly sensitive to air quality changes under normal scenarios; rather, any sensitivity is related to changes that might occur in the supporting habitats, principally in relation to N-deposition. For most wetland habitats (particularly waterbodies) eutrophication via agricultural run-off and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor in these ecosystems; however, some of the supporting terrestrial habitats have a degree of sensitivity to N-deposition.	Yes
Barnack Hills and Holes SAC	The site is over 200m from the nearest classified numbered road (the B1443 at Barnack); the roads immediately adjacent to the site are minor roads that will self-evidently not see substantial increases in traffic due to the Local Plan, given their location and negligible value as through-routes to or from the Rutland area. The site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in Rutland, alone or in combination with other plans or projects.	No
Grimsthorpe SAC	The site is over 200m from the nearest public road (the B1176 at Creeton); the site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in Rutland, alone or in combination with other plans or projects.	No
Baston Fen SAC	The site is over 200m from the nearest classified numbered road (the A15 at Thurlby); there is a minor road (Black Drove) immediately adjacent to the site but this will self-evidently not see substantial increases in traffic due to the RCC Local Plan, given its location and negligible value as through-routes to or from the Rutland area. The site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in Rutland, alone or in combination with other plans or projects.	No

Water Resources

- 4.2.21 The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by the Local Plan; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is managed through specific consenting regimes that are independent of the Local Plan.
- 4.2.22 It is clear that development supported or managed by the Local Plan is likely to increase demand for water, which could indirectly affect some European sites in the study area. When assessing the potential effects of increased water demand it is important to understand how the public water supply (PWS) system operates and how it is regulated with other water resource consents.
- 4.2.23 Potable water in Rutland is supplied by Severn Trent Water (roughly the areas to the west and north-west of Rutland Water) and Anglian Water. The Severn Trent Water supply area in Rutland is covered by its Rutland Water Resource Zone (WRZ), which receives all of its water via bulk supply transfers from Anglian Water.

- 4.2.24 Anglian Water abstracts from ground- and surface-water sources; the Rutland area is covered by its North Rutherford WRZ and Bourne WRZ, where water supply is mainly from large pumped storage reservoirs such as Rutland Water or Grafham Water. However, the supply network is complex and there are a number of strategic inter-zone transfers and so direct and specific supply relationships cannot necessarily be made and it is rarely possible or appropriate to identify a particular 'source' for water supply to a specific area. Consequently, direct effects on specific European sites as a result of development within the RCC cannot necessarily be identified or quantified.
- 4.2.25 More importantly, the water resources planning process helps to ensure that growth in water demand does not affect European sites. The Water Industry Act 1991, as amended by the Water Act 2003 and Water Act 2014, requires that all water companies must publish a Water Resources Management Plan (WRMP) that sets out their strategy for managing water resources across their supply areas over the next 25 years and beyond. WRMPs use calculations of Deployable Output (DO) to establish supply/demand balances; this enables water companies to identify those WRZs with potential supply deficits over the planning period³⁸. The calculations account for any reductions in abstraction that are required to safeguard European sites³⁹ and so the WRMP process (with other regulations) helps ensure (as far as is achievable) that future changes in demand will not affect any European sites⁴⁰.
- 4.2.26 Anglian Water has accounted for the growth predicted by RCC and other LPAs in forecasting for the 2019 WRMP, and has predicted future deficits in both the Ruthamford North and Bourne WRZs. These deficits are being met through leakage reductions and water transfers into the WRZs using existing infrastructure.
- 4.2.27 The 2019 WRMP has been subject to HRA, which has concluded that it will have no adverse effects on any European sites, including those water-resource sensitive sites and features within the Rutland Local Plan HRA study area. The WRMPs provide the best estimate of future water resource demand, and therefore it is reasonable to assume that the growth predicted within the Local Plan can be accommodated without significant effects on any European sites due to PWS abstractions. Furthermore, since the WRMPs explicitly account for the growth predicted by the Council and other LPAs⁴¹, 'in combination' effects between the Local Plan and the WRMP are unlikely to occur. Having said that, the Local Plan can obviously help manage demand and promote water efficiency measures through its policy controls.

³⁸ Forecasts are completed in accordance with the Water Resources Planning Guidelines (published by the Environment Agency) and take into account (inter alia) economic factors (economic growth, metering, pricing), behavioural factors (patterns of water use), demographic factors (population growth, inward and outward migration, changes in occupancy rate), planning policy (LPA land use plans), company policies (e.g. on leakage control and water efficiency measures) and environmental factors, including climate change. The WRMP therefore accounts for these demand forecasts based on historical trends, an established growth forecast model and through review of local and regional planning documents.

³⁹ For example, sustainability reductions required by the Review of Consents (RoC) or the Environment Agency's Restoring Sustainable Abstractions (RSA) programme. It should be noted that, under the WRMP process, the RoC changes (and non- changes to licences) are considered to be valid over the planning period. This means that the WRMP (and its underlying assumptions regarding the availability of water and sustainability of existing consents) is compliant with the RoC and so the WRMP can only affect European sites through any new resource and production-side options it advocates to resolves deficits, and not through the existing permissions regime.

⁴⁰ Calculations of DO include for Target Headroom (precautionary 'over-capacity' in available water) to buffer any unforeseen variation in predicted future demand; the WRMP is also reviewed on a five-yearly cycle to ensure it is performing as expected and to account for any variations between predicted and actual demand.

⁴¹ Defra/ EA guidance on WRMPs requires that forecast population and property figures be based, wherever possible, upon plans published by local authorities (including 'adopted', 'emergent', 'consultation' and 'draft' local plans).

Table 4.4 Summary of European site screening in relation to water resources

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

Water Quality

- 4.2.28 Most of Rutland lies within the catchment of the River Welland (which drains to the Wash, approximately 50km downstream), although the far north and north-western areas of the county are within the catchments of the River Wreake (and hence the Soar) and the River Witham.
- 4.2.29 Most waterbodies and watercourses in the county are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates from agriculture. Point sources are usually discrete discharge points, such as wastewater treatment works (WwTW) outfalls, which are generally managed through specific consenting regimes that are independent of the Local Plan. Diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by the Local Plan is likely to increase demand on wastewater treatment works and potentially increase non-agricultural run-off.
- 4.2.30 With regard to sewage discharges, a water-cycle study undertaken in 2011⁴² noted that "*The Appropriate Assessment carried out as part of the Habitats Directive Review of Consents concluded that there are no Water Quality Consents which have been shown to have an adverse affect [sic] on Rutland Water SPA, even under worst case scenarios in combination with other potentially significant influences on the site*". This nevertheless identified four wastewater treatment works (WwTW) in Rutland that may not have sufficient headroom to support the development then anticipated within their catchments (Cottesmore WwTW, Great Casterton WwTW, North Luffenham WwTW and Ryhall WwTW). The EA has more recently indicated⁴³ that it has concerns over the capacity of the WwTWs at Oakham and Uppingham, and the ability of these sites to accommodate the anticipated housing growth in their catchments without treatment upgrades.
- 4.2.31 Run-off from impermeable surfaces can have considerable effects on waterbodies and watercourses, and is a notable issue in both urban and rural areas. Development has traditionally sought to capture and divert rain and run-off to the nearest watercourse or treatment facility as quickly as possible, and extensive drainage networks have been developed to facilitate this.

⁴² Scott Wilson (2011). *South Holland, South Kesteven and Rutland Outline Water Cycle Study: Technical Report*. Scott Wilson, Hampshire.

⁴³ EA response to the August 2017 draft Local Plan consultation, letter dated 25/09/17 ref. AN/2012/113769/CS-02/PO1-L01

However, as developed areas have increased so have the total volumes and flow rates of run-off. This has two principal effects: firstly, impermeable surfaces provide very little resistance to the mobilisation and transport of pollutants within run-off; and secondly, flow rates and volumes often exceed the capacity of the receiving drains or watercourses, causing localised flooding or the operation of combined sewer overflows (CSOs)⁴⁴. The effect of run-off from developed areas can be mitigated or reduced by the use of Sustainable Drainage Systems (SuDS) and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. These measures offer effective attenuation by reducing the volumes of surface run-off. They also increase the retention of pollutants and, in the case of some SuDS, can allow for treatment of pollutants.

- 4.2.32 With regard to European sites, only Rutland Water SPA/Ramsar is considered to be vulnerable to potential changes in water quality associated with growth in the county; although Baston Fen SAC is adjacent to the Glen River, the catchment of this only includes a small area of Rutland around Essendine which does not contain any allocations or similar.
- 4.2.33 However, it should also be recognised that the water quality effects of the Local Plan are ultimately either controlled by existing consents regimes (which must undergo HRA) or have diffuse 'in combination' effects that are difficult to quantify, and so the HRA process typically aims to ensure that suitable mitigating policy that will minimise the impacts of plan-supported development on water quality generally is provided.

Table 4.5 Summary of European site screening in relation to water quality

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	The main inflows into Rutland Water currently receive regulated discharges of treated sewage as well as unregulated treated sewage discharges from septic tanks. In addition, the reservoir will receive nutrient inputs from local diffuse sources (particularly agriculture). These inputs maintain the reservoir in a eutrophic state that has led in the past to regular algal blooms. Development within the reservoir catchment (including upstream of Stamford in the Welland catchment) has the potential to add to the nutrient loading in the reservoir; this includes most of the allocation sites within Rutland.	Yes
Barnack Hills and Holes SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Grimsthorpe SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Baston Fen SAC	No allocations or other developments are proposed or promoted by the RCC plan within the catchment of the West Glen River (principally, the area immediately around Essendine), and so this watercourse (and hence, indirectly, the SAC or its mobile interest features) will not be exposed to the likely outcomes of the RCC plan. Any development that does come forward in this area will be minor and subject to the normal planning and site-drainage controls, although this can only be assessed at the project-level. There is therefore no pathway for this site to be significantly affected by changes in water quality associated with the proposals within the RCC Local Plan.	No

⁴⁴ All sewerage pipes have a certain capacity, determined by the size of the pipe and the receiving water treatment works. At times of high rainfall, this capacity can be exceeded, with the risk of uncontrolled bursts. CSOs provide a mechanism to prevent this, by allowing untreated sewerage to mix with surface water run-off when certain volumes are exceeded. This is then discharged to the nearest watercourse.

Flooding / water level management

- 4.2.34 The implementation of the European Floods Directive (Directive 2007/60/EC) in England and Wales is being co-ordinated with the Water Framework Directive. Catchment Flood Management Plans (prepared by the EA), Shoreline Management Plans (prepared by coastal local authorities and the EA), River Basin District Flood Risk Management Plans (prepared by the EA) and Local Flood Risk Management Strategies set out long term policies for flood risk management. The delivery of the policies from these long-term plans will help to achieve the objectives of these plans and the RBMPs.
- 4.2.35 Development supported by the Local Plan is unlikely to significantly alter regional flood risk levels, but may exacerbate the effects of local flooding. Run-off from impermeable surfaces can have considerable effects on waterbodies and watercourses, meaning that flow rates and volumes often exceed the capacity of the receiving drains or watercourses. This can lead to local water quality impacts on European sites. The effect of run-off from developed areas can be mitigated or reduced by the use of SuDS and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. However, no European sites are considered to be exposed to potential changes in flood risk that may result from the Local Plan.
- 4.2.36 Some sites and features may be dependent on water levels being maintained by surface water or groundwater inputs, which may in turn be affected by abstraction or development (e.g. through dewatering of excavations, which can be an issue for groundwater levels). Rutland Water SPA/Ramsar and Baston Fen SAC are dependent on surface water inputs and subsequent water level management (there is no evidence of groundwater dependent ecosystems being present at any sites).
- 4.2.37 With regard to Rutland Water, it is possible that limestone (for cement) will be extracted from the eastern half of the St. George's Barracks site prior to the development of this area. NE in its October 2018 consultation response noted that "*The proposed quarrying of mineral from the proposed development site will result in changes to existing ground levels and on existing rock aquifers. The potential impacts upon Rutland Water should be assessed to rule out any significant effects*". The potential for this effect pathway to be realised has been considered; however, it is clear that any minerals extraction from the St. George's Barracks site will have no effect on the hydrology of Rutland Water for the following reasons:
- The proposed area of limestone excavation is over 1 km southeast of the reservoir.
 - Rutland Water is fed by surface water, by pumping from the River Welland and the River Nene, with minimal local catchment inputs.
 - Rutland water lies above the Whitby Mudstone which effectively forms a hydraulic barrier between the reservoir and overlying geology to the east (including the Northampton Sand Ironstone (NSI), Lower Estuarine Series (LES) and the Lincolnshire Limestone.
 - The Lincolnshire Limestone is likely to be largely unsaturated in the likely excavation area, although groundwater will exist at depth in the NSI, LES and possibly near the base of the Limestone.
 - The water table will broadly mirror topography which means there is likely a groundwater divide beneath the plateau from which the Limestone will be extracted. The relative elevations of Rutland Water (estimated at c.88m AOD from the OS 1:25k map) to the northwest and the River Chater (estimated at c. 40m AOD) to the southeast suggests that groundwater beneath the proposed extraction area will flow/drain toward the southeast, in a direction away from reservoir.

Table 4.6 Summary of European site screening in relation to flooding / water level management

Site	Notes	Screen in?
Rutland Water SPA / Ramsar	Development in Rutland will not affect the flooding or water-level management regime associated with this site, which is controlled by the abstraction regime, out of catchment inputs, and water-level management within the nature reserve areas. Minerals extraction at the St. George's Barracks site, if undertaken, will not affect Rutland Water due to the limited hydraulic connectivity between the reservoir and the underlying geology, and the dominance of inputs from outside the local catchment.	No
Barnack Hills and Holes SAC	There is no pathway for this site to be affected by changes in flooding / water management associated with the proposals within the Local Plan.	No
Grimsthorpe SAC	There is no pathway for this site to be affected by changes in flooding / water management associated with the proposals within the Local Plan.	No
Baston Fen SAC	Flooding and water-level management is critical to site integrity, although this is closely managed by the Welland and Deeping IDB and LWT. The RCC plan will not affect the flooding / water management regime employed at the SAC itself. As noted, there are no allocations or other developments proposed or promoted by the RCC plan within the catchment of the West Glen River, and so this watercourse (and hence, indirectly, the SAC or its mobile interest features) will not be exposed to the likely outcomes of the RCC plan.	No

Effects on functional habitats or species away from European Sites

- 4.2.38 The provisions of the Habitats Regulations ensure that 'direct' (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the Local Plan. However, many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site during their life-cycle. Developments some distance from a European site can therefore have an effect on the site if its population of interest features is reliant on the habitats being affected by a development and sufficient numbers are exposed to the environmental changes. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on functional habitats outside of the designated site boundary.
- 4.2.39 With regard to the European sites within the study area, this is only a potential issue for Rutland Water SPA/Ramsar and Baston Fen SAC. For Baston Fen, the interest feature (spined loach) may be functionally dependent on spawning areas in the Glen River; however, no allocations are proposed within the catchment of this river and so no effects on the feature would be expected.
- 4.2.40 Rutland Water may have some functional linkages with other reservoirs locally (e.g. Eyebrook), and some of the SPA/Ramsar species (notably wigeon and, to a lesser extent, teal) are associated with agricultural habitats that may be located away from the reservoir. In addition, the Local Plan contains policies that provide some guidance regarding the location of wind farms. Based on the available evidence effects on the SPA/Ramsar qualifying feature populations are unlikely to occur, although this is briefly examined further along with the policy measures included within the plan.

4.3 Screening of Plan Components: Policies and Allocations

Review of Pre-Submission Draft Site Allocations

- 4.3.1 The allocation sites (housing, employment, retail, minerals, waste) proposed by RCC have been reviewed to identify those which (if developed) could result in significant effects on a European site

that are not obviously avoidable with the standard project-level measures that would be required to meet existing regulatory regimes. The assessment largely focuses on the identification of specific effects that might be associated with specific allocations (and which may therefore require the inclusion of allocation-specific mitigation within the plan) rather than the broader 'quantum of development' effects⁴⁵. The risk of effects is obviously strongly dependent on how a particular development is implemented at the project stage and in most cases potential effects can be avoided using best-practice and standard scheme-level avoidance measures which do not necessarily need to be specified for each allocation.

- 4.3.2 Virtually all of the allocations will self-evidently have no significant effects alone due to their small size, the habitats affected, the absence of impact pathways, and their distance from the nearest European sites (see **Appendix D**).
- 4.3.3 There are minor residual uncertainties related to allocation EDI/04 (St. George's Barracks) due to the scale of this allocation and its proximity to Rutland Water SPA/Ramsar; and in relation to possible functional land associations for allocations around eastern Oakham (OAK/05, OAK/12 and OAK/13). These aspects are explored further in **Section 5**.

Review of Pre-Submission Draft Policies

- 4.3.4 When considering the likely effects of a policy, it is recognised that some policy 'types' cannot usually result in impacts on any European sites. Different guidance documents suggest various classification and referencing systems to help identify those policies that can be 'screened out' on that basis; the general characteristics of these policy types are summarised in **Table 4.7**.

Table 4.7 Policy 'types' that can usually be screened out

Broad Policy Type	Notes
General statements of policy / aspiration	The European Commission recognises* that plans or plan components that are general statements of policy or political aspirations cannot have significant effects; for example, general commitments to sustainable development. This may include policies that support development or other changes but which are too general (e.g. locations, scale, quantum etc. not specified below the geographical level of the plan) to allow any specific assessments of effects, provided that the type of development proposed is not such that significant effects would be unavoidable regardless of location etc.
General design / guidance criteria or policies that cannot lead to or trigger development	A general 'criteria based' policy expresses the tests or expectations of the plan-making body when it comes to consider proposals, or relates to design or other qualitative criteria which do not themselves lead to development (e.g. controls on building design; requirements for affordable homes; etc); however, policies with criteria relating to specific proposals or allocations should not be screened out.
External plans / projects	Plans or projects that are proposed by other plans or permissions regimes and which are referred to in the plan being assessed for completeness (for example, Highways Agency road schemes; specific waste development proposals promoted by a County Minerals and Waste Plan; DCO applications being advanced separately from the plan at hand); however, these would be considered as part of the plan-level 'in combination' assessment.
Environmental protection policies	Policies designed to protect the natural or built environment will not usually have significant or adverse effects (although they may often require modification if relied on to provide sufficient safeguards for other policies).

⁴⁵ Effects due to the overall quantum of development are essentially a within-plan 'in combination' effect and are considered in relation to specific European sites in Section 4.3.

Broad Policy Type	Notes
Policies which make provision for change but which could have no conceivable effect	Policies or proposals that cannot affect a European site (due to there being no impact pathways and hence no effect; for example, proposals for new cycle path several kilometres from the nearest European site; criteria for a development's appearance; etc.) or which cannot undermine the conservation objectives, either alone or in combination, if impact pathways exist.

* EC, 2000, Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC April 2000 at 4.3.2

- 4.3.5 It must be noted that it is inappropriate to uncritically apply a policy classification tool (as in **Table 4.7**) to all policies of a certain type. There will be some occasions when a policy or similar may have potentially significant effects, despite being of a 'type' that would normally be screened out. Moreover, many policies will have a number of elements to them which may meet different criteria.
- 4.3.6 The criteria in **Table 4.7** were applied to a review of the Pre-submission Draft policies within the Local Plan to identify the following broad policy groups:
- **'No effect'** policies: policies that will have 'no effect' (i.e. policies that, if included as drafted, self-evidently would not have any effect on a European site due to the type of policy or its operation; for example, a policy controlling town centre shop signage; a policy setting out sustainable development criteria that developments must meet). Note that 'no effect' policies cannot have in-combination effects.
 - **'No likely significant effect'** policies: policies where impact pathways exist but the effects will not be significant (alone or in-combination).
 - **'Likely significant effect'** policies: policies where the precise effects on European sites (either alone or in combination) are uncertain or significant, or where measures have been incorporated into the policy to mitigate potential effects, and hence require additional investigation (appropriate assessment). Note that further investigation will often demonstrate that there is no significant effect or allow the suitability of any incorporated mitigation measures to be confirmed.
- 4.3.7 Reflecting these policy groups, a colour coding system (see **Table 4.8**) has been used for the purposes of screening the Local Plan policies in **Appendix D**.

Table 4.8 Colour coding for screening of Local Plan policies

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

- 4.3.8 It should be noted that the inclusion of a policy in the 'yellow' category does not mean that significant effects are inevitable since in many instances the assessments reflect uncertainties that need to be explored through further analysis (and it would be possible to undertake an appropriate assessment stage and still conclude (following a further screening) that there will be no significant effects).
- 4.3.9 The review considers the policies collectively and individually, and so takes the non-specific cross-cutting protective policies within the plan into account although cross-cutting or overarching policies are not relied on where specific mitigation for specific effects is considered necessary for the policy (this is particularly relevant for policies that provide broad or non-specific support for

development but which are screened out because they do not define or direct particular developments or activities; in these instances the plan's protective policies will form a key part of the overall decision-making process). The review also considers any internal tensions within the plan that may be relevant to HRA.

- 4.3.10 In summary, the vast majority of the planning policies contained in the Pre-submission Draft Local Plan are categorised as 'no effect' or 'no significant effect' policies (see **Appendix D**). However, the policies in **Table 4.9** are explored further through appropriate assessment.

Table 4.9 Policy aspects requiring examination through appropriate assessment

Policies	Screening rationale
Policy H1 - Sites for residential development	Policy identifying quantum of development and broad locations for this. The policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and aspects of it need to be examined through appropriate assessment. The effectiveness of cross-cutting mitigating policies requires review.
Policy H2 – St George's Garden Community Development and Delivery Principles	Policy relates to the allocation of St. George's barracks which is close to Rutland Water and has the potential to affect the site through a range of mechanisms to which the site is potentially vulnerable (e.g. wastewater discharge, recreational pressure). Policy includes 'mitigating' elements which will help minimise effects on the site and provide controls in this regard but examination through AA is necessary.
Policy H3 – St George's Garden Community Development Requirements	As for H2; policy includes 'mitigating' elements which will help minimise effects on the site and provide controls in this regard but examination through AA is necessary.
Policy E1 – New provision for industrial and office development and related uses	Allocates land for employment; the policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and aspects of it need to be examined through appropriate assessment.
Policy EN5 – Surface Water Management and Sustainable Drainage Systems	Policy includes 'mitigating' elements intended to minimise potential effects on Rutland Water and so examination through AA is appropriate (although the policy itself will not have significant effects).
Policy EN8 - Low carbon energy generation	The policy currently identifies areas as being suitable for wind turbine developments, based on the Rutland Landscape Sensitivity and Capacity Study (Wind Turbines)) and the associated SPD. These are broad areas and the policy provides no further direction or support (e.g. location, quantum etc.) and so could potentially be screened out although the policy includes measures to clarify the scope of the area definition which are considered further.

4.4 Screening Summary

- 4.4.1 There will be either **no effects or no significant effects alone or in combination on the interest features of Barnack Hills and Holes SAC, Grimsthorpe SAC or Baston Fen SAC**. This is principally due to the absence of reasonable impact pathways by which the Local Plan could affect these sites. These sites are not considered further.
- 4.4.2 The interest features of **Rutland Water SPA/Ramsar** may be exposed and sensitive to environmental changes associated with the Local Plan, principally in relation to the cumulative effects of visitor pressure, water quality and air quality affecting the site itself. Some qualifying features may also be exposed to development-related effects when utilising habitats away from the site. None of the allocations (housing, employment, minerals, waste) are likely to result in significant effects 'alone', with the possible exception of the St. George's Barracks allocation due to its proximity to the site.

- 4.4.3 The heavily-managed nature of the reservoir ensures that exposure to potentially significant environmental changes is likely to be limited; however, there is a residual uncertainty in relation to the significance of some effects, and the Local Plan includes measures identified during its development that are intended to minimise or prevent significant or significant adverse effects occurring. These aspects are therefore examined through an 'appropriate assessment' stage.

5. Appropriate Assessment – Rutland Water SPA / Rutland Water Ramsar

5.1 Overview

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

5.2 Visitor Pressure

Summary of Pathway

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

Baseline

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

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

- 5.2.5 The dominant activities undertaken at the site are water sports (principally sailing, canoeing and windsurfing); birdwatching; fishing; and walking and cycling along maintained trails around the reservoir margins including a 23-mile perimeter path. There is a degree of segregation: the on-water recreational activities largely take place at the eastern end of the reservoir, with access restricted in the most important areas for waterbirds at the western end.
- 5.2.6 There are a number of public footpaths around the reservoir, including the Hereward Way and Macmillan Way and so public access to some of the reservoir margins (particularly towards the eastern end) is largely unrestricted. However, over 45% of the site is managed as a nature reserve, and access is more closely controlled in these areas via maintained permissive paths.
- 5.2.7 The nature of the reservoir (i.e. both a highly-managed regional attraction for a range of 'access controlled' activities (e.g. water-sports, birdwatching) and a local destination for 'informal' recreation (dog-walking, etc.)) ensures that the effects of public access do not have a simple relationship with visitor numbers or the local population. This is reflected in the SIP: public access / disturbance is identified as a threat rather than a pressure, and the threat principally relates to the 'formal' recreation activities at the site and the potential cumulative impacts of future provision for these activities; there is nothing in the SIP to suggest that unmanaged 'informal' use of the reservoir margins by local residents (e.g. for dog walking) is a potentially significant threat and NE has not considered it necessary to provide any guidance or targets in relation to recreation in its 'supplementary advice'.
- 5.2.8 In terms of local population increase, the population of Rutland in 2017 was 39,697; this is projected to rise to 41,700 by 2036 (an increase of approximately 5%) based on the local plan evidence base. The RCC Local Plan caters for this increase through provision for 2942 homes over the plan period (with the potential for an additional 1215 at St. George's Barracks post-2036). There are major proposals for new housing and employment growth in neighbouring areas; these are as follows:

Table 5.1 Housing growth in neighbouring districts

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

*Based on average occupancy of 2.2/home.

- 5.2.9 The majority of the growth within Rutland will be within 5km of the site, largely from allocations around Oakham and Edith Weston (principally St. George's Barracks) which will be within ~1.5km and ~500m respectively of the SPA/Ramsar boundary. Beyond this, the nearest large growth area

will be around Stamford (South Kesteven District), approximately 7.5km from the site⁴⁶, with the principal growth areas in other council areas being over 10km away.

- 5.2.10 It was not considered necessary to undertake detailed visitor surveys for Rutland Water in connection with the Local Plan, and the broader access patterns at the site are reasonably well-understood due to Anglian Water's management of the site. Visitor surveys are often sought to determine whether public access is having a significant or significant adverse effect on a site, although in practice they rarely assist in quantifying the scale or ecological significance of any effects; rather, they typically assume that the site is being (or will be) significantly affected by visitor pressure⁴⁷ and then provide a semi-quantitative basis for setting radii for policy interventions (such as developer contributions) which are intended to ensure that possible adverse effects do not occur or can be mitigated.
- 5.2.11 In practice, 'zone of influence' surveys for strategic plans generally aim to identify the distance within which a certain percentage of visitors originate, typically 75%. In this instance Rutland Water's characteristics as a regional or national attraction would have a distorting effect on this. However, analysis of available information from studies across the country suggests the '75% distance' is usually less than 6 – 7km and so it is reasonable to assume that all of the Rutland allocations will contribute regular visitors to the site.
- 5.2.12 Natural England has been consulted on this approach and it agreed that "... *bespoke visitor surveys would not be required for the Rutland Water SPA/ Ramsar to assess the likely effects of the Local Plan Review*"⁴⁸.

Incorporated Mitigation

- 5.2.13 The potential for specific allocations (notably St. George's Barracks) or the overall quantum of development to significantly increase visitor pressure has been considered through the evolution of the plan, with NE's consultation responses being used to guide policy development. Policies that may help moderate the effects of population growth include the following:
- Policy H3 (St George's Garden Community Development Requirements): Requires a network of quality multifunctional green infrastructure, a country park and high-quality open spaces with green access routes linking to nearby settlements and the wider countryside; also requires the development to protect and enhance the natural environment within the site through the creation of significant areas of public open space, a network of green corridors and the creation of new habitat to support net gains in biodiversity.
 - Policy EN10 (Blue and Green infrastructure): Safeguards the existing blue / green infrastructure network and requires that this be improved and enhanced by further provision to ensure accessible multi-functional green spaces by linking existing areas of open space; this will be achieved by (*inter alia*) the development of a network of green spaces, public rights of way, footways and paths, bridleways and cycleways in and around the towns and villages; and by requiring that new development make provision for high quality and multifunctional open spaces of an appropriate size with links to the existing blue/green infrastructure network.

⁴⁶ Note, the South Kesteven Local Plan includes an allocation for 1300 homes at 'Stamford North', which includes 650 homes within the RCC area (Allocation H4, 'Quarry Farm'). These homes are required to meet the housing needs of Stamford and South Kesteven, and the number of houses delivered on the Quarry Farm site will therefore contribute towards meeting South Kesteven District's local housing need rather than Rutland's. This is noted to avoid double-counting of these homes. Note, the South Kesteven Local Plan has been through Examination in Public and was adopted on 30 January 2020; the HRA of the South Kesteven Local Plan concluded that it would have 'no significant effects' on any European sites alone or in combination.

⁴⁷ There is no evidence for this at Rutland Water, based on the SIP and supplementary advice.

⁴⁸ Letter from NE to Wood dated 9 April 2019, ref. 274919

- Policy EN13 (Provision of new open space): Sets open space requirements for developments / allocations.
- Policy E6 (Rutland Water): Manages development within the defined Rutland Water Area (RWA) around the reservoir to ensure that it respects the nature conservation features of the SPA/Ramsar by limiting this to small scale recreation, sport and tourist uses within five defined Recreation Areas (RAs) around the shores of the reservoir.

Assessment

- 5.2.14 Rutland Water is a regional (arguably national) attraction that draws substantial numbers of visitors to the site each year. Any additional visits to the site due to local housing growth will constitute a small proportion of the visits made to Rutland Water annually, simply by virtue of the large size of Rutland Water's visitor catchment and small-scale of population growth within the RCC area.
- 5.2.15 However, there will be more local residents visiting the site, and they will do so more frequently; they are also more likely to undertake the activity that generally has the greatest potential to disturb birds, dog-walking⁴⁹: the Natural England *Monitor of Engagement with the Natural Environment* survey notes that 79% of dog walkers travel less than 3km to reach the location at which they walk their dogs. Visitor studies at a range of sites nationally have shown that local visitors tend to make frequent short-duration visits (less than an hour), with the mean distances covered when on site typically being less than 5km (and more often 2 – 3km). They are also more likely to make use of the site throughout the year.
- 5.2.16 As noted, public access / disturbance is identified as a threat rather than a pressure in the SIP, and the threat principally relates to uncertainties regarding the capacity of the reservoir for additional recreational facilities and activities; there is nothing in the SIP or the supplementary advice to suggest local residential growth and 'casual' recreational use of the site margins is a potentially significant threat. The inherent characteristics of Rutland Water and the qualifying features of the SPA/Ramsar are therefore particularly relevant when considering the potential effects of housing growth and increases in visitor numbers, as these characteristics strongly moderate the exposure of the qualifying features to the effects of visitor pressure.
- 5.2.17 Importantly, unlike many sites that are considered sensitive to visitor pressure the reservoir does not have 'open access' throughout (e.g. terrestrial sites with areas of CRoW access land, or coastal sites with access to the foreshore): on-water activities are largely access-controlled (e.g. through permits) and access around the terrestrial margins is predominantly limited to well-managed PROWs or permissive paths (although access to the reservoir margins is possible from some footpaths at the eastern end). The site is also dominated by a single landowner with conservation obligations. As a result, access to and around the site is controlled and can be modified or managed relatively easily if required.
- 5.2.18 Furthermore, the habitat preferences of many of the qualifying features also contribute to the effectiveness of access management. The species most likely to be exposed to disturbance from terrestrial recreation are those more typically associated with the site margins, particularly wigeon (which will use grassland areas for foraging) and, to a slightly lesser extent, gadwall, shoveler, teal and mute swan (which favour areas of shallow open water and adjacent wetlands typically found on terrestrial margins). However, the marginal habitats around much of the reservoir (particularly away from the nature reserve areas) are less attractive to these species due to the subsurface topography

⁴⁹ It is worth noting, however, that no dogs are permitted in the nature reserve around Egleton, and that Anglian Water's 'dog code' requires that dogs be kept on a lead at all times. The country park proposed for the St. George's Barracks site may therefore be more attractive to dog walkers if they are able to take the dog off the lead (studies have repeatedly shown that the most important factors influencing dog owners' choice of recreational area are the ability to take their dog off its lead, the proximity to home and an absence of traffic).

of the reservoir at the eastern end and the effects of reservoir operation on water levels; and the managed and amenity nature of the marginal grassland habitats.

- 5.2.19 The most important areas for these species are therefore associated with the nature reserve at the western end of the site, where access is closely managed; as a result there is a very low risk of disturbance events from casual recreation in these areas, and no prospect of systematic or consistent disturbance that might lead to an adverse effect on the integrity of these species' populations. Species generally associated with the open water of the reservoir (e.g. goldeneye, goosander, tufted duck, great-crested grebe and (to a lesser extent) coot) will not be particularly exposed or sensitive to terrestrial recreation.
- 5.2.20 More generally, it is clear that additional visits can be controlled and managed through established active and passive measures. For example, Guillemain *et al.* (2007) investigated the effects of ecotourism in the Camargue and found that waterbodies with more tourists did not support fewer birds in the medium-term; and that in the long term, wildfowl numbers were not related to the number of visitors. Obviously, there will always be site-specific variations, but it is known that management can minimise disturbance risk and Rutland Water currently provides excellent evidence of this in practice.
- 5.2.21 Focusing on individual allocations, the allocations that are likely to have the highest frequency of visits by residents are those that are closest:
- Allocation EDI/04 (St. George's Barracks site; 2215 homes (1000 within the plan period)), which will be just under 500m from the SPA at its closest point (approximately 540m from the reservoir itself);
 - Allocation EDI/03 (the Officer's Mess, 70 homes), which will be approximately 420m from the SPA at its closest point; and, to a lesser extent,
 - Allocations OAK/12 (Land south of Brooke Road (former allotments); 40 homes), OAK/05 (Land off Uppingham Road; 73 homes), and OAK/13 (Land off Burley Road; 200 homes) which are approximately 1.1 – 1.4 km from the SPA boundary.
- 5.2.22 It should be noted that the August 2018 consultation⁵⁰ indicated that the housing provision at St. George's Barracks would be between 1500 and 3000 homes, and the consultation responses (including from NE) were made on this basis.
- 5.2.23 Residents of these allocations are likely to use the footpaths around the margins of the reservoir fairly frequently for casual recreation. Direct access on foot is most likely from EDI/03 and EDI/04 due their proximity and the likelihood of relatively easy access to the reservoir footpaths at Edith Weston. Residents in the Oakham allocations can access the reservoir directly, although the walking distance is greater and the closest reservoir areas are those associated with the nature reserve.
- 5.2.24 Residential stand-offs from European sites are often incorporated into policy and planning documents due to the difficulty of mitigating some effects where housing is nearby⁵¹. These stand-offs are commonly around 400m following the precedent set for the Thames Basin Heaths SPA, although the requirement for a stand-off at a European site needs to be considered on its own merits based on a critical examination of the interest features and the conservation objectives, and an assessment of the effects taking into account available mitigation. There are several examples of housing allocations located within 400m of a European site (for example, the Chelmsford City

⁵⁰ Rutland County Council (2018b). *Rutland Local Plan: Specific Consultation considering the implications of potential development of St. George's within the Local Plan*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79384.pdf>

⁵¹ For example, SPAs designated for their breeding birds are particularly vulnerable to predation by cats, which cannot be reliably mitigated.

Council Local Plan has an allocation partly within 400m of the Essex Estuaries SAC and Crouch and Roach Estuaries SPA / Ramsar).

- 5.2.25 The Local Plan policies for St. George's Barracks include requirements for open-space and green access routes linking to nearby settlements and the wider countryside; in particular, Policy H3 requires delivery of a large country park which will be located immediately adjacent to the eastern edge of the developed area. Provision of these elements (particularly circular walking routes away from the reservoir, including within the country park) is important and they will have a role in moderating casual recreational use of the reservoir by residents, but the effect will inevitably be relatively small: the fundamental nature of the reservoir is likely to ensure that it will be the primary destination for casual recreation, and these measures will not fully mitigate or offset the likely increase in recreational use of the reservoir margins by St. George's residents (although it is worth noting that the proposed country park could be more attractive to dog walkers than the reservoir if they are able to walk dogs off the lead).
- 5.2.26 Most of the additional visitor pressure associated with the St. George's Barracks site is likely to be concentrated along a short section of the reservoir edge near Edith Weston (since this is the closest point for access and also has a car-park). This section of the reservoir already has relatively high levels of recreational activity due to the proximity of the village, the car-park / cycle-hire, and a number of sailing clubs, as well as well-maintained paths and cycle routes; it is also of limited attractiveness to the more sensitive qualifying species (i.e. those that are more reliant on shallow marginal waters and associated terrestrial habitats) due to the subsurface topography of the reservoir at the eastern end, the effects of reservoir operation on water levels, and the nature of the grasslands in this section of the SPA. This is not to say that the qualifying features of the site will not use these areas or not be periodically disturbed by visitors; rather that whilst this allocation will increase the number of visitors to the site (particularly around Edith Weston) the features will not be exposed or sensitive to substantial increases in disturbance such that the integrity of the site populations might be adversely affected, or the site's conservation objectives undermined.
- 5.2.27 A more substantial stand-off distance between the EDI/04 allocation and the SPA/ Ramsar (i.e. more than 500m) is not considered necessary, although all the open-space and green access requirements included in policy are important and must be delivered to help moderate increases in recreational usage of the reservoir near Edith Weston.
- 5.2.28 With regard to in combination effects (from the plan allocations and with regional population growth), there is no reason to assume that established access management measures that are known to be available, achievable and effective will not be sufficient to manage the anticipated residential growth. Furthermore, the open-space and green access requirements included in policy (including the provision of a new country park at the St. George's Barracks site) will help moderate increases in recreational usage of the reservoir (although these measures will not fully mitigate or offset the likely increase in recreational use of the reservoir margins). As a result, whilst residential growth within Rutland will increase the number of visitors to the reservoir, it is considered that adverse effects on integrity will not occur as a result of increased visitor pressure.
- 5.2.29 Overall, therefore, it is concluded that the overall housing growth associated with the Local Plan and the individual allocations will have no adverse effects on the integrity of the sites due to increased recreational pressure, alone or in combination.

5.3 Water Quality

Summary of Pathway

- 5.3.1 Rutland Water is fed primarily by abstractions from the River Nene upstream of Peterborough and from the River Welland upstream of Stamford⁵². The natural upstream catchment is small with minimal inputs from the River Gwash and the Egleton Brook (see **Figure 5.1**).
- 5.3.2 The main inflows into Rutland Water currently receive regulated discharges of treated sewage as well as unregulated treated sewage discharges from septic tanks. In addition, the reservoir receives nutrient inputs from local diffuse sources (particularly agriculture). These inputs maintain the reservoir in a eutrophic state that has led in the past to regular algal blooms. Development within the reservoir catchment (including upstream of Stamford in the Welland catchment) has the potential to add to the nutrient loading in the reservoir; this includes most of the allocation sites within Rutland.
- 5.3.3 More broadly, the run-off from impermeable surfaces can affect waterbodies and watercourses and this is a notable issue in both urban and rural areas associated with new development.

Baseline

- 5.3.4 The current (2016) WFD classification of Rutland Water is 'moderate'⁵³. The main aspects that prevent the waterbody achieving 'good' status are total phosphorus and phytoplankton levels, linked to water industry sewage discharges and poor nutrient and livestock management in agriculture.
- 5.3.5 With regard to the SPA and Ramsar features, NE's supplementary advice states that "*Typically, meeting the surface water and groundwater environmental standards set out by the Water Framework Directive (WFD 2000/60/EC) will also be sufficient to support the SPA Conservation Objectives but in some cases more stringent standards may be needed to support the SPA feature*". In this case the supplementary advice does not provide specific or more stringent water quality targets but simply requires that "*...water quality and quantity is maintained and managed to a standard which provides the necessary conditions to support the features during passage and winter periods*". As water pollution is identified in the SIP as a threat rather than a pressure, and the component SSSIs of these sites are currently in 'favourable' condition, it can be inferred that water pollution is not currently affecting the integrity of the European sites or preventing them from reaching favourable conservation status.
- 5.3.6 With regard to sewage discharges, a water-cycle study undertaken in 2011⁵⁴ noted that "*The Appropriate Assessment carried out as part of the Habitats Directive Review of Consents concluded that there are no Water Quality Consents which have been shown to have an adverse affect [sic] on Rutland Water SPA, even under worst case scenarios in combination with other potentially significant influences on the site*". This study nevertheless identified four wastewater treatment works (WwTW) in Rutland with potentially insufficient headroom to support the development then anticipated within their catchments (Cottesmore WwTW, Great Casterton WwTW, North Luffenham WwTW and

⁵² Note, the catchment of the Nene does not include the RCC area and so this source is not considered further.

⁵³ Environment Agency (2019). *Catchment Data Explorer* [online]. Available at: <https://environment.data.gov.uk/catchment-planning/WaterBody/GB30536479> [Accessed Nov 2019].

⁵⁴ Scott Wilson (2011). *South Holland, South Kesteven and Rutland Outline Water Cycle Study: Technical Report*. Scott Wilson, Hampshire.

Ryhall WwTW), although it should be noted that only one of these (North Luffenham) has the potential to affect Rutland Water⁵⁵.

- 5.3.7 The EA has more recently indicated⁵⁶ that it has concerns over the capacity of the WwTWs at Oakham and Uppingham, and the ability of these sites to accommodate the anticipated housing growth in their catchments without treatment upgrades.

Incorporated Mitigation

- 5.3.8 Water quality at Rutland has been a key issue during the plan development process, involving specific discussions with the Environment Agency and Anglian Water. This has resulted in the inclusion of several policy measures designed to mitigate the potential effects of population growth on treatment capacity and water quality within the reservoir.
- 5.3.9 The provision of wastewater treatment capacity is a statutory obligation on Anglian Water, and it is required to comply with all relevant discharge consents. The Local Plan contributes to the wastewater treatment planning process by providing certainty for Anglian Water (through the allocations process) but does not (and cannot) directly influence or control Anglian Water's plans for service delivery. The Local Plan therefore adopts a policy-led mitigation approach to this aspect, to ensure that this potential issue is appropriately considered at the site level when developments are brought forward; in particular:
- Policy SD1 (Sustainable development principles): Requires that developments "*Ensure that adequate waste water treatment is already available or can be provided in time to serve new development ahead of its occupation*"
 - Policy H3 (St George's Garden Community Development Requirements): Requires "*...improvements to the treatment waste water that meets the requirements of the Water Framework Directive and [secures] improvements in water quality and surface water management*";
 - Policy EN5 (Surface Water Management and Sustainable Drainage Systems): Requires that:
 - ▶ "*Development proposals should demonstrate that water is available to serve the development and adequate foul water treatment and disposal already exists or can be provided in time to serve the development*".
 - ▶ "*Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation of ponds and wetlands onsite or within close proximity*".
 - ▶ "*...the provision of SuDS techniques in all built development proposals and change of use applications, unless it is demonstrated to be technically unfeasible to provide a solution which follows SuDS principles*".
 - ▶ "*Details of the proposed SuDS measures must be provided in a Water Management Strategy (WMS), which must also identify long-term ownership and maintenance strategy for all elements of SuDS techniques proposed within a scheme, including adequate proposals for the regular maintenance and management of such measures over the life expectancy of the development*"; and that

⁵⁵ The WwTW discharges from Cottesmore, Great Casterton and Ryhall enter the River Gwash downstream of Rutland Water and hence the River Welland downstream of the abstraction at Stamford.

⁵⁶ EA response to the August 2017 draft Local Plan consultation, letter dated 25/09/17 ref. AN/2012/113769/CS-02/PO1-L01

- ▶ *"Major development proposals (schemes of 10 or more homes and site areas of 1ha or greater) should demonstrate that they can be implemented without detriment to the quality or quantity of existing water and the wider environment."*

5.3.10 This approach has been developed through close liaison with the Environment Agency and Anglian Water, and reflects the consultation responses from these organisations and NE. There is nothing to suggest that the wastewater treatment or capacity improvements that may be necessary to support delivery of the Local Plan (including the post-2036 housing growth anticipated at St. George's Barrack) are technologically or logistically unachievable within the required timescales.

Assessment

Treatment provision

- 5.3.11 The Local Plan cannot be prescriptive with regard to sewerage provision for specific developments, as the most appropriate approach can only be determined by the relevant water company in conjunction with the EA. For example, the location of sewerage treatment for the St. George's Barracks allocation would be Anglian Water's decision; the closest current WwTW is North Luffenham although wastewater from Edith Weston is currently treated at Empingham (which discharges to the River Gwash downstream of Rutland Water).
- 5.3.12 The Local Plan period (to 2036) is predominantly covered by the water company Asset Management Plans (AMP) periods AMP7 (2020 – 2025); AMP8 (2025 – 2030); and AMP9 (2030 – 2035). Anglian Water has prepared its plan for AMP7⁵⁷, which outlines its investment programme from April 2020 to 2025; this is may be adopted in April 2020, subject to Ofwat's final determination. Anglian Water's approach to wastewater treatment asset management requires that sufficient certainty is given that the quantum of development proposed will come forward during the plan period before improvements to assets can be justified and funding sought. This certainty is provided, in part, by the Local Plan and therefore the adoption of the plan will ensure that provision of additional capacity is planned and development is not delayed.
- 5.3.13 It is important to note that the housing growth proposed for the RCC area is relatively modest in the context of Anglian Water's service area, and there is nothing to suggest that the wastewater treatment and capacity improvements that may be required are not possible using currently available wastewater treatment technologies; therefore, the principal issue is around timing of delivery rather than the feasibility of the solution or risks in relation to fundamental limits on the capacity of the receiving waters. Therefore, provided that the planning process allows for the timely identification and delivery of any additional treatment capacity that may be required, then new developments can be accommodated without unavoidable adverse effects on receiving European sites, 'alone' or 'in combination'.
- 5.3.14 There is sufficient headroom and time before development comes forward within the WwTW catchments for Anglian Water to plan its investment and to deliver the necessary upgrades. The exact technical specification of the upgrades required will be determined by Anglian Water and the EA in line with revised quality conditions. As a result, adverse effects 'alone' would not occur. With regard to 'in combination' effects with other plans, the waste water planning process operates at a regional level, taking account of development within all plan areas, and so the same safeguards will ensure no adverse 'in combination' effects as a result of developments regionally.

⁵⁷ <https://www.anglianwater.co.uk/siteassets/household/about-us/01-pr19-our-plan-2020-2025.pdf>

Run-off

- 5.3.15 Other discharges or run-off that may be associated with development arising from the Local Plan will all originate some distance from Rutland Water (the closest allocations being over 400m from the European sites). As a result, any such discharges will be largely attenuated before reaching the designated sites and significant effects 'alone' would not occur. There are theoretical 'in combination' risks associated with diffuse pollution, to which run-off will contribute, although the effect of run-off from developed areas can be fully mitigated or reduced by the use of SuDS and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. These measures offer effective attenuation by reducing the volumes of surface run-off. They also increase the retention of pollutants and, in the case of some SuDS, can allow for treatment of pollutants. These measures can be employed to ensure that developments supported by the Local Plan do not contribute significantly to wider diffuse pollution and manage those aspects within their control.
- 5.3.16 With regard to St. George's Barracks, the policies for the site development include requirements for SuDS and an appropriate drainage strategy; and, in any case based on the draft masterplan and site topography, the vast majority of the surface water drainage from the site will be discharged to ground (soak-aways etc.) or will drain towards the River Chater rather than Rutland Water.
- 5.3.17 The policy measures noted above have been derived from consultations with the EA and AW, and are considered appropriate for the anticipated quantum of growth associated with the Local Plan. They ensure that necessary water management and water treatment infrastructure will be in place before development takes place and that any potential effects on water quality as a result of development supported by the Local Plan can be avoided.
- 5.3.18 As a result, the incorporated measures can be relied on to ensure that the RCC Local Plan will not adversely affect the integrity of Rutland Water SPA/Ramsar, alone or in combination.

5.4 Air Pollution

Summary of Pathway

- 5.4.1 The Local Plan proposals may indirectly contribute to local air pollution and wider diffuse pollution. In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan does not provide for any new significant point-sources).
- 5.4.2 Highways England's *Design Manual for Roads and Bridges* (DMRB) sets out an approach for assessing the effect of emissions from specific road schemes on designated sites; this suggests that a quantitative air quality assessment may be required if a European site is within 200m of an affected road and the predicted change in annual average daily traffic (AADT) is over 1000.
- 5.4.3 This approach has some limitations when considering the effects of a Local Plan (rather than a specific road scheme) although in the absence of any other specific guidance or thresholds it has typically been applied to main roads⁵⁸ within 200m of a European site, with case law⁵⁹ indicating

⁵⁸ i.e. trunk roads, A-roads and most B-roads. Changes in the number of vehicles using minor roads in the region will be too small to meaningfully assess using the industry standard approaches to AADT modelling that can be applied at the strategy-level (i.e. without substantial additional data collection including field monitoring at specific locations – this may be appropriate for a specific development or allocation but not for traffic-growth generally).

⁵⁹ *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351.

that changes in AADT on particular roads should be determined 'in combination' with other plans and projects.

- 5.4.4 There are two A- or B-roads within 200m of the SPA / Ramsar (the A6003 and the A606). In addition, some minor roads within 200m of the SPA / Ramsar near Edith Weston are likely to experience increases in traffic volumes as a result of the St. George's Barracks allocation (principally Normanton Road and Normanton Park Road). Other minor roads within 200m of the SPA/Ramsar (e.g. the minor road to Hambleton) are not explicitly considered as any increases in traffic volumes will be substantially less than the 1000 AADT threshold.

Baseline Summary

Traffic Data

- 5.4.5 RCC commissioned a transport assessment for the proposed St George's Barracks and Officer's Mess allocations in 2018 (AECOM 2018), aimed principally at determining network and junction capacity on local roads. This report made a number of assumptions regarding the masterplanning and development of these sites. It did not aim to identify AADT changes within 200m of any European sites, although the data can be cautiously used to provide a very approximate assessment of AADT changes on the minor roads within 200m of the SPA / Ramsar at Edith Weston; the data in the report suggests that AADT changes on Normanton Park Road may exceed 1000 by the end of the transport assessment study period (2041) due to these allocations, in combination with background growth.
- 5.4.6 However, it is important to note that the 2018 transport assessment was based on a substantially larger development at St George's Barracks than that supported by the Local Plan: the report assumed approximately 3570 residential units between the St George's Barracks and Officer's Mess sites, compared to the 2285 proposed for these sites by the Local Plan over the plan period and beyond. Nevertheless, the potential effects of air quality changes on the SPA/Ramsar interest features within 200m of Normanton Park Road are examined further to provide certainty regarding the HRA conclusions.
- 5.4.7 High-resolution detailed traffic modelling for the A6003 or A606 has not been undertaken in relation to the Local Plan, although in this instance this is not considered essential to allow robust conclusions to be made regarding the effects of air quality changes as the magnitude of change is likely to be small and the interest features have a low sensitivity to eutrophication from air emissions (see '*Interest feature sensitivity and exposure*', below).
- 5.4.8 In the absence of the detailed model, Wood has undertaken high-level analysis of the potential effects of regional traffic growth on the A6003 and A606 near Rutland Water, based on AADT traffic statistics from the DfT and using the National Trip End Model (NTEM) and its presentation programme (TEMPRo) to generate a 2036 growth factor. The results of this are summarised in **Table 5.2**. It should be noted that this uses regional figures and does not model specific allocations associated with the Rutland Plan, although given the relatively small contribution of Rutland to growth regionally this will not substantially affect the model predictions. Contextual data and information on predicted traffic growth on these roads is also available in the AECOM (2018) report.

Table 5.2 Predicted AADT increase to 2036 for the A606 and A6003

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

AAADT – Annual Average Daily Traffic

5.4.9 This assessment is a relatively coarse high-level model only; however, it does provide some useful guidance on the level of impacts expected and suggests that traffic growth 'in combination' on the A6003 at least may exceed the 1000 AADT threshold for 'significant' effects to be possible.

Interest feature sensitivity and exposure

5.4.10 The qualifying features of the SPA/Ramsar are not directly sensitive to air quality changes under normal scenarios; rather, any sensitivity is related to changes that might occur in the supporting habitats, principally in relation to N-deposition and hence eutrophication from traffic sources (see **Section 4**).

5.4.11 As noted above (see Section 3.3), four broad supporting habitats at the site are considered important for the SPA waterbird assemblage and its component species; these are:

- Open standing water associated with the main reservoir and other adjacent waterbodies
- Neutral grassland
- Fen, marsh and swamp associated with the open water
- Broadleaved, mixed and yew woodland, including wet woodland.

5.4.12 Information on the air quality baseline for the site can be obtained from the Air Pollution Information Service (APIS) in the absence of site-specific monitoring data. The APIS critical load and critical level data for the site habitats are provided in **Tables 5.3 and 5.4**, where available, although it should be noted that APIS uses proxies for some habitats and does not always provide critical loads for habitats where available-N is not a limiting factor (e.g. most lowland aquatic systems).

Table 5.3 Summary of N-deposition and critical loads for Rutland Water SPA/Ramsar, based on APIS

SPA / Ramsar Habitat	APIS Broad Habitat Class	Critical Loads (kg N/ha/yr)	Current N-deposition (kg N/ha/yr)		
			Max	Min	Mean
Open standing water associated with the main reservoir and other adjacent waterbodies	Standing open water and canals	n/a*	-	-	-
Neutral grassland	Low and medium altitude hay meadows	20-30	19.3	17.4	18.2
Fen, marsh and swamp associated with the open water	Pioneer, low-mid, mid-upper saltmarshes	20-30	19.3	17.4	18.2
Broadleaved, mixed and yew woodland, including wet woodland.	Broadleaved deciduous woodland	10-20	32.2	28.4	30.1

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

Table 5.4 Summary of NO_x concentrations and critical levels for Rutland Water SPA/Ramsar, based on APIS

SPA / Ramsar Habitat	APIS Broad Habitat Class	Critical Levels (µg/m ³)	Current NO _x concentration (µg/m ³)		
			Max	Min	Mean
Open standing water associated with the main reservoir and other adjacent waterbodies	Standing open water and canals	30 (annual); 75 (24hr)	13.24	10.97	11.28
Neutral grassland	Low and medium altitude hay meadows	30 (annual); 75 (24hr)	13.24	10.97	11.28
Fen, marsh and swamp associated with the open water	Pioneer, low-mid, mid-upper saltmarshes	30 (annual); 75 (24hr)	13.24	10.97	11.28
Broadleaved, mixed and yew woodland, including wet woodland.	Broadleaved deciduous woodland	30 (annual); 75 (24hr)	13.24	10.97	11.28

5.4.13 The SIP for the Rutland Water SPA/Ramsar does not identify air pollution as a current pressure or threat to meeting the site's conservation objectives, although the 'Supplementary Advice' provides a broad target for air quality, specifically to "Maintain concentrations and deposition of air pollutants at or below the site-relevant Critical Load or Level values given for the feature at this site on the Air Pollution Information System". Currently the critical loads are only exceeded for the woodland habitats, although the current N-deposition in the grassland and fen/marsh habitats is not far below the minimum critical load (and there is an argument that the lower critical level is more appropriate for areas subject to run-off from adjacent catchments).

5.4.14 Small proportions of the designated sites are within 200m of the A6003, A606 or Normanton Park Road (approximately 50.8 ha. of the SPA, and 27.8 ha. of the Ramsar site – roughly 3.3% and 2.1% respectively). In terms of habitats, the approximate areas of each habitat within 200m of these roads are set out in **Table 5.5**.⁶⁰

Table 5.5 Approximate areas of key supporting habitats within 200m of the A6003, A606 and Normanton Park Road

SPA / Ramsar Habitat	~Total area within SPA (ha.)*	~Area (ha.) within 200m*		% of SPA habitat within 200m*
		In SPA only	In SPA+Ramsar	
Open standing water associated with the main reservoir and other adjacent waterbodies	1182.6	-	8.87	0.8
Neutral grassland	217.8	19.66	9.37	13.3
Fen, marsh and swamp associated with the open water	0.2	-	1.79	25.0

⁶⁰ These habitat areas are based on aerial photographs and contextual information on SSSI units, and are conservative (e.g. 'neutral grassland' will include areas of amenity grassland with little biodiversity value).

SPA / Ramsar Habitat	~Total area within SPA (ha.)*	~Area (ha.) within 200m*		% of SPA habitat within 200m*
		In SPA only	In SPA+Ramsar	
Broadleaved, mixed and yew woodland, including wet woodland.	124.5	1.97	4.28	5.0

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

Incorporated mitigation

- 5.4.15 The potential for effects on European sites due to air quality is difficult for a Local Plan to specifically mitigate, since the decision to travel by car from outside the LPA area is typically made in the context of regional and national travel conditions rather than local provision of sustainable travel options. However, the promotion of sustainable transport is woven throughout the Local Plan, particularly in Policy SC2 (Securing sustainable transport) which places a number of obligations on developers, including requirements to demonstrate how the distance people need to travel to shops, services and employment opportunities is minimised; how a development reduces the need to travel by car and encourages the use of alternatives such as walking, cycling and public transport; and how the development includes appropriate mitigating transport measures (such as travel plans) to improve transport choice and encourage travel to work and school by public transport, cycling and walking.
- 5.4.16 In addition, Policy EN7 (Pollution control) provides safeguards in relation to air quality and developments, including in relation to cumulative effects.
- 5.4.17 These will help moderate the effects of the plan, but will not necessarily mitigate or offset potential changes in air quality in their entirety.

Assessment

- 5.4.18 The NTEM/TEMPro model suggests that the 'in combination' increase in AADT on the A6003 near Rutland Water will exceed 1000 by 2036, which has the potential to affect the supporting habitats of the SPA/Ramsar due to the associated increases in N-deposition. A 2018 traffic assessment for St. George's Barracks (AECOM 2018) also suggests that the increase in AADT on Normanton Park Road may exceed 1000 (although these data are used cautiously and are likely to be conservative due to the allocation assumptions underpinning the assessment).
- 5.4.19 As noted, the SIP does not identify air quality changes as a pressure or a threat for the site, which reflects the low sensitivity of the supporting habitats to eutrophication from air pollution. Indeed, for most wetland habitats (particularly waterbodies) eutrophication via agricultural run-off and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor in these ecosystems. The reservoir is maintained in a eutrophic state by nutrient inputs from sewage discharges and run-off (see **Section 5.5**) and on this basis significant effects on the 'Open standing water' supporting habitat due to N-deposition associated with changes in traffic volumes can be excluded (any changes will have no measurable effect on the reservoir water quality).
- 5.4.20 The 'neutral grassland' and 'fen, marsh and swamp' features at this site will also have a low sensitivity to eutrophication from N-deposition, although current deposition levels would only need to increase by around 3.6% to potentially result in an exceedance of the minimum critical load.

- 5.4.21 The EA-accepted threshold for 'significant effects' on habitats to be possible is an increase of >1% of the minimum critical load⁶¹; in this instance, for 'neutral grassland' and 'fen, marsh and swamp' this would be approximately 0.2 kg/ha/yr. Although it is not simple to apply 'rule of thumb' estimates to relationships between traffic volumes and N-deposition (as this is influenced by a number of factors), it is worth noting that the DMRB guidance regarding air quality thresholds is based on the assumption that 1,000 extra vehicles is equivalent to ~0.01 kg N/ha/yr (this is obviously a coarse figure and there are other factors that come into play such as the emissions factors used for opening year/ wind direction / number of HGVs / speed etc.). Furthermore, there are numerous published traffic and air quality modelling studies that provide proxy data or context; for example:
- Recent air quality modelling by Wood of a new link road at an MoD establishment in the UK found that an AADT increase of ~7,000 increased nitrogen deposition by 0.21 kg N/ha/yr at the worst receptor point (at the immediate kerbside), and that by 25m from the road the increase in N-deposition was zero.
 - Traffic and air quality studies for the B5036 undertaken in connection with the Derbyshire Dales (DDDC) Local Plan⁶² determined that nitrogen deposition would increase by ~0.003 kg N/ha/yr as a result of an estimated increase in AADT of 1,020.
- 5.4.22 It should be noted that the contribution of ammonia from vehicles⁶³ to N-deposition is known to be underestimated by most standard models; however, it is considered unlikely that the N-deposition will increase by more than 1% of the minimum critical load (i.e. 0.2 kg/ha/yr) as this would probably require an AADT increase in excess of 5000⁶⁴ at a given location which is substantially beyond that predicted (i.e. the accepted threshold for significant effects would probably not be met). There is therefore no reasonable prospect of the deposition levels increasing by over 0.7 kg/ha/yr (~3.6%) to exceed the minimum critical load target noted in NE's 'Supplementary Guidance' for the sites.
- 5.4.23 Furthermore,
- the maximum area of 'neutral grassland' and 'fen, marsh and swamp' potentially exposed to changes in N-deposition associated with traffic variations is small (see **Table 5.3**) and in practice (based on evidence from other studies) it is very likely that changes in N-deposition will be effectively zero much closer than 200m from the road; and
 - these habitats have a low sensitivity to eutrophication from N-deposition due to the dominance of nutrients received from agricultural run-off.
- 5.4.24 With regard to the 'broadleaved woodland' supporting feature, the critical loads for this feature are already substantially exceeded, and so any additional N-deposition will not support the target

⁶¹ The 1% threshold is used as it is accepted that levels below this are difficult to measure and not typically distinguishable from background fluctuations. An exceedance of 1% of the critical load should be seen as a 'starting point' for assessing the significance of any effects; the Institute of Air Quality Management (IAQM) position statement on air quality effects notes that "*it is the position of the IAQM that the use of a criterion of 1% of an assessment level in the context of habitats should be used only to screen out impacts that will have an insignificant effect. It should not be used as a threshold above which damage is implied and is therefore used to conclude that a significant effect is likely.*"

⁶² Clearlead (2016). Derbyshire Dales Local Plan – Submission Habitats Regulations Report. Report for Derbyshire Dales District Council. Clearlead, Devon)

⁶³ Ammonia from vehicles has not typically been measured, partly as the contribution of vehicles to ammonia emissions was historically low and partly due to the relative difficulty of doing so compared to NOx and the absence of European air quality standards for ammonia. However, certain catalytic converters that reduce NOx emissions do so by emitting nitrogen as ammonia rather than NOx, with the result that whilst NOx emissions from vehicles are declining (and will continue to do so) ammonia emissions are not. This is likely to be resolved in the medium to long-term by the switch to electric vehicles.

⁶⁴ A conservative estimate based on the DMRB guidance and examples from published traffic / air quality models.

noted in NE's 'Supplementary Guidance'. However, the critical load exceedance for the woodland habitats is due to general diffuse air pollution rather than specific roads or point sources; 95% of the woodland in the UK exceeds the nitrogen critical load as forests capture air pollutants more effectively than shorter vegetation⁶⁵. It is therefore important to note that the exceedance of the critical load does not necessarily mean a particular woodland is (or will be) in 'unfavourable' condition as the sensitivity of the woodland will depend on a range of factors including the type of woodland and its intrinsic and functional value. As noted, the associated SSSIs are in 'favourable' condition.

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

- the area affected is minimal and in practice (based on evidence from other studies) it is very likely that changes in N-deposition will be effectively zero at a point much nearer than 200m from the road;
- the woodland is identified as a supporting habitat for its functional value in providing areas of cover (etc.), rather than its intrinsic botanical value, and any changes in N-deposition will not result in changes that could significantly alter the use of the woodlands by the qualifying features; and
- the functional value of the woodland in a site context is relatively limited as none of the qualifying features of the SPA/ Ramsar are functionally dependent on woodland habitats (unlike the other habitats)⁶⁶.

5.4.26 It can be therefore be concluded that the Local Plan will have no adverse effects on the integrity of Rutland Water SPA or Rutland Water Ramsar due to changes in air quality, alone or in combination.

5.5 Effects on species away from site

5.5.1 Rutland Water is the key habitat resource regionally for the qualifying species of the SPA/Ramsar, and the species will be most vulnerable to environmental changes associated with the Local Plan whilst using the reservoir due to the significant aggregations that occur at the site (and hence potential for population-scale effects).

5.5.2 The species are mobile however, and may be exposed to changes associated with the plan when utilising local habitats or migrating to and from the reservoir. There is a lack of landscape-scale data on bird activity away from the SPA/Ramsar, although firm conclusions can be made based on the information available. This section provides a brief assessment of the potential for the Local Plan to adversely affect the integrity of the SPA/Ramsar populations through effects on the species when away from the site.

⁶⁵ APIS (2019). *Nitrogen deposition and Ammonia* [online]. Available at http://www.apis.ac.uk/overview/ecosystems/overview_woodlands.htm [accessed 10 Oct 2019].

⁶⁶ Note, goldeneye require tall forest growth with hollow trees when nesting, and the APIS critical levels for woodland are made with specific reference to this assemblage species; however, the breeding range of this species in the UK is essentially limited to Scotland and so the woodland at Rutland will not be important in this regard.

Functional land

- 5.5.3 The SIP and supplementary advice for the SPA/Ramsar do not identify any known areas of functionally-linked land. It is likely waterbirds associated with Rutland Water periodically use other wetland sites in the region (e.g. Eye Brook Reservoir SSSI; or Priors Water in Melton Borough) although there is nothing to suggest a potentially significant functional linkage and, in any case, the Local Plan will have no or negligible effects on these other waterbodies due to their location relative to the proposed allocations.
- 5.5.4 However, it is recognised that some areas of cropped lowland farmland may be important for certain wintering waterbirds typically associated with coastal and wetland SPAs (e.g. Mason & MacDonald 1999; Gillings 2003), and that this behaviour is under-recorded by the standard Wetland Bird Survey (WeBS) monitoring technique.
- 5.5.5 The 2016 SPA Review (JNCC, 2016) identifies a broad group of species that are known to be associated with or reliant on cropped habitats, which are under-represented in the SPA network (although the SPA Review suggests that this should be addressed outside the SPA Review process through "*wider countryside measures to preserve and promote permanent pasture as feeding and roosting habitat for the species*"). Of the species identified in the Rutland Water SPA/Ramsar citations, only wigeon and teal have potential associations with cropped habitats.
- 5.5.6 There is little information on the feeding habits of teal in agricultural habitats although they typically forage close to wetlands and it is likely that the use of particular fields is opportunistic, depending on inundation. In contrast, wigeon are closely associated with cropped habitats within ~2km of a roost site, particularly short improved grasslands that are close to water or partially flooded; and the species exhibits a relatively high level of fidelity to roost and feeding sites (JNCC 2016). As a result, suitable habitats away from Rutland Water may be utilised and have some functional value to the wigeon population.
- 5.5.7 The area of the St. George's Barracks allocation was surveyed for wintering birds over winter 2018/19⁶⁷ to identify any potential functional linkages with the SPA/Ramsar, particularly for duck species (e.g. wigeon) that may utilise the grassland for foraging or loafing; this survey recorded none of the SPA/Ramsar qualifying species and so this allocation site is not considered to be functionally linked to the SPA/Ramsar.
- 5.5.8 With regard to other allocations, all are over 2km from the SPA/Ramsar with the exception of those around the eastern side of Oakham (OAK/05, OAK/12 and OAK/13); these are all located in arable fields that do not obviously have characteristics likely to be attractive to wigeon (e.g. not close to water or likely to be inundated; and subject to factors influencing sight-lines and hence predation risk (undulating topography; nearby hedges, woodland and treelines; small fields; etc)). These allocation sites are therefore unlikely to be used by wigeon in numbers that would expose the SPA/Ramsar population to the possibility of adverse effects.
- 5.5.9 On this basis, systematic or large-scale effects on functionally-linked land will not occur as a consequence of the plan's allocations, although this should not prejudice the assessments that may be required for individual developments not specified by the plan.

Wind Farms

- 5.5.10 The Local Plan does not allocate or identify specific sites for wind farms although there is a spatial component to the policy as the Policies Map shows areas considered suitable for some wind turbine developments. This is based on the landscape and visual impact parameters set out in the

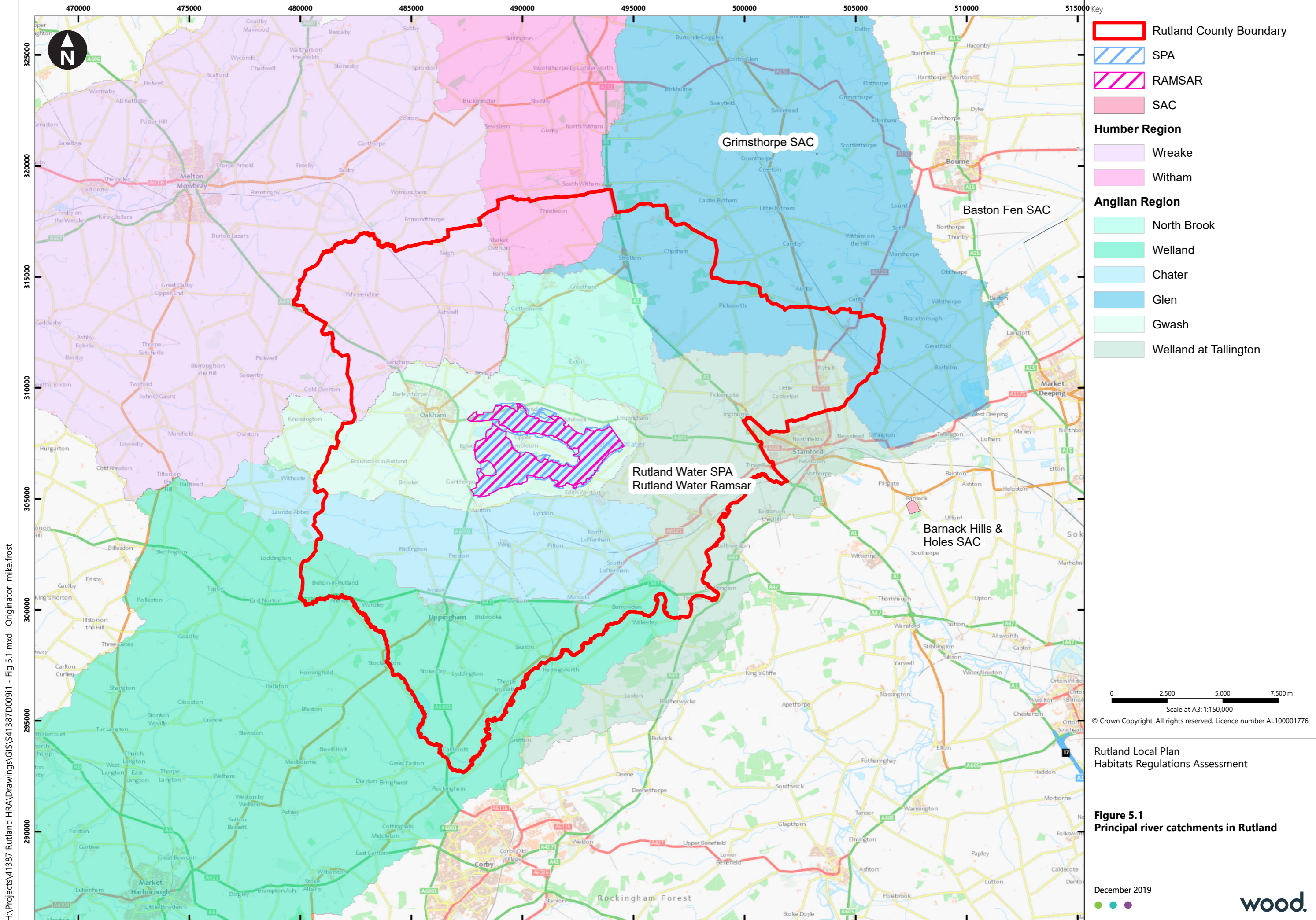
⁶⁷ Derek Finnie Associates (2019). *St. George's Barracks Winter Bird Survey*. Report for RegenCo. Ref. DFA19036V1. Derek Finnie Associates, Wokingham.

Rutland Landscape Sensitivity and Capacity Study (Wind Turbines), and hence in the RCC Wind Turbine Developments SPD (2012), which identified areas with “high” or “moderate” landscape capacity to accommodate appropriate small-scale wind turbine developments (i.e. single turbines or small groups of small- or medium-sized turbines). The policy therefore guides developers to these areas, although it provides no further direction (e.g. potential locations, quantum of development, etc.) and does not provide or imply any support or approval for applications in these areas.

- 5.5.11 Birds are vulnerable to collisions with wind turbines although the risk is dependent on a wide-range of species- and site-specific factors. In general, larger less-maneuvrable species such as large raptors, swans, geese and divers are thought to be most at risk of collision, rather than the smaller waterfowl species associated with Rutland Water; and risks are assumed to be greater near sites designated for such species.
- 5.5.12 However, risks cannot be reliably assessed without project-level parameters and as a result there are few landscape-scale models that can be applied to strategic plans. The RSPB provided a high-level map and guidance⁶⁸ in 2009 that assigned one of three sensitivity ratings (high, medium or unknown) to each 1km square in England; for Rutland, the landscape within ~4 – 5km of Rutland Water SPA/Ramsar and Eye Brook Reservoir SSSI was categorised as having a ‘high’ sensitivity to wind farm development due to their designations although the RSPB report does explicitly note that the sensitivity map is indicative only and that it is not intended to identify or suggest ‘no go’ areas. With regard to the areas identified by the Rutland Landscape Sensitivity and Capacity Study, the northernmost area (Area 1)⁶⁹ overlaps slightly with the ‘high’ sensitivity areas.
- 5.5.13 In practice the appropriate siting of wind farms can only be determined at the project level. The policy is of a type that would typically be ‘screened out’ as it provides no additional clarity on development parameters (e.g. potential locations, quantum of development, etc.); the areas identified in the Rutland Landscape Sensitivity and Capacity Study have been also in use since the publication of the Wind Turbine Developments SPD in 2012, and the Local Plan policy EN8 is consistent with this.
- 5.5.14 However, during the plan review process it was recommended that the policy be more explicit regarding the scope and limitations of the Rutland Landscape Sensitivity and Capacity Study; accordingly, the policy was amended to note that “*The suitability classification does not prejudice other material planning considerations, such as effects on designated sites and their interest features*” and that “*Within these areas, wind turbine developments of an appropriate scale and size of grouping will be permitted provided that environmental, economic and social impacts can be addressed satisfactorily including...the natural environment, having particular regard to effects on bird species associated with Rutland Water SPA / Ramsar and the permeability of the landscape for birds moving to and from the site (both alone and cumulatively with other developments)...*”. The supporting text was also modified.
- 5.5.15 These amendments are considered sufficient to ensure that the Local Plan does not introduce a systemic pathway for birds associated with Rutland Water SPA/Ramsar to be adversely affected by the policy, alone or in combination.

⁶⁸ Bright J.A., Langston R.H.W. & Anthony S. (2009). *Mapped and written guidance in relation to birds and onshore wind energy development in England*. RSPB Research Report No. 35. RSPB, Beds.

⁶⁹ This area is considered suitable for small-sized turbines (single, small and small-medium groups); medium-sized turbines (single, small groups); and large-sized turbines (single).



H:\Projects\41387 Rutland HRA\Drawings\GIS\41387D00911 - Fig 5.1.mxd Originator: mike.frost

Key

- Rutland County Boundary
- SPA
- RAMSAR
- SAC

Humber Region

- Wreake
- Witham

Anglian Region

- North Brook
- Welland
- Chater
- Glen
- Gwash
- Welland at Tallington

0 2,500 5,000 7,500 m
Scale at A3: 1:150,000
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Rutland Local Plan
Habitats Regulations Assessment

Figure 5.1
Principal river catchments in Rutland

December 2019

wood.

6. Summary and Conclusions

6.1 Summary

- 6.1.1 Rutland County Council (RCC) is currently reviewing its Local Plan. The new Local Plan will set out the vision, spatial principles, planning policies and site allocations that will guide development in the local authority area in the period up to 2036. The Council is currently consulting on the Pre-submission Draft Local Plan before it is examined by an independent Planning Inspector.
- 6.1.2 Regulation 105 of the Habitats Regulations states that if a land-use plan is "(a) *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site*" then the plan-making authority must "...make an appropriate assessment of the implications for the site in view of that site's conservation objectives" before the plan is given effect. The process by which Regulation 105 is met is known as HRA. An HRA determines whether there will be any 'likely significant effects' (LSE) on any European site as a result of a plan's implementation (either on its own or 'in combination' with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site's integrity. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.
- 6.1.3 The HRA presented in this report has demonstrated that the vast majority of the Local Plan policies and proposed site allocations will have 'no effect' (either alone or in combination) on any European sites, typically because either they are policy types that do not make provision for changes or because they relate to sites that are a considerable distance from the European sites (with no known pollutant or effect pathway).
- 6.1.4 There will be either **no effects or no significant effects alone or in combination on the interest features of Barnack Hills and Holes SAC, Grimsthorpe SAC or Baston Fen SAC**. This is principally due to the absence of reasonable impact pathways by which the Local Plan could affect these sites.
- 6.1.5 The screening indicated that interest features of **Rutland Water SPA/Ramsar** may be exposed and sensitive to environmental changes associated with the Local Plan, principally in relation to the cumulative effects of visitor pressure, water quality and air quality affecting the site itself. Some qualifying features may also be exposed to development-related effects when utilising habitats away from the site. None of the allocations are likely to result in significant effects 'alone', with the possible exception of the St. George's Barracks allocation due to its size and proximity to the SPA/Ramsar. The heavily-managed nature of the reservoir ensures that exposure to potentially significant environmental changes is likely to be limited; however, there is a residual uncertainty in relation the significance of some effects, and the Local Plan includes measures identified during its development that are intended to minimise or prevent significant or significant adverse effects occurring.
- 6.1.6 These aspects have therefore been examined through an 'appropriate assessment' stage to ensure that proposals coming forward under the Local Plan either avoid affecting designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain. Site integrity (in HRA terms) is "*the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated*" (EC Guidance 'Managing Natura 2000' (2018)).
- 6.1.7 In summary:

- **Water quality:** Development within Rutland will have no adverse effects on Rutland Water SPA/Ramsar alone or in combination due to safeguarding measures relating to SuDS and wastewater treatment capacity provision included within the plan (including with specific reference to St. George's Barracks).
- **Air Quality:** Development within Rutland and associated traffic growth will increase N-deposition to Rutland Water SPA/Ramsar where the site is within 200m of a road that might see a potentially significant increase in traffic (>1,000 AADT). However, this will have no adverse effects on the integrity of the site alone or in combination due to the minimal magnitude of change anticipated and the low sensitivity of the supporting habitats for the qualifying features.
- **Visitor/Recreational Pressures:** The characteristics of Rutland Water as a regional attraction ensure that it has a high resilience to visitor pressure, which is robustly managed across the site; furthermore, the behavioural characteristics of the qualifying species help minimise their potential exposure to disturbance. As a result the Local Plan will have no adverse effect on the integrity of the site alone or in combination. This conclusion accounts for measures included within policy relating to open-space provision although these are not relied on to ensure adverse effects do not occur.
- **Effects on species away from the site:** no potential areas of functionally-linked land have been identified that may be critical to the integrity of the qualifying species populations, and policies relating to wind farm developments do not introduce quantum or location impacts that cannot clearly be avoided through normal best-practice project planning and investigation processes. As a result the Local Plan will have no effects on the populations of qualifying species when away from Rutland Water that will adversely affect the integrity of the SPA/Ramsar, alone or in combination.

6.2 Conclusions

Overall, the assessment of the Pre-Submission Draft Local Plan has concluded that most aspects of the plan will have no significant effects on any European sites, alone or in combination due to the absence of effect pathways. Screening has demonstrated that there will be either **no effects or no significant effects alone or in combination on the interest features of Barnack Hills and Holes SAC, Grimsthorpe SAC or Baston Fen SAC.**

Appropriate assessments have been undertaken for **Rutland Water SPA/Ramsar** in relation to those aspects where effect pathways are present (in combination water quality, air quality and visitor pressure effects, and effects on species away from the SPA/Ramsar), taking into account specific and cross-cutting policy-based mitigation and avoidance measures that have been incorporated into the plan. These appropriate assessments have employed additional analyses and data to resolve uncertainties present at the initial screening, and have concluded that **the Local Plan will have no adverse effects on the integrity of Rutland Water SPA or Rutland Water Ramsar site, alone or in combination.**

It will be necessary to review any changes that are made to the Pre-Submission Local Plan prior to adoption in order to ensure that the HRA conclusions remain applicable. A formal assessment conclusion against the requirements of Regulation 105 will be made at that point.

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Appendix A

European Site Terminology

Table A1 European site terminology

Name	Abbreviation	Notes
Special Area of Conservation	SAC	Designated under the EU <i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> , and implemented in the UK through the <i>Conservation of Habitats and Species Regulations 2017</i> , and the <i>Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995</i> (as amended).
Sites of Community Importance	SCI	Sites of Community Importance (SCIs) are sites that have been adopted by the European Commission but not yet formally designated by the government of each country. Although not formally designated they are nevertheless fully protected by <i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> , the <i>Conservation of Habitats and Species Regulations 2017</i> , and the <i>Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995</i> (as amended).
Candidate SAC	cSAC	Candidate SACs (cSACs) are sites that have been submitted to the European Commission, but not yet formally adopted as SCIs. Although these sites are still undergoing designation and adoption they are still fully protected by <i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> , the <i>Conservation of Habitats and Species Regulations 2017</i> and the <i>Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995</i> (as amended).
Possible SACs	pSAC	Sites that have been formally advised to UK Government, but not yet submitted to the European Commission. As a matter of policy the Governments in England, Scotland and Wales extend the same protection to these sites in respect of new development as that afforded to SACs.
Draft SACs	dSAC	Areas that have been formally advised to UK government as suitable for selection as SACs, but have not been formally approved by government as sites for public consultation. These are not protected (unless covered by some other designation) and it is likely that their existence will not be established through desk study except through direct contact with the relevant statutory authority; however, the statutory authority is likely to take into account the proposed reasons for designation when considering potential impacts on them.
Special Protection Area	SPA	Designated under <i>EU Council Directive 79/409/EEC on the Conservation of Wild Birds</i> (the 'old Wild Birds Directive') and <i>Directive 2009/147/EC on the Conservation of Wild Birds</i> (the 'new Wild Birds Directive, which repeals the 'old Wild Birds Directive'), and protected by Article 6 of <i>Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> . These directives are implemented in the UK through the <i>Wildlife & Countryside Act 1981</i> (as amended), the <i>Conservation of Habitats and Species Regulations 2017</i> , the <i>Wildlife (Northern Ireland) Order 1985</i> , the <i>Nature Conservation and Amenity Lands (Northern Ireland) Order 1985</i> and <i>The Conservation (Natural Habitats, &c.) (Northern Ireland) Regulations 1995</i> (as amended) and the <i>Offshore Marine Conservation (Natural Habitats & c.) Regulations 2007</i> .
Potential SPA	pSPA	These are sites that are still undergoing designation and have not been designated by the Secretary of State; however, ECJ case law indicates that these sites are protected under Article 4(4) of <i>Directive 2009/147/EC</i> (which in theory provides a higher level of protection than the Habitats Directive, which does not apply until the sites are designated as SPAs), and as a matter of policy the Governments in England, Scotland and Wales extend the same protection to these sites in respect of new development as that afforded to SPAs, and they may be protected by some other designation (e.g. SSSI).

Name	Abbreviation	Notes
Ramsar		<p>The <i>Convention on Wetlands of International Importance especially as Waterfowl Habitat</i> (Ramsar Convention or Wetlands Convention) was adopted in Ramsar, Iran in February 1971. The UK ratified the Convention in 1976. In the UK Ramsar sites are generally underpinned by notification of these areas as Sites of Special Scientific Interest (SSSIs) (or Areas of Special Scientific Interest (ASSIs) in Northern Ireland). Ramsar sites therefore receive statutory protection under the <i>Wildlife & Countryside Act 1981</i> (as amended), and the <i>Nature Conservation and Amenity Lands (Northern Ireland) Order 1985</i>. However, as a matter of policy the Governments in England, Scotland and Wales extend the same protection to listed Ramsar sites in respect of new development as that afforded to SPAs and SACs.</p>



Appendix B

Review of Emerging Plan



Rutland Local Plan Habitats Regulations Assessment

Initial Review of Draft Local Plan

1. Introduction

1.1 The Rutland Local Plan

Rutland County Council (RCC) is currently reviewing its Local Plan. The review will extend the plan period to 2036 and provide for any additional new housing, employment or other development that may be needed over the extended plan period.

The extension to the Local Plan has been in preparation since 2015. The Council published an 'Issues and Options' consultation document in November 2015, followed by a 'Consultation Draft Local Plan' in July 2017. This was followed by a further consultation in August 2018, which sought views on:

- additional sites promoted to the Council as potential allocation sites¹; and
- the proposed changes to the draft plan that would be required to incorporate one particular strategic allocation (St. George's Barracks, near Edith Weston)².

RCC has consequently been drafting its revised Local Plan in accordance with the *Town and Country Planning Act (Local Planning) (England) Regulations 2012*.

1.2 Habitats Regulations Assessment

Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') states that if a land-use plan is "(a) *is likely to have a significant effect on a European site³ or a European offshore marine site⁴ (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site*" then the plan-making authority must "...make an

¹ Rutland County Council (2018a). *Additional Sites 2018: Rutland Local Plan Review*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79385.pdf>

² Rutland County Council (2018b). *Rutland Local Plan: Specific Consultation considering the implications of potential development of St. George's within the Local Plan*. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/79384.pdf>

³ Strictly, 'European sites' are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (National Planning Policy Framework para. 176) when considering development proposals that may affect them. "European site" is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites.

⁴ 'European offshore marine sites' are defined by Regulation 15 of *The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007* (as amended); these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

appropriate assessment of the implications for the site in view of that site's conservation objectives" before the plan is given effect.

The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA)⁵. An HRA determines whether there will be any 'likely significant effects' (LSE) on any European site as a result of a plan's implementation (either on its own or 'in combination' with other plans or projects) and, if so, whether these effects will result in any adverse effects on site integrity. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.

Regulation 105 essentially provides a test that the final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, as with Sustainability Appraisal (SA), it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development, with the emerging policies or options reviewed during development to ensure that potentially significant effects on European sites can be identified at an early stage, so providing time for the potential effects (and any mitigation requirements) to be identified and assessed. This is undertaken in consultation with Natural England (NE) and other appropriate consultees.

1.3 This Report

The 2015 and 2017 consultations were accompanied by 'HRA Screening' reports^{6,7}, which were designed to identify potential significant effects on European sites and so inform the drafting of the emerging Local Plan. These 'HRA screening' reports suggested that the possibility of significant effects on one or more European sites could not necessarily be excluded at that stage, and that additional assessment may be required to inform the HRA of the reviewed Local Plan prior to adoption.

Natural England (NE) stated in its 2015 response to the Issues and Options Consultation that it agreed "*...with the conclusion [of the HRA screening report] that the likely effects can only be properly assessed as the Local Plan develops and that further HRA screening will need to be undertaken at the next preferred options stage in the Local Plan review to ensure that there would be no likely significant effects on any European site*"; NE had no additional comments on the 2017 Consultation Draft Plan, but did provide detailed comment on the 2018 re-consultation.

Wood Environment and Infrastructure UK Ltd (Wood) was commissioned by the Council to assist with the completion of the Habitats Regulations Assessment (HRA) of the Local Plan following the 2018 re-consultation. As noted, it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development; Wood has therefore reviewed the emerging plan as a 'critical friend' to identify any particular policies, policy areas or allocations that may benefit from amendments to improve the plan's performance in relation to European sites.

This report is not a formal 'screening' or similar and should not be treated as such. It is primarily intended to identify those plan aspects that cannot self-evidently be excluded as having 'no effect' on any European sites, and those where additional evidence gathering may potentially be required to support the policy. Any suggested policy amendments are advisory only and not intended to be prescriptive; nor do any

⁵ The term 'Appropriate Assessment' has been historically used to describe the process of assessment; however, the process is now more accurately termed 'Habitats Regulations Assessment' (HRA), with the term 'Appropriate Assessment' limited to the specific stage within the process.

⁶ Rutland County Council (2015). *Rutland Local Plan Review Issues & Options Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/27661.pdf>. [Accessed Jan 2019].

⁷ Rutland County Council (2017). *Rutland Local Plan Review Consultative Draft Habitat Regulations Assessment Screening Report* [online]. Rutland County Council. Available at: <https://www.rutland.gov.uk/resources/assets/attachment/full/0/47693.pdf>. [Accessed Jan 2019].

recommended changes imply that an unamended policy will have significant adverse effects on a European site.

2. Summary of Context and Baseline

2.1 European sites

Study Area

- 2.1.1 The zone of influence of the Local Plan will vary according to the aspect being considered (for example, noise effects would rarely extend more than a few hundred metres from the source), and so it is not usually appropriate to employ 'arbitrary' spatial buffers to determine those European sites that should be considered within an HRA.
- 2.1.2 However, as distance is a strong determinant of the scale and likelihood of most effects, the considered use of a suitably precautionary search area as a starting point for the screening (based on a thorough understanding of both the plan outcomes and European site interest features) has some important advantages. Using buffers allows the systematic identification of European sites using GIS, so minimising the risk of sites or features being overlooked, and also ensures that sites where there are no reasonable impact pathways can be quickly and transparently excluded from any further screening or assessment. It also has the significant advantage of providing a consistent point of reference for consultees following the assessment process, allowing the 'screening' to focus on the potential effects, rather than on explaining why certain sites may or may not have been considered in relation to a particular aspect of the plan.
- 2.1.3 The screening stage therefore considers potential effects on:
- all European sites within 15km of the Council's Administrative Area;
 - any additional sites that may be hydrologically linked to the Local Plan's zone of influence; and
 - any additional sites identified by Natural England during scoping consultations.
- 2.1.4 This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. The sites listed in **Table 2.1** are therefore included in the screening assessment (see also **Figure 2.1**).

Table 2.1 European sites within study area

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

Baseline

The interest features of the European sites within the study area, and the current factors affecting them, are summarised in **Table 2.2**. The current pressures on, and threats to, the sites are also identified, based on the Site Improvement Plans (SIPs)⁸.

⁸ Available at: <http://publications.naturalengland.org.uk/category/5458594975711232>

Table 2.2 European sites and interest features within study area

Site and Interest Features	Condition	Summary of current threats and potential vulnerabilities to outcomes of Local Plan
<p>Rutland Water SPA</p> <p>Qualifies under article 4.2 as a wetland of international importance regularly supporting in winter over 20,000 waterfowl.</p>	F – 100%	<p>The site is a large public water supply reservoir which was constructed in 1975 and located within the county of Rutland in central England. The citation states that in winter the site supports internationally or nationally important numbers of the following migratory wildfowl species:</p> <ul style="list-style-type: none"> • Great crested grebe (<i>Podiceps cristatus</i>) - 520 individuals and 6% of British population; • Mute swan (<i>Cygnus olor</i>) - 200 individuals and 1% of British population; • Eurasian wigeon (<i>Anas Penelope</i>) – 4,380 individuals and 2% of British population; • Gadwall (<i>Anas Strepera</i>) – 1,320 individuals and 22% of British population; • Eurasian teal (<i>Anas crecca</i>) – 1,140 individuals and 1% of British; • Northern shoveler (<i>Anas clypeata</i>) – 450 individuals and 5% of British population; • Tufted duck (<i>Aythya fuligula</i>) – 3,230 individuals and 5% of British population; • Common goldeneye (<i>Bucephala clangula</i>) – 285 individuals and 2% of British population; • Goosander (<i>Mergus merganser</i>) – 60 individuals and 1% British population; and • Common coot (<i>Fulica atra</i>) 4,600 individuals and 2% of British population. <p>The citation also states that the site is also supports a diverse assemblage of wintering wildfowl.</p> <p>The site's overall quality and diversity of habitats is extremely important in supporting these species. Habitats include open standing water associated with the main reservoir and other adjacent waterbodies (76%); neutral grassland (14%); fen; marsh and swamp associated with the open water (0.01%); broadleaved, mixed and yew woodland, including wet woodland (8%).</p> <p>The SPA forms part of the Rutland Water (SSSI) which is listed as in favourable condition but has a condition threat list of high. Factors affecting the supporting habitat include extent and distribution; conservation measures; water quality / quantity; air quality; anthropomorphic disturbance; connectivity; adaptation and resilience; water depth; and food availability. As well as population abundance and species diversity.</p> <p>The Rutland Water SIP includes the following individual pressures / threats to the site:</p> <ul style="list-style-type: none"> • Water abstraction; • Inappropriate water levels; • Direct impact from third party; • Invasive species; • Water pollution; • Planning permission: general; • Public access / disturbance; and • Fisheries: freshwater.
<p>Rutland Water Ramsar</p>	F – 100%	<p>The site is a man-made pump storage reservoir and is the largest reservoir in the UK. The reservoir is drawn down in the summer and filled during the autumn and winter, when river levels are high. Habitats include: open water, lagoons, reed swamp, marsh, old meadows, scrub and woodland. To the west of the reservoir there are three bunded areas, where the water level is managed to produce seasonal inundation and conditions for breeding</p>

Site and Interest Features	Condition	Summary of current threats and potential vulnerabilities to outcomes of Local Plan
<p><u>Qualifying species/populations (as identified at designation):</u></p> <p>Gadwall (<i>Anas strepera</i>)</p> <p>Northern shoveler (<i>Anas clypeata</i>)</p>		<p>wildfowl. Within this area are several small artificial islands and a 2ha reedbed. The remaining areas comprise woodland and grazed grasslands. The site qualifies for its species/population of gadwall and northern shoveler. Other species occurring at levels of national importance include:</p> <p><u>Species with peak counts in spring/autumn:</u> little grebe (<i>Tachybaptus ruficollis</i>), great crested grebe (<i>Podiceps cristatus</i>), tufted duck (<i>Aythya fuligula</i>), common coot (<i>Fulica atra</i>), ruff (<i>Philomachus pugnax</i>), spotted redshank (<i>Tringa erythropus</i>), common greenshank (<i>Tringa nebularia</i>), lesser black-backed gull (<i>Larus fuscus graellsii</i>).</p> <p><u>Species with peak counts in winter:</u> common goldeneye (<i>Bucephala clangula</i>), smew (<i>Mergellus albellus</i>) and water rail (<i>Rallus aquaticus</i>).</p> <p>As with the Rutland Water SPA, the Ramsar forms part of the Rutland Water (SSSI) which is listed as in favourable condition but has a condition threat list of high. Factors affecting the supporting habitat include extent and distribution; conservation measures; water quality / quantity; air quality; anthropomorphic disturbance; connectivity; adaptation and resilience; water depth; and food availability. As well as population abundance and species diversity.</p> <p>The Rutland Water SIP includes the following individual pressures / threats to the site:</p> <ul style="list-style-type: none"> • Water abstraction; • Inappropriate water levels; • Direct impact from third party; • Invasive species; • Water pollution; • Planning permission: general; • Public access / disturbance; and • Fisheries: freshwater.
<p>Barnack Hills & Holes SAC</p> <p><u>Annex 1 Features:</u> Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites); dry grasslands and scrublands on chalk or limestone (important orchid sites).</p>	F 100%	<p>The site is situated on a gently sloping plateau between the River Nene and the River Welland. The site comprises of Lower Lincolnshire Limestone, with much of the surface having been subject to quarrying since Roman times, which is shown by limestone spoil being present on the parent rock. The soil is very alkaline with a PH value between 8.1 – 9.7. The site has a rich plant community which is associated with the disused mineral working. The site comprises of an area of Jurassic Limestone grassland, characteristic of eastern England which is now scarce in Britain and incorporates an upright brome <i>Bromopsis erecta</i>-tor-grass <i>Brachypodium pinnatum</i> type (NVC community CG5), along with a number of nationally scarce species of flora. The site is particularly notable for its orchids particularly the population of man orchid (<i>Aceras anthropophorum</i>) which is considered to be the largest population in the UK. The abundance of pasque flower (<i>Pulsatilla vulgaris</i>) is also of interest. Many other species typical of limestone grassland also occur including purple milk-vetch (<i>Astragalus danicus</i>) and the common rock-rose (<i>Helianthemum nummularium</i>). The site is of interest for grassland butterfly fauna with species such as chalkhill blue (<i>Lysandra coridon</i>), brown argus (<i>Aricia agestis</i>) and marble white (<i>Melanargia galathea</i>). Glow worms (<i>Lampyrus noctiluca</i>) are also present.</p> <p>The site has been assessed as being in favourable condition. However, the SIP does highlight the continued need for mitigation of disturbance and compaction by use of temporary protection areas around key populations during peak flowering season. In addition to the need for a sustainable future balancing recreational need with providing biodiversity benefits.</p> <p>The Barnack Hills and Holes SIP includes the following individual pressures / threats to the site:</p>

Site and Interest Features	Condition	Summary of current threats and potential vulnerabilities to outcomes of Local Plan
		<ul style="list-style-type: none"> • Changes in species distributions; • Public access / distribution; • Air pollution: impact of atmospheric nitrogen deposition; • Changes in species distributions; • Public access / disturbance
<p>Grimsthorpe SAC</p> <p><u>Annex 1 Features:</u> Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>). Dry grasslands and scrublands on chalk or limestone.</p> <p><u>Annex II Features:</u> Early gentian (<i>Gentianella angelica</i>)</p>	F – 100%	<p>The 0.35ha site forms part of a disused stone quarry (known as 'Elsea Pit'), which has a rich limestone flora. Species include: purple milk-vetch (<i>Astragalus danicus</i>), clustered bellflower (<i>Campanula glomerata</i>), wild marjoram (<i>Origanum vulgare</i>), quaking-grass (<i>Briza media</i>), autumn gentian (<i>Gentianella amarella</i>) and wild thyme (<i>Thymus polytrichus</i>).</p> <p>The unimproved calcareous grassland provides a habitat for an important plant species, the early gentian (<i>Gentianella anglica</i>), with two to three colonies totalling several hundred plants in the old oolitic limestone quarry. Early gentian is endemic to England and is a protected plant under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) and a licence may be required to take them. The Grimsthorpe SAC represents the most northerly location for the early gentian. The site is located adjacent to ancient parkland on the Lincolnshire limestones of the Kesteven Uplands Character Area. The Grimsthorpe SAC forms part of the Grimsthorpe Park SSSI (unit 2 only), which consists of calcareous grassland. The site is in favourable condition with CG5 in good condition.</p> <p>The Grimsthorpe SAC Annex I habitat feature consists of vegetation communities CG5 upright brome (<i>Bromus erectus</i>) –tor-grass (<i>Brachypodium pinnatum</i>) grassland as referred to using the National Vegetation Classification (NVC). At this site this is characterised by a grassy sward variable in height but dominated by these two grasses. Typical associates of the CG5 grassland at this site include dwarf thistle (<i>Cirsium acule</i>), ladies-bedstraw (<i>Galium verum</i>), common rock-rose (<i>Helianthemum nummularium</i>), bird's-foot trefoil (<i>Lotus corniculatus</i>), salad burnet (<i>Sanguisorba minor</i>) and fairy flax (<i>Linum catharticum</i>).</p> <p>The Grimsthorpe SIP includes the following individual pressures / threats to the site:</p> <ul style="list-style-type: none"> • Air pollution: risk of atmospheric nitrogen deposition.
<p>Baston Fen SAC</p> <p><u>Annex II Feature:</u> Spined loach (<i>Cobitis taenia</i>)</p>	UR – 100%	<p>The site is a counter drain, which is a large slow flowing drainage channel, situated adjacent to Baston Fen. The drainage channel is an important feature for a diverse community of aquatic and emergent plants. Of interest is the rich assemblage of pondweeds which includes perfoliate pondweed (<i>Potamogeton perfoliatus</i>), flat-stalked pondweed (<i>P. friesii</i>) and the nationally uncommon hairlike pondweed (<i>P. trichoides</i>) and grass-wrack pondweed (<i>P. compressus</i>). The site is rich in freshwater invertebrates such as dragonflies, damselflies, aquatic snails and water beetles. A significant population of spined loach (<i>Cobitis taenia</i>) is present in the counter drain.</p> <p>The Baston Fen (SAC) forms part of the Baston and Thurlby Fens SSSI (unit 3) which condition is listed as unfavourable – recovering (last assessed 25/07/2013). There has been no desilting due to concerns over the affects upon the population of spined loach. However, a management programme with careful planning is required to reduce the silt levels to ensure the health of the spine loach populations and macrophyte community. The Baston Fen SIP includes the following individual pressures / threats to the site:</p> <ul style="list-style-type: none"> • Siltation; and • Changes in species distributions.

Key

* Interest features (habitats or species) that are a primary reason for designation; all other habitats and species are qualifying features

W	Wintering species
P	Breeding species
-	Species included on original SPA citation but proposed for removal following the SPA Review
+	Species not included on the original SPA citation but added following the SPA Review
Annex I / II	Habitats or species listed on Annex I or II (respectively) of Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive')
Article 4.1 / 4.2	Bird species qualifying under Article 4.1 or 4.2 of Directive 2009/147/EC on the Conservation of Wild Birds (the 'new Wild Birds Directive')
Criterion 1, 2, etc.	Ramsar criteria; there are nine criteria used as a basis for selecting Ramsar sites
**	Based on the condition assessments of the SSSI units that correspond to the relevant European sites; note, for the Marine Site (Outer Thames Estuary SPA) there are no corresponding SSSI units.
F	Favourable
UR	Unfavourable recovering
U	Unfavourable no change
UD	Unfavourable declining
PD	Partially destroyed
NS	Not stated (e.g. offshore areas where site is not underpinned by an SSSI).

2.2 Outcomes of the Local Plan and Effect Pathways

The provisions of the Habitats Regulations ensure that 'direct' (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the revised Rutland Local Plan. Indeed, local plans will generally assist the safeguarding of European sites through their protective policies. However, there will be a number of areas where the direction, controls or influence provided by a plan can result in outcomes that can affect European site interest features.

Most potential effect pathways are associated with broad 'quantum of development' or population growth aspects, and whilst a local plan is not necessarily the main driver of these effects, they do have a key role in managing them locally through the site allocation process. In this context, the main mechanisms by which the RCC Local Plan could affect European sites are through spatial allocations that have direct or indirect effects on European sites; or through policies that direct development (or do not control development) such that significant effects are likely. The typical environmental changes associated with the 'quantum of development' aspect of strategic plans, and the pathways by which the Rutland Local Plan could potentially affect European sites, are as follows:

- **Recreational pressure:** Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. Local plans can influence recreational pressure through their allocations and associated controls. Attempts to predict the effects of increased recreation on European sites that may be associated with development or allocations derived from strategic plans generally aim to identify the distance within which a certain percentage of visitors originate, typically 75%; analysis of available information from sites across the country suggests this distance is usually less than 6 – 7km. In this instance, due to the proximity of Rutland Water and its role as a regional attraction it is considered likely that all of the allocations within the region will contribute to recreational pressure at the site.
- **Urbanisation:** Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. This would include varied aspects such as fly-tipping or vandalism, predation by cats, or the dispersal of invasive species, although the effects of these aspects depend on proximity, accessibility and the interest features of the sites. In this instance, due to distance of most allocations from the nearest European site, urbanisation is not considered a potential route for effects.
- **Atmospheric pollution:** The most relevant air pollutants to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO₂, typically from combustion of coal and heavy fuel oils), nitrogen oxides (NO_x, mainly from vehicles) and ammonia (NH₃, typically from agriculture). These pollutants affect habitats and species mainly through acidification and eutrophication. In general, the assessment of effects associated with local plans focuses on local air pollution rather than regional diffuse pollution.
- **Water resources and flow regulation:** The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by local plans; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is therefore managed through specific consenting regimes that are independent of local plans. Increased housing growth (which is likely to be supported by a local plan) increases demand on public water supply abstractions, some of which are associated with European sites; however, the consenting regimes are subject to HRA and, importantly, water companies are required to

produce 25 year Water Resource Management Plans (WRMPs) that take into account predicted population growth and protected sites when considering future water resource provision. It is therefore very unlikely that development within one local planning authority area could have direct and consequential effects on a European site if growth is in line with water company predictions, particularly as most water companies operate conjunctive-use systems that do not rely on single-source provision. This aspect is most typically managed through policy.

- **Water quality:** Most waterbodies and watercourses are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates. Point sources are usually discrete discharge points, such as wastewater treatment works (WTW) outfalls, which are generally managed through specific consenting regimes that are independent of local plans. In contrast, diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by local plans is likely to increase demand on wastewater treatment works, and potentially increase run-off which could indirectly affect downstream European sites – although there will inevitably be attenuation as distance from the source increases.

Other mechanisms may also be relevant depending on the scope and content of the policy and the extent to which specific developments are directed towards specific areas; for example, policies allocating specific sites for specific industries may have a range of additional activity-specific environmental aspects that would require consideration.

It should also be recognised that many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site (often referred to as 'functional habitats') during their life-cycle. Developments some distance from a European site can therefore have an effect on the site if its interest features are reliant on the habitats being affected by the development. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on functional habitats outside of the designated site boundary.

3. Review Approach

3.1 Review and Screening of Policies

Overview

The principles of HRA are applied to the emerging plan and its components (i.e. the policies and allocations) as part of an iterative review process, to ensure that

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

The emerging policies have been informally 'screened' for the earlier consultations (see Section 1.1); this current review focuses on the emerging 'preferred options' identified by RCC in September 2019.

Review of Site Allocations

The possible allocation sites considered by RCC, and their proposed uses, were reviewed to identify those which (if developed) could result in significant effects on a European site that are not obviously avoidable

with those standard project-level measures required to meet existing regulatory regimes. The review largely focused on the identification of specific effects that might be associated with specific allocations (and which may therefore require the inclusion of allocation-specific mitigation within the plan) rather than the broader 'quantum of development' effects⁹. The risk of effects is obviously strongly dependent on how a particular development is implemented at the project stage and in most cases potential effects can be avoided using best-practice and standard scheme-level avoidance measures which do not necessarily need to be specified for each allocation. However, in some instances there may not be sufficient flexibility or safeguards provided within the plan to ensure that a particular allocation, if bought forward, could be delivered without significant effects.

Review of Draft Policies

When considering the likely effects of a policy, it is recognised that some policy 'types' cannot result in impacts on any European sites. Different guidance documents suggest various classification and referencing systems to help identify those policies that can be 'screened out' on that basis; the general characteristics of these policy types are summarised in Table 3.1.

Table 3.1 Policy 'types' that can usually be screened out

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

* EC, 2000, Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC April 2000 at 4.3.2

It must be noted that it is inappropriate to uncritically apply a policy classification tool (as in Table 3.1) to all policies of a certain type. There will be some occasions when a policy or similar may have potentially

⁹ Effects due to the overall quantum of development are essentially a within-plan 'in combination' effect.

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

The criteria in Table 3.1 were applied to the review of the draft policies within the Local Plan, together with an initial assessment of the performance of each policy in relation to the sensitivities of the European site interest features to the likely outcomes. This aimed to identify potential pathways for effects to ensure that these can either be satisfactorily addressed by the HRA or the policy amended to remove the risk of those effects being realised. Note, this review is intended to assist RCC with the development of robust policy from an HRA perspective; it does not aim to identify or assess all of the specific 'mitigation' measures that may need to be included within a policy in response to significant effects (which would need to be tested through appropriate assessment in any case). The review therefore categorises policies according to their 'risk' in HRA terms, with policies generally categorised into the groups identified in Table 3.2. Note, the inclusion of a policy in a particular category is for guidance only, and does not imply a specific conclusion for the HRA of the plan.

Table 3.2 Categorisation of policies in the initial review

Policy classification	Notes
'No issue'	These are generally policies that meet the criteria outlined in Table 3.1 but may include allocation-specific policies where it is clear that there are no pathways for effects on European sites. If included as drafted these policies will self-evidently have either 'no effect' on any European site due to the characteristics of the policy or its operation (for example a policy controlling town centre shop signage, or a policy setting out sustainable development criteria that developments must meet), or 'no significant effect' (i.e. a potential pathway for effects is conceivable but either the risk of the pathway being realised is effectively nil (taking into account external regulatory regimes and established practice) or there are other moderating factors that ensure that significant effects will not occur). This would also include policies that provide support for development, but which have no explicit or implied spatial component below the level of the plan. 'No issue' policies would require a screening review at submission but don't require amendments to be confident that significant effects will not occur and are unlikely to require specific additional consideration by the HRA.
'Review'	These are also policies that will have 'no effect' or 'no significant effect' based on their characteristics as currently drafted, but which may benefit from HRA-related amendments. This category might include 'criteria-type' policies that provide a useful vehicle for overarching or allocation-specific mitigation; or protective or safeguarding policies where the wording would benefit from greater clarity. Policy amendments are noted if considered beneficial at this stage, but more broadly the policy will be kept under review as the plan and its HRA develop.
'Assess / amend'	This category covers policies where additional intervention is considered necessary as part of the HRA / plan development process. These will either be policies that require amendments to clarify the policy provisions (e.g. to remove implied support or clarify the relevant criteria for support); or policies where the effects on European sites (either alone or in combination) are considered significant or are uncertain, and which therefore require further consideration within the additional technical assessments required to inform the HRA of the plan. These may require additional aspect-specific technical assessments (e.g. traffic modelling) although these will generally be achievable within the intended timescales for plan development.
'Reconsider'	Policies with elements that will clearly have a significant effect and where there is a strong likelihood, based on the available information, that those effects will be of a scale or type that will either (a) require substantive additional technical investigation that may not be achievable in a realistic timescale; or (b) have a high risk of adverse effects that cannot obviously be avoided or mitigated (either with measures that can be identified and specified at the plan-level, or which can be reasonably assumed to be available, achievable and likely to be effective at the project-level). Policies of this type should generally be abandoned, or pursued with an acceptance that the evidence burden from an HRA perspective is likely to be high.

The reviews of the draft policies for the Preferred Options stage are summarised in Appendix C. Note that suggestions for policy changes or amendments are not intended to be prescriptive unless stated and a number of approaches for ensuring 'no significant effects' would be acceptable (for example, a policy with a

potential significant effect could have been abandoned; or modified; or cross-referenced to an over-riding protective policy, as appropriate).

3.2 Review Summary

Allocations

The review of the allocations concluded that most of the allocation sites would not, if developed, have any significant effects on their own that could not be avoided or mitigated using standard measures required to meet existing regulatory regimes, and that the plan provides sufficient flexibility (and protective policies) to ensure this.

However, the garden community allocation proposed for St. George's Barracks could arguably, due to its size and location, result in significant effects on Rutland Water SPA / Ramsar on its own due a number of mechanisms including increases in recreational pressure and water quality changes. These aspects will need to be examined through an appropriate assessment and bespoke mitigation within the plan (or referred to by it), rather than general protective policies may be required. However, the evidence gathered to date and the consultation responses from NE (see Section 1) do not suggest that significant or significant adverse effects are unavoidable as a result of this allocation (such that it should be abandoned). Other 'quantum of development' in-combination effects may occur in respect of those aspects that operate regionally, notably water resources and water quality, although the plan does include standard protective policies that would largely minimise the risk of these pathways being realised.

Policies

The review of the policies is set out in Appendix A. The review considers the policies collectively and individually, and so takes the cross-cutting protective policies within the plan into account (this is particularly relevant for policies that support but do not define or direct particular developments or activities, where the plan's protective policies will form a key part of the overall decision-making process), although cross-cutting or overarching policies are not relied on where specific mitigation for specific effects is considered necessary for the policy. The review also considers any internal tensions within the plan that may be relevant to HRA.

In summary, the vast majority of the policies can be categorised 'no issue' policies; these will be reviewed as the plan develops but amendments or specific detailed assessment of these policies is not considered necessary at this point. Two policies would benefit from amendments to ensure that their intent is clear (Table 3.3):

Table 3.3 Policies that would benefit from amendment

Policy	Issues
Policy EN8 - Low carbon energy generation	The policy currently identifies areas as being suitable for wind turbine developments, based on the Rutland Landscape Sensitivity and Capacity Study (Wind Turbines)) and the associated SPD; however the current wording may imply that this is based on a full range of strategic environmental considerations rather than landscape capacity only; the policy should be explicit in this regard.
Policy EN9 - The natural environment strategic policy	Minor amendments may be merited to reduce repetition and to clarify the aspects of the policy as they relate to European sites.

Other policies will be assessed further as part of an 'appropriate assessment' (specifically those relating to overall quantum of development (Policy H1, E1); St. George's Barracks (Policy H2); and policies providing specific mitigation for likely significant effects (Policy EN5); however, the evidence gathered to date and the consultation responses from NE (see Section 1) do not suggest that significant or significant adverse effects

are unavoidable as a result of any of these policies (such that they should be abandoned), and it is unlikely that substantive amendments will be required from an HRA perspective.

Issued by

Approved by

.....
Mike Frost

.....
Dr. Andrew Brooks

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Appendix A – Policy Review

Policy SD1 Sustainable development principles	Category	Rationale / Notes
<p>New development in Rutland will be expected to:</p> <ul style="list-style-type: none"> a) Meet the county's development needs in accordance with the defined settlement hierarchy and spatial strategy set out in policy SD2; b) Locate development where it minimises the need to travel and wherever possible promotes direct, safe and convenient access to services and facilities on foot, by bicycle or public transport; c) Make the most productive use of previously developed land in sustainable locations and supports the conversion or redevelopment of vacant and under-used land and buildings within or on the edge of settlements before development of new green field land, wherever practical and possible; d) Make efficient use of land by ensuring that the density of development is appropriate to the location (informed by the surrounding density and environment, and where available policies in made Neighbourhood Plans); e) Provide for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations; f) Contribute towards creating a strong, stable, new and more diverse economy; g) Include provision of, or contribute towards the provision of services and infrastructure needed to support new development; h) Minimise the impact on climate change and include measures to take account of future changes in the climate; i) Ensure that adequate waste water treatment is already available or can be provided in time to serve new development ahead of its occupation j) Minimise the use of resources and strive for high environmental standards in terms of design and construction with particular regard to energy and water efficiency, the protection of ground and surface water quality, use of sustainable materials and minimisation of waste; k) Avoid development of land at risk of flooding or where it would exacerbate the risk of flooding elsewhere; l) Maintain and wherever possible enhance the county's environmental, cultural and heritage assets together with their setting; m) Respect and wherever possible enhance the character and setting of the towns, villages and landscape and where appropriate reference policy requirements of made Neighbourhood Plans; n) be financially viable and bring economic benefits for the County; o) safeguard existing waste (including sewage treatment works) and minerals related development from: 	No issues	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>Policy sets the broad criteria that new development in Rutland will be expected to meet; these are entirely consistent with the safeguarding of European sites. The inclusion of (i) (<i>Ensure that adequate waste water treatment is already available or can be provided in time to serve new development ahead of its occupation</i>) is important for safeguarding Rutland Water SPA/ Ramsar.</p>

Policy SD1 Sustainable development principles	Category	Rationale / Notes
<p>(i) other forms of development unless it can be demonstrated that that an alternative use would not be detrimental to the overall aim of regional self-sufficiency regarding waste management capacity or the provision of minerals within the County; or</p> <p>(ii) incompatible development that may adversely affect the continued operation of the facility or prejudice the use of the site.</p> <p>p) prevent or mitigate against significant air, light, noise or other environmental pollution.</p>		

Policy SD2 – The Spatial Strategy for Development	Category	Notes
<p>In order to contribute towards the delivery of sustainable development and meet the vision and strategic objectives of the Local Plan new development in Rutland will be located as set out below.</p> <p>The scale of development will reflect:</p> <ul style="list-style-type: none"> • the settlement’s role, as defined in the settlement hierarchy; • the settlement’s character and setting; • the need to deliver homes and jobs; • the need to maintain or enhance services and facilities in villages; and • the capacity of infrastructure within the settlement and the timeframe for any necessary investment and improvement • any environmental and policy constraints <p><u>Main Town</u></p> <p>Oakham (including Barleythorpe): major allocations of land to deliver new homes, employment land and other uses where necessary</p> <p><u>Small Town</u></p> <p>Uppingham: allocations of land will provide for new homes and employment opportunities in accordance with the intentions of the existing and emerging revised Neighbourhood Plan.</p> <p><u>Local Service Centres</u></p> <p>Small scale growth to support their service role through the allocation of sites and infill developments, redevelopment of vacant or previously development land and conversion or reuse of suitable redundant rural buildings</p> <p>Local Service Centres are: Cottesmore, Edith Weston, Empingham, Great Casterton, Greetham, Ketton, Langham, Market Overton, Ryhall and Whissendine</p>	No issue	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites.

Policy SD2 – The Spatial Strategy for Development	Category	Notes
<p><u>Smaller Villages</u></p> <p>Small scale development on infill sites, redevelopment of previously developed land and the conversion or reuse of existing buildings. Development which is demonstrated to be necessary to support and/or enhance community facilities that are considered important to the maintenance or enhancement of a sustainable community will be supported.</p> <p>Smaller Villages are: Ashwell, Ayston, Barrow, Barrowden, Belmesthorpe, Belton, Braunston, Burley, Caldecott, Clipsham, Egleton, Essendine, Exton, Hambleton, Glaston, Little Casterton, Lyddington, Lyndon, Manton, Morcott, North Luffenham, Preston, Ridlington, South Luffenham, Seaton, Stretton, Teigh, Tickencote, Tinwell, Toll Bar, Whitwell and Wing.</p> <p>Places not identified in the settlement hierarchy above are considered to be part of the wider countryside where development will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy.</p> <p>St George’s Barracks provides an opportunity to reuse a major brownfield site to create a new garden community providing new homes together with employment, local services, retail and community uses. The development will fulfil the role of a Local Service Centre. Development will be brought forward in accordance with the development principles outlined in Policies H2 and H3.</p> <p>Land in Rutland on the edge of Stamford will be considered suitable for development as part of a single extension on the north side of Stamford in conjunction with land allocated within South Kesteven District. This will support the sustainable growth of Stamford and will therefore contribute towards South Kesteven District Council’s housing need. Development within Rutland will only be acceptable as part of a comprehensive urban extension to north Stamford and will be dependant upon the site being allocated and supported by South Kesteven District Council.</p>		

Policy SD3 – Development within Planned Limits of Development	Category	Notes
<p>Planned Limits of Development are defined on the Policies Map.</p> <p>Proposals for development within the Planned Limits of Development of Oakham (including Barleythorpe), Uppingham and the villages defined in policy SD2 (Spatial Strategy for Development) will be supported provided that:</p> <ol style="list-style-type: none"> It is appropriate in scale and design to its location and to the size and character of the settlement; and It would not individually or cumulatively with other proposals, have a detrimental impact upon the form, character, appearance and setting of the settlement or neighbourhood and its surroundings; and It would not be detrimental to features and spaces which contribute to the important character of the settlement or locality and which form an integral part of the existing pattern of development; and the amenity of new and neighbouring occupants will be safeguarded through adequate separation and design of the development; and 	No issues	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>Policy sets the broad criteria relating to maintenance of settlement character.</p>

Policy SD3 – Development within Planned Limits of Development	Category	Notes
<p>e) adequate, safe and convenient access will be provided and that no unacceptable disturbance will arise from vehicular movements emerging from the site.</p>		

Policy SD4 – Residential Development in the Countryside	Category	Notes
<p>1. New Housing Development</p> <p>New housing development will be supported in the countryside where it provides:</p> <p>A) affordable housing to meet an identified local housing need as set out in Policy H8 (Affordable housing) and H9 (Rural Exception Housing).</p> <p>B) new housing to meet essential operational needs</p> <p>Applications for rural workers' dwellings will only be permitted where it can be clearly demonstrated that:</p> <p>a) there is clearly an established existing functional need in accordance with advice set out at Appendix 4 paragraph 4;</p> <p>b) the need relates to a full-time worker, or one solely or mainly employed locally in agriculture, forestry or an established enterprise requiring a rural location;</p> <p>c) the proposed dwelling is of a size commensurate with the functional requirement and financial capabilities of the enterprise;</p> <p>d) wherever possible, the dwelling is sited within, and designed in relation to the main building complex, or a nearby group of dwellings.</p> <p>Further guidance on the application of the Council's 'needs test' and advice on how the Council will apply this policy is set out at Appendix 4 to this plan.</p> <p>C) Re-use or adaptation of rural buildings for residential use</p> <p>The re-use or adaptation of buildings for residential use will only be permitted in the countryside where:</p> <p>a) the vacant building to be converted and re-used is a permanent structure capable of being converted without major re-construction;</p> <p>b) the building relates well to a town, local service centre or smaller service centre or is close to public transport service to such settlements;</p> <p>d) the creation of a residential curtilage does not have a detrimental impact on the character of the countryside.</p> <p>Any historical, cultural or architectural contribution the building makes to the character of the area will be taken into account in the overall assessment of the proposal.</p> <p>The development itself, or cumulatively with other development, should not adversely affect any nature conservation sites, or the character and landscape of the area, or cultural heritage.</p>	<p>No issues</p>	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>Policy sets the broad criteria relating to maintenance of settlement character and the scale and design of development in countryside areas.</p>

Policy SD4 – Residential Development in the Countryside	Category	Notes
<p>D) Replacement of dwellings</p> <p>Proposals for the replacement dwelling in the countryside with a new dwelling will be permitted provided that, in the case of replacement:</p> <ul style="list-style-type: none"> • the existing property is completely removed and that the proposal does not significantly increase the volume or footprint of the original dwelling and is not visually intrusive in the landscape; and • is accommodated within the existing curtilage of the dwelling being replaced, unless an acceptable significantly less visually intrusive location within the site is available <p>E) Subdivision of Dwellings</p> <p>Proposals for the subdivision of an existing dwelling in the countryside will only be permitted provided that:</p> <ul style="list-style-type: none"> • the existing property is of sufficient scale to allow subdivision without a significant increase in the volume or footprint of the original dwelling; and • provision of sufficient amenity space to serve the number of dwellings provided <p>F) Exceptional Quality</p> <p>The Council is fully satisfied, through independent review*, that the design is of exceptional quality, in that it:</p> <ul style="list-style-type: none"> - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. <p>* the cost of the independent review will be borne by the applicant</p> <p>2. Extensions to dwellings</p> <p>Proposals to extend dwellings, or for development which is ancillary to an existing dwelling in the countryside will be permitted where development:</p> <ul style="list-style-type: none"> - is within the existing curtilage, - results in a modest increase in the volume of the original dwelling, - is in keeping with the character, footprint, size and design of the original dwelling and - is not visually intrusive in the landscape. <p>3. Extensions to the curtilage of dwellings</p>		

Policy SD4 – Residential Development in the Countryside	Category	Notes
<p>Extensions to the existing curtilage of a residential property in the countryside will only be permitted if it is necessary to provide adequate levels of amenity for the occupancy of the dwellings and there is no adverse impact on the character of the area or on any adjacent built development, landscape, cultural heritage or wildlife.</p> <p>All development proposals must also demonstrate that they meet the requirements of Policy EN7 Landscape Character Impact</p>		

Policy SD5 - Non-residential development in the countryside	Category	Notes
<p>Sustainable development in the countryside will be supported where it is:</p> <ol style="list-style-type: none"> a) essential for the efficient operation of agriculture, horticulture, equestrian or forestry; b) essential for the provision of sport, recreation and visitors facilities and the countryside is the only appropriate location; c) essential investment in infrastructure including utilities, renewable energy and road side services required for public safety purposes; d) a rural enterprise comprising small scale alterations, extensions or other development ancillary to an existing established use appropriate to the countryside; e) new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that creates local employment opportunities and supports the local economy and communities; f) farm diversification that supports waste management development; g) mineral development that supports the provision of minerals for aggregate purpose, cement production, locally sourced building materials or processing of recycled aggregate <p>and provided that it is demonstrated that:</p> <ol style="list-style-type: none"> i) the development cannot reasonably be accommodated within the Planned Limits of Development of towns and villages; ii) the amount of new build or alteration is kept to a minimum and the local planning authority is satisfied that existing buildings are not available or suitable for the purpose; iii) the development itself, or cumulatively with other development, would not adversely affect any nature conservation sites or be detrimental to the character and appearance of the landscape, visual amenity and the setting of towns and villages; iv) the development would not adversely affect the character of, or reduce the intervening open land between settlements, so that their individual identity or distinctiveness is undermined; and 	No issues	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>Policy sets the broad criteria relating to maintenance of settlement character and the scale and design of development in countryside areas.</p>

Policy SD5 - Non-residential development in the countryside	Category	Notes
<p>v) the development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.</p> <p>The conversion, re-use or replacement of buildings for employment use</p> <p>The conversion and re-use of vacant rural buildings for employment uses will be permitted if the building is a suitable permanent structure capable of being converted without major reconstruction and the proposal respects the form and character of the existing building.</p> <p>The replacement of a rural building with a new building for employment use will only be permitted where the building to be replaced is of permanent design and construction and there would be significant environmental gain from the replacement of the building in terms of improvements to visual amenity, landscape impact, sustainability or pollution prevention, or the replacement building would significantly improve the setting of a listed building or an area of high landscape or conservation value.</p> <p>Proposals for the replacement of a rural building in the countryside will only be permitted provided the existing building is completely removed. A replacement building must be similar in size and scale to the building that is being replaced and of a design that would be appropriate to the character or appearance of the surrounding area. The replacement building must occupy the site of the original building unless an acceptable significantly less visually intrusive alternative site is available.</p> <p>In both cases the type and scale of the proposed use must be appropriate to its location; in particular the use should not generate significant traffic movements in unsustainable locations and should not conflict with neighbouring uses. Any associated external storage, parking and other associated paraphernalia must not appear visually intrusive in the landscape.</p>		

Policy SD6 – Re-use of redundant military bases and prisons	Category	Notes
<p>Any proposal for the re-use or redevelopment of redundant military bases and prisons should be planned and developed in a comprehensive and co-ordinated manner.</p> <p>Proposals must be in accordance with an agreed development brief or masterplan setting out the main requirements of the scheme. This could form part of a supplementary planning document or a development plan document to be prepared in consultation with the landowner, prospective developers, the Council and local communities.</p> <p>The key requirements for any proposals are that they should:</p> <ol style="list-style-type: none"> re-use existing land and suitable buildings and where appropriate minimise any built development on undeveloped land within the curtilage; and minimise disturbance to nearby local communities through traffic, noise, other activities or uses; protect and where possible enhance the countryside and character of the landscape, natural and cultural heritage; 	No issues	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>Policy sets the broad criteria relating to the use of former military bases and prisons. Does not relate to St George's (covered by separate policies) and major proposals beyond those proposed within the plan would be considered in the context of the spatial strategy and would likely trigger the review of the local plan. Contains measures that will incidentally safeguard European sites.</p>

Policy SD6 – Re-use of redundant military bases and prisons	Category	Notes
<ul style="list-style-type: none"> d) be subject to a transport assessment demonstrating that the proposal can be accessed satisfactorily, or mitigate unacceptable traffic impact on the surrounding road network and will be accessible or could improve access by public transport and include measures to encourage walking and cycling; e) incorporate high quality design and construction including the need for energy efficiency, renewable energy and waste management. f) Ensure appropriate new and/or improved physical, social and community infrastructure is provided to serve the needs arising from the proposed development and during construction; g) Be subject to a contamination and site condition survey 		

Policy SD7 – Use of military bases and prisons for operational or other purposes	Category	Notes
<p>Development required for the continued operation of military bases or prisons will be acceptable within the areas shown on the policies map, provided that, wherever possible, it would:</p> <ul style="list-style-type: none"> a) re-use previously developed land and buildings; b) keep the use of undeveloped land to a minimum and is justified on the basis of national prison or defence requirements; c) not lead to undue disturbance to nearby local communities through traffic, noise, military or prison activity; d) protect and enhance the countryside and character of the landscape, natural and cultural heritage; e) provide satisfactory access arrangements and not generate unacceptable levels of traffic on the surrounding highway network; f) incorporate high quality design which makes provision for energy efficiency, renewable energy and waste management; g) incorporate satisfactory water and wastewater arrangements ensuring there is no increased risk of flooding and pollution; h) ensure that potential risks from former uses of the sites are assessed and that soil and groundwater are cleaned up where necessary. <p>The small scale development of an individual building or part of a military base or prison for alternative uses not required for the operation of the establishment will be given favourable consideration provided that it complies with the key requirements set out in Policy SD6 (Re-use of redundant military bases and prisons) and that it would not adversely affect the operational use of the establishment.</p>	No issues	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>Policy sets the broad criteria relating to the use of former military bases and prison for other operational purposes. Contains measures that will incidentally safeguard European sites.</p>

Policy H1 - Sites for residential development					Category	Notes
The following sites are proposed for residential development over the plan period. Sites are also shown on the Policies Map and detailed development principles for each site are set out in the Site-Specific Policies in chapter 10:					Assess / amend	Policy identifying quantum of development and broad locations for this. The policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and aspects of it need to be examined through appropriate assessment (although it should be noted that most site identified will have no significant effects alone based on location). The evidence gathered to date and the consultation responses from NE (see Section 1) do not suggest that significant or significant adverse effects are unavoidable as a result of any allocations (such that they should be abandoned). Other 'quantum of development' in-combination effects may occur in respect of those aspects that operate regionally, notably water resources and water quality, although the plan does include standard protective policies that would largely minimise the risk of these pathways being realised.
Policy Reference	Site Location	Site reference number	Site area (Ha)	Indicative number of dwellings to 2036 (net)		
Oakham with Barleythorpe						
H1.1	Land south of Brooke Road (former allotments)	OAK/12	1.9			
H1.2	Land south of Brooke Road	OAK/04	7.8	150		
H1.3	Land off Burley Road	OAK/13	14.21	200		
H1.4	Land off Main Street Barleythorpe	BAE/04	0.55	8		
Total for Oakham				398		
H1.5	Uppingham	To be allocated in Neighbourhood plan		200		
H2	St George's Garden community	EDI/04		1000		
Local Service Centres						
H1.6	Land at Harrier Close, Cottesmore	COT/12 b) and e)	0.37	10		
H1.7	Land off Main Street, Cottesmore	COT/01	1.21	8		
H1.8	Officers Mess, Edith Weston	EDI/03	3.95	70		
H1.9	West of 17 Whitwell Road, Empingham	EMP/01	0.17	5		
H1.10	Southview Farm, Empingham	EMP/05	0.28	6		
H1.11	South of Old Great North Road, Great Casterton	GRT/01	0.92	16		

Policy H1 - Sites for residential development					Category	Notes
H1.12	Land south of Oakham Road, Greetham	GRE/02	1.17			
H1.13	Adjacent to Chater House, High Street Ketton	KET/06	1.23	20		
H1.14	The Crescent, High Street, Ketton	KET/07	1.31	35		
H1.15	Home Farm, Ketton	KET/08	1.11	15		
H1.16	Melton Road, Langham	LAN/10	0.31	9		
H1.17	Main Street, Market Overton	Mar-04	0.91	27		
H1.18	River Gwash Trout Farm, Belmesthorpe Lane, Ryhall	RYH/04 & RHY/08	0.84	24		
H1.19	Land to the South-West of Belmesthorpe Lane, Ryhall	RYH/09	0.42	12		
H1.20	Land off Melton Road, Whissendine	WHI/11	0.48	12		
H1.21	South Lodge Farm, Whissendine	WHI/09a	1.03	25		
	Local Service Centre Total			294		
	County Total			1892		

The capacity of sites has been calculated at an average net density of 30 houses to the hectare, based on the net developable site area in line with the Site Appraisal Methodology and the Strategic Housing and Employment Land Availability Assessment (SHELAA). An assessment has then been made based on the site appraisal process of the most appropriate density for each site to provide an indicative site capacity.

The net developable area is assumed to be 95% on sites of less than 1 ha, 80% on sites of 1-4 ha and 60% on sites of 4 ha or more.

Please see detailed site-specific policies included in Chapter 10 for the detailed development principles which apply to these sites.

Policy H2 – St George’s Garden Community Development and Delivery Principles	Category	Notes
<p>A new garden community will be developed on the site of St George’s Barracks.</p> <p>The new community must be developed as a comprehensive proposal in accordance with a detailed masterplan prepared for the whole site and to be agreed by the local planning authority.</p> <p>Prior to any planning application being considered a detailed masterplan will be prepared for and approved by the local planning authority. The masterplan should set out a clear vision for the development of the new community and be developed through wide community engagement.</p> <p>The masterplan should demonstrate how the following principles will be addressed in the design, development and delivery of the garden community:</p> <ol style="list-style-type: none"> 1. a balanced and inclusive community in terms of the type and tenure of housing, meeting the needs of all sections of the community and contributing to meeting the County’s evidenced housing needs; 2. the provision and promotion of opportunities for employment to allow residents to choose to live and work at home, within the new community and the County and to act as a focal point for new enterprises; 3. a sociable, vibrant and accessible community with access for all to a range of community services and facilities including health, education, retail, community meeting spaces, sport and recreational facilities and multi-functional open spaces; 4. a connected community via multiple modes of transport particularly public transport, walking and cycling; 5. a sustainable community that incorporates high standards of sustainable design and resource efficiency and is resilient to climate change. Development will achieve the highest standards of energy efficiency, water efficiency and sustainable waste management; 6. creating a distinctive environment respecting the heritage assets and reflecting the area’s natural environment including the creation of a network of green infrastructure with connectivity to existing green networks and corridors to enhance biodiversity; 7. responds appropriately to information and evidence about the potential effect of development (including mineral extraction) on Rutland Water SSSI/SPA/Ramsar, functional land and protected species; 8. a development underpinned by high quality urban design and place making principles, which ensures that the development respects both its immediate context and reflects its location within Rutland; 9. phasing of development and infrastructure both on-site and off-site to ensure that the latter is provided ahead of or in tandem with, the development it supports to address the impacts of the new garden village and meet the needs of residents. <p>The delivery of St George’s Garden Community will include a mechanism for securing the establishment of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm, community and other relevant facilities.</p>	Assess / amend	Policy relates to the allocation of St. George’s barracks which is close to Rutland Water and has the potential to affect the site through a range of mechanisms to which the site is potentially vulnerable (e.g. wastewater discharge, recreational pressure). Policy includes ‘mitigating’ elements (e.g. (7) and (9) which will help minimise effects on the site and provide controls in this regard but examination through AA is necessary.

Policy H3 – St George’s Garden Community Development Requirements	Category	Notes
<p>* hectares of land at St George’s Barracks is allocated for a new garden community development.</p> <p>The development will deliver a mix of uses to comprise around 2215 homes, of which at least 1,000 homes will be delivered by 2036, together with 14 hectares of employment land and the necessary community, utility, transport and green infrastructure to support a sustainable and thriving garden village community.</p> <p>Planning applications will be consistent with the masterplan approved under Policy H2. Development will be supported where it:</p> <ul style="list-style-type: none"> a) provides a mix of housing types and tenures to meet evidenced local needs in the latest SHMA and GTAA including: <ul style="list-style-type: none"> i) 30% of the site capacity as affordable housing in accordance with Policy H8 ii) accessible and adaptable non-specialist housing in accordance with Policy H iii) 2% of non-specialist housing to be delivered by small and medium sized local builders iv) 2% of housing capacity to be provided as self-build plots in accordance with Policy H7 v) a minimum of 6 serviced Gypsy and Traveller pitches in line with Policy H10; vi) 10 plots for Travelling Show People in line with Policy H11 b) provides serviced employment land for appropriate B class uses in accordance with Policy E1; c) provides a local neighbourhood centre comprising community and leisure uses, appropriate local retail, service and food and drink facilities (use classes A1 to A5, B1, D1 and D5) including a multifunctional community centre and a new health and wellbeing centre. Residential use may be appropriate above retail or commercial units providing satisfactory residential amenity can be achieved. The centre shall provide a focal point for the new community with landmark buildings in appropriate locations and a high-quality public realm; d) make on site provision for a new, or expanded and relocated, primary school; e) responds positively to the area’s heritage and where appropriate, retains, integrates and enhances the significance of both designated and non-designated heritage assets and archaeology within the site; f) Provides allotments, open space, sports facilities, play areas and recreation in line with the standards in Policy EN11; g) Provides a network of quality multifunctional green infrastructure, a country park and high-quality open spaces with green access routes linking to nearby settlements and the wider countryside; h) Protects and enhances the natural environment within the site through the creation of significant areas of public open space, a network of green corridors. and the creation of new habitat to support net gains in biodiversity, including opportunities for preserving and enhancing existing habitats of value and natural features and maximising opportunities to link into existing assets across the site and its relationship to the wider county. i) Incorporates a range of measures to facilitate sustainable transport choices including: 	Review	<p>General design / guidance criteria or policies that cannot lead to or trigger development.</p> <p>The policy sets the criteria that would need to be met for the development of St George’s Barracks to be supported; this includes ‘mitigating’ elements (e.g. relating to WFD and wastewater infrastructure provision which will help minimise effects on Rutland Water and provide controls in this regard and so consideration of this policy through AA is necessary; however, based on the likely effect pathways and analysis to date it is unlikely that amendments will be required to the policy.</p>

Policy H3 – St George’s Garden Community Development Requirements	Category	Notes
<ul style="list-style-type: none"> i) a network of direct, safe walking and cycling routes to enhance permeability within the site and to access neighbouring communities; ii) the provision of electrical vehicle charging opportunities across the development; iii) improvements to public transport routes j) Mitigates the transport impacts of the proposed development on the local and strategic road network and delivers other specific transport related infrastructure requirements identified through the Infrastructure Delivery Plan or informed by the latest Transport Assessment. The proposal must also provide a comprehensive Travel Plan; k) Respects and protects the separate identity and character of the nearby communities of Edith Weston and North Luffenham, including through the protection of a broad ‘green gap’; l) Provides a high-quality environment, establishing an identity and defined sense of place through the design, layout and materials used; m) Demonstrates that Rutland Water would not be adversely affected by development; n) Provides improvements to the treatment waste water that meets the requirements of the Water Framework Directive and to secure improvements in water quality and surface water management; o) Delivers a bespoke energy strategy for the site with appropriate provision of heat and electricity from renewable (such as PV panel) and low carbon sources; p) Delivers the installation of superfast broadband for all businesses, community facilities and dwellings in accordance with Policy SC3 (Promoting Fibre to the Premises); q) Safeguards the mineral resource and provides for the development of landscape buffers an structure planting to screen future mineral workings within the site; r) Provides for the timely delivery of all required on site and off-site infrastructure. Proposals should be accompanied by a phasing plan to demonstrate how delivery will be phased and managed. s) Adresses 		

Policy H4 – Cross Boundary Development Opportunity – Stamford North	Category	Notes
<p>Land at Quarry Farm, Little Casterton is allocated for development as part of a larger development opportunity extending eastwards known as Stamford North. The majority of this development site is allocated in South Kesteven District. The portion of land within Rutland is known as Quarry Farm and will only be brought forward for development in conjunction with the land in South Kesteven as part of a comprehensive mixed-use scheme known as Stamford North.</p>	Review	<p>General design / guidance criteria or policies that cannot lead to or trigger development. The policy sets the requirements for the development at Stamford North. Policy relates to a site</p>

Policy H4 – Cross Boundary Development Opportunity – Stamford North	Category	Notes
<p>A proposal for the development of the Quarry Farm site will only be supported where it is in accordance with an agreed masterplan (to be adopted as SPD) and as part of a single comprehensive planning application for the whole of Stamford North development area.</p> <p>The masterplan/planning application is expected to include:</p> <ul style="list-style-type: none"> a) residential development of no more than 650 homes (on the site within Rutland) of an mix of type, size and tenure as evidenced in the latest SHMA and in accordance with policy H4 and to include: <ul style="list-style-type: none"> i. 30% of the site capacity as affordable housing to meet the need arising in Rutland ii. Accessible and adaptable non-specialist housing in accordance with policy H6 (Accessibility Standards); iii. 2% of site capacity to be provided as serviced self-build/custom build plots in accordance with policy H7 (Self build and Custom Build Housing) b) country park incorporating the appropriate mitigation of potential harm to biodiversity and wildlife assets, including the translocation of the notable species; c) a distributor road facilitating the connection of the Old Great North Road, Little Casterton Road and Ryhall Road and any associated junction improvements arising from this new road, including increasing capacity at the A1/A606 junction; d) localised traffic and highway safety measures in accordance with the requirements of an agreed Traffic Impact Assessment and a travel plan e) appropriate community infrastructure to support the scale of development included on the site – through the payment of CIL and either by direct on-site provision or as a site-specific financial contribution to off-site provision serving the wider Stamford North development. <p>*The entire Stamford North proposal can accommodate 1950 homes.</p>		<p>some distance from Rutland Water and other European sites; based on the likely effect pathways and analysis to date it is unlikely that amendments will be required to the policy.</p>

Policy H5 Meeting All Housing Needs	Category	Notes
<p>Development proposals for sites of 10 or more dwellings should provide a range of house types, sizes and tenures to meet the general and specialist needs for housing in Rutland as identified in the latest Strategic Housing Market Assessment or other up-to-date evidence of local housing need.</p> <p>New housing proposals shall also:</p> <ul style="list-style-type: none"> a. Enable older people to promote, secure and sustain their independence in a home appropriate to their circumstances, through the provision of specialist housing across all tenures in sustainable locations. This will include provision for retirement accommodation, extra care and residential care housing and other forms of supported housing. [Specialist housing provision should meet recognised dementia and/or relevant industry standards]; and 	<p>No issues</p>	<p>General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.</p>

Policy H5 Meeting All Housing Needs	Category	Notes
<p>b. Enable the provision of high-quality family housing that meets changing household needs and responds to market demand; and</p> <p>c. Enable the provision of high quality and affordable housing for all and accommodation that considers specialist needs and ensures that people can chose to live close to their families and work opportunities within the district; and</p> <p>d. Increase choice in the housing market, including new build private sector rented accommodation (Build to Rent) across both rural and urban parts of the district</p>		
Policy H6 - Housing density	Category	Notes
<p>New residential development is required to make the most efficient use of land whilst responding to local character, context and distinctiveness. Residential densities will vary dependent upon the local area context and character and the sustainability of the location, but should be no less than 25 dph (dwellings per hectare).</p>	No issues	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H7 – Accessibility Standards	Category	Notes
<p>Development proposals for all specialist housing for older people and people with disabilities and at least 50% of all new residential development on sites of 10 dwellings or more is required to be adaptable and accessible as defined in part M4(2) Category 2 Accessible and adaptable dwellings of the Building Regulations.</p> <p>On sites totalling 100 or more dwellings, a minimum of 3% of affordable rented dwellings is required to meet part M4(3) of the Building Regulations.</p>	No issues	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H8 – Self-build and custom housebuilding	Category	Notes
<p>Proposals for self and custom build housing, to be occupied as homes by those individuals, will be supported by the Council where they are in conformity with all other relevant local and national policies.</p> <p>On sites of 50 dwellings or more, developers will be required to supply at least 2% of the site capacity as serviced plots for sale to self-builders and/or custom house building.</p>	No issues	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy H8 – Self-build and custom housebuilding	Category	Notes
Where evidence is provided demonstrating that a plot has been appropriately marketed for a minimum period of 12 months but has failed to be sold for self-build development the Council will consider whether the plot(s) may be built out as conventional market housing by the developer.		

Policy H9 - Affordable housing	Category	Notes
<p>All major residential developments comprising 10 or more dwellings (or greater than 1000m² gross internal area (GIA)) within the parishes of Oakham and Uppingham will be required to make provision, on site, for a minimum of 30% of the scheme's total capacity as affordable housing.</p> <p>In the Designated Rural Areas (all parishes outside Oakham and Uppingham) developments of six or more dwellings will be required to make affordable housing provision for a minimum 30% of the schemes total capacity. Developments of between 6 and 9 inclusive dwellings may make contributions in the form of off-site contributions in line with the national Planning Practice Guidance.</p> <p>Otherwise, in accordance with the NPPF, the Council will only accept affordable housing provision off site; or as a commuted sum in lieu of on-site provision, where it is robustly justified and where the agreed approach contributes towards creating mixed and balanced communities.</p> <p>The Council considers that this requirement is viable in all cases', however in exceptional circumstances, where robust evidence demonstrates that the specifics of an individual site and scheme justify the need for a viability assessment, consideration may be given to the viability assessment at the planning application stage. In such cases the viability assessment should be prepared in accordance with the approach set out in national planning guidance and will be made publically available. Independent verification of the viability assessment will be sought by the Local Planning Authority and the cost of this work will be borne by the applicant. The Council will determine how much weight it gives to the viability assessment in each case.</p> <p>Affordable housing must:</p> <ol style="list-style-type: none"> a) be of a combination of sizes and affordable tenure which meets the proven local and affordability housing need, including the number of bedrooms, property type and floor space; b) where affordable home ownership is included, ensure the properties meet a range of relevant local demand and local affordability; c) be equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type; d) be well integrated with the open market housing through layout, siting, design and style (to promote sustainable communities, the size and location of groups of affordable homes should be discussed and agreed with the Council); e) on very large sites (of 100 or more homes) affordable homes should be in groups of no more than 10 homes in different locations around the site; f) homes for ownership, other than flats, should be available on a freehold basis and not subject to leasehold arrangements; and g) be supported by appropriate nomination agreements to be agreed with the Council. 	No issues	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy H9 - Affordable housing	Category	Notes
<p>The Council may refuse development proposals which, in its opinion, seek to under-develop or split sites in a way that is likely to reduce the affordable housing contribution and/or promote off-site provision.</p>		

Policy H10 - Rural Exception Housing	Category	Notes
<p>Small sites for affordable housing (which meets the NPPF definition) may be permitted within or adjoining villages as an exception to normal policies of restraint provided that they:</p> <ul style="list-style-type: none"> i) are justified by evidence of need from a local housing needs survey; ii) meet the needs for affordable housing of households who are currently resident, or have a local connection as defined in the Council's published housing allocations policy; iii) should have access to a basic range of services appropriate to the form of housing proposed; iv) have appropriate safeguards in place to ensure that the housing will remain affordable to successive occupiers in perpetuity. iv) are supported by appropriate nomination agreements to be agreed with the Council nomination agreements <p>Exceptionally the Council will consider provision of market housing as a means of cross subsidising affordable housing as part of a rural exception sites where:</p> <ul style="list-style-type: none"> a) the provision of market housing to cross-subsidise the affordable housing is essential and proportionate; and b) the development meets the identified affordable housing requirement on site and not additional needs from elsewhere; and c) the land value for the affordable homes does not exceed the level that would have normally been paid for a rural exception site (to be confirmed by an independent valuer commissioned by the Council at the applicant's expense); and d) the land value for the market homes is not (adjusting for the size of the plot) 50% or more greater than the level that would normally have been paid for land on a rural exceptions site (to be confirmed by an independent valuer commissioned by the Council at the applicant's expense); and e) the proposal has not and will not receive any public subsidy for its development; and f) the site must be within, or immediately adjacent to, the Planned Limits of Development of a local service centre, a smaller service centre or a small village, as defined in Policy SD2 and the number of market homes must in no circumstances exceed 30% of the overall homes on the site and that the total internal floor area of the market homes does not exceed the total internal floor area of the affordable homes for rent g) all sites must include affordable homes for rent; and h) the number of market homes must not exceed the number of rented homes that are affordable; and 	No issues	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy H10 - Rural Exception Housing	Category	Notes
i) they are supported by appropriate nomination agreements to be agreed with the Council.		

Policy H11– Gypsies and Travellers	Category	Notes
<p>The Council will seek to meet the need identified in the Gypsy, Traveller and Travelling Show People Accommodation Assessment (GTAA) 2016 for the period 2018-2036.</p> <ul style="list-style-type: none"> • 9 pitches for Gypsies and Travellers • 10 plots for Travelling Show People <p>Proposals for sites for Gypsy and Traveller and/or Travelling Show People which meet identified need within the County will be permitted provided that:</p> <p>a) in the case of permanent sites, there is reasonable and convenient access to schools, medical services, shops and other community facilities; and</p> <p>b) the site is well located and provides safe and convenient vehicular, pedestrian and cycle access and adequate parking, and will not result in a level of traffic generation which is inappropriate for roads in the area;</p> <p>c) the impact on landscape character and/or sites/areas of nature conservation value including the internationally designated nature conservation site of Rutland Water is minimised;</p> <p>d) the site provides adequate on-site facilities for parking, storage, play and residential amenity (including basic essential services);</p> <p>e) the site is not visually intrusive and will not have a detrimental effect on the amenities of adjacent occupiers;</p> <p>f) adequate levels of privacy and residential amenity for occupiers will be provided.</p> <p>g) site shall only be occupied by people who meet the definition of Gypsies and Travellers or Travelling Show People</p> <p>Specific provision is made as part of the new garden community to accommodate a significant part of the need identified in the GTAA</p>	No issues	General statement of policy / General design / guidance criteria.

Policy E1 - New provision for industrial and office development and related uses	Category	Notes
The following sites (as shown on the Policies Map) are strategic employment allocations. Proposals for new B1, B2 and/or B8 uses on this sites will be supported;	Amend / assess	Allocates land for employment; based on the likely effect pathways and analysis to date it is unlikely that amendments will

Policy E1 - New provision for industrial and office development and related uses	Category	Notes
<p>SGB EZ Land at St Georges as part of the proposed new settlement (14 ha for employment over the lifetime of the development)</p> <p>UPP/02 Land at Uppingham Gate, Uppingham (6.8 ha.)</p> <p>OAK/10 Land off Hackamore Way & Panniers Way, Oakham (4.7 ha)</p> <p>KET/11 Land at Pit Lane, Ketton (1.4 ha.)</p> <p>Permission may also be granted for other employment generating uses on these sites where the following criteria are satisfied:</p> <ol style="list-style-type: none"> 1. the proposed use will generate new employment opportunities and will achieve economic enhancement of the County; 2. It is demonstrated that the proposed scheme will make a significant contribution to the local economy through the generation of a range of additional jobs; 3. The alternative use would not have a detrimental impact on the overall supply and quality of employment land within the County; and 4. An end user for the proposed development has been positively identified. <p>In addition to the allocated sites, support will be given to proposals for:</p> <ol style="list-style-type: none"> a) New office development within the defined town centres where it is appropriate to the scale and role of the centres; b) New employment development proposals within the planned limits of development defined for the towns and local service centres which are of a scale, use and nature appropriate to their location; c) the redevelopment and intensification of existing low density, underused or poor-quality employment sites for higher value employment uses, particularly in the towns and local services centres. 		<p>be required to the policy but the allocations will be considered as part of the broader assessment process.</p>

Policy E2 Expansion of existing businesses	Category	Notes
<p>The expansion of existing businesses across the county will be supported, provided that:</p> <ol style="list-style-type: none"> a) existing buildings are re-used where possible; b) it is demonstrated that vacant land on existing employment sites has been considered first but it is not considered to be suitable or available for the proposed use; c) the expansion does not conflict with neighbouring land uses; d) the expansion will not result in a severe impact on the local and/or strategic highway network; and e) the proposal will not have an adverse impact on the character and appearance of the area and the amenity of neighbouring occupiers. 	<p>No issues</p>	<p>General statement of policy / General design / guidance criteria.</p>

Policy E3 Protection of existing employment sites	Category	Notes
<p>The following key employment sites and areas will be safeguarded for B Class uses:</p> <ol style="list-style-type: none"> 1. Hanson Cement Works, Ketton 2. Market Overton Industrial Estate, Market Overton 3. Oakham Office Park, Oakham 4. Oakham Enterprise Park, Oakham 5. Pillings Road Industrial Estate/Lands End Way, Oakham 6. Uppingham Gate, Uppingham 7. Wireless Hill, South Luffenham. <p>Proposals for non-employment generating uses on existing areas of employment will only be supported where it is demonstrated that:</p> <ul style="list-style-type: none"> • the proposed use will generate new employment opportunities and will achieve economic enhancement of the County; and • an alternative use would not be detrimental to the overall supply and quality of employment land within the County; and either <ul style="list-style-type: none"> • the site is vacant and no longer appropriate or viable as an employment site; • redevelopment will deliver wider regeneration benefits; or • an alternative use would resolve existing conflicts between land uses. 	No issues	Safeguarding policy that cannot lead to or trigger development. General design / guidance criteria.

Policy E4 – The rural economy	Category	Notes
<p>Proposals for the expansion of existing businesses and proposals for new employment-generating uses within or on the edge of the defined Local Service Centres will be supported, provided that:</p> <ol style="list-style-type: none"> 1. the scale of the proposal is appropriate to its location and sensitive to its surroundings and 2. it will not have an adverse impact on the character and setting of the village; and 3. it will not have an unacceptable impact on local roads; and 4. it will not have an unacceptable impact on neighbouring land uses through visual, noise, traffic or pollution considerations; and 	No issues	General statement of policy / General design / guidance criteria.

Policy E4 – The rural economy	Category	Notes
<p>5. it exploits any opportunities to make a location more sustainable.</p> <p>In other locations, small scale proposals will be supported where it is demonstrated that the proposal:</p> <ul style="list-style-type: none"> i. is necessary to meet the needs of farming, forestry, recreation, tourism or other rural enterprises; and ii. has an essential requirement for a rural location; and iii. will help to support or regenerate a sustainable rural economy or supports the local delivery of services and retention of local shops and pubs; 		
Policy E5 Local Visitor Economy	Category	Notes
<p>Proposals which support the local visitor economy, which are in accordance with the Spatial Strategy of Policy SP2, will be supported where they:</p> <ul style="list-style-type: none"> a) make provision for visitors which is appropriate in use and character to Rutland’s settlements and countryside; or b) support or enhance existing tourist and visitor facilities; or c) support the retention and enhancement of existing overnight accommodation and the provision of new overnight accommodation; or d) provide new tourism provision and initiatives in Oakham and Uppingham and villages which would also benefit local communities and support the local economy <p>Sustainable rural tourism development of an appropriate scale and use which utilises the conversion of existing buildings and well-designed new buildings in the countryside will also be supported where they are located adjacent to or closely related to the towns, local services centres and smaller services centres and which respect the setting and character of the location.</p> <p>Proposals which generate high levels of visitor traffic or increased public use, such as large-scale sport and leisure facilities should only be permitted within or on the immediate edge of the towns and local service centres, or where they can be easily accessed by public transport, foot and cycle.</p>	No issues	General statement of policy / General design / guidance criteria.
Policy E6 - Rutland Water	Category	Notes
<p>Development in the defined Rutland Water Area should be carefully designed and located to ensure that it respects the nature conservation features of this internationally important site and does not have an adverse impact on the landscape and wildlife interests and the general tranquil and undisturbed environment of Rutland Water.</p>	No issues	Safeguarding / protective policy

Policy E6 - Rutland Water	Category	Notes
<p>New development will be limited to small scale recreation, sport and tourist uses or essential for Anglian Water operational requirements within the five defined Recreation Areas only.</p> <p>In all cases the applicant must demonstrate that the development within the designated Recreation Areas would:</p> <ul style="list-style-type: none"> a) be in keeping with its surroundings in terms of its location, scale, form and design and would not detract from the appearance of the shoreline and setting of Rutland Water; b) be compatible with other uses of land and leisure activities; c) not be detrimental to the special nature conservation interests of Rutland Water (including the conservation objectives for the RAMSAR site, Special Protection Area and Site of Special Scientific Interest and the requirements of the Habitats Regulations); d) not be detrimental to local amenity including an unacceptable increase in the amount of car travel, parking and congestion in the Rutland Water Area; and e) not be detrimental to highway considerations. <p>New construction should be modest in scale and existing buildings utilised wherever possible and appropriate, particularly those of architectural or historic interest or of environmental value.</p> <p>Outside the five defined recreation areas, new development will be only be acceptable where it is demonstrated that it is essential for nature conservation or fishing or essential to the operational requirements of existing facilities, subject to it being appropriate in terms of location, scale, design and impact on the landscape.</p> <p>Caravan and camping sites will only be acceptable within the defined recreation areas of Sykes Lane, Normanton and Gibbet Lane where appropriate to the area in terms of its scale, location and impact on the surrounding area.</p> <p>Minerals development, which is likely to have an unacceptable adverse impact on the environmental and recreational value of Rutland Water and its setting and the supply of water from the reservoir, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance.</p>		

Policy E7 - Eyebrook Reservoir Area	Category	Notes
<p>Only small-scale recreation, sport and tourist facilities will be acceptable at Eyebrook Reservoir subject to them being closely associated with the existing leisure activities of the area and not detracting from the setting and shoreline of the reservoir and environmental, amenity and highway considerations.</p> <p>Development must not be detrimental to the special nature conservation interests of Eyebrook Reservoir (including the conservation objectives for the Site of Special Scientific Interest and Regionally Important Geological Site).</p>	No issues	Safeguarding / protective policy

Policy E7 - Eyebrook Reservoir Area	Category	Notes
Caravan and camping sites will not be permitted.		

Policy E8 – Caravans, camping, lodges, log cabins, chalets and similar forms of self-serviced holiday accommodation	Category	Notes
<p>In areas outside the Rutland Water and Eyebrook Reservoir Areas, Caravans, Camping, Lodges, Log Cabins, Chalets and other similar forms of self-serviced holiday accommodation will only be acceptable where:</p> <ul style="list-style-type: none"> a) they are well related to an existing tourism attraction or recreation facility; b) provision is made to minimise disruption and prevent pollution; c) they are located with convenient access to supporting facilities; d) they would not result in an unacceptable increase in the amount of car travel; e) they are not detrimental to environmental, amenity and highway considerations; and f) they are not detrimental to visual amenity and the appearance of the landscape. 	No issues	General statement of policy / General design / guidance criteria.

Policy E9 – Town Centres and Retailing	Category	Notes
<p>Main Town Centre * uses will be supported where they are located in accordance the following retail hierarchy:</p> <ul style="list-style-type: none"> • Oakham: Main Town Centre – serving the whole of Rutland • Uppingham: Town centre – serving Uppingham and the surrounding rural catchment and tourists <p>The Town centres are defined on the policies map. Where proposals for main town centre use developments are not located within the defined town centres a sequential approach will be followed with preference given first to sites on the edge of the defined town centres prior to the consideration of out-of-centre sites.</p> <p>Proposals for all town centre and retail uses should:</p> <ul style="list-style-type: none"> a) support the vitality and viability of the defined town centres; b) support the 'evening economy' and complementary leisure uses outside the primary shopping frontage; 	No issues	General statement of policy / General design / guidance criteria.

Policy E9 – Town Centres and Retailing	Category	Notes
<p>c) demonstrate they will not have an adverse impact on the town centre through an Impact Assessment (for retail proposals of 500m2 gross or more and for town centre uses outside of the defined town centres);</p> <p>d) consider the use of upper floors above shops and commercial premises for residential or office purposes where appropriate;</p> <p>e) demonstrate good shop front design in accordance with the Council's adopted Shop Front Design Guide.</p> <p>* main town centre uses are defined in Annex 2 of the NPPF</p>		

Policy E10 Primary shopping areas	Category	Notes
<p>A1 retail uses will be supported within the Primary Shopping Area. Proposals for non-retail uses in the primary shopping frontages will only be permitted where it is demonstrated that the proposal:</p> <p>a) will not result in an adverse cluster of non-retail A1 uses in the primary shopping area;</p> <p>b) will retain a 'shop-like' appearance with an active frontage;</p> <p>c) will not harm the predominantly retail character of the primary shopping areas, and</p> <p>d) will provide a direct service to the public.</p>	No issues	General statement of policy / General design / guidance criteria.

Policy E11 - Site for retail development	Category	Notes
<p>To meet the identified need for new retail development proposals for Non-food retail - Use Classes A1 at ground floor level with other appropriate town centre or residential uses at upper floors will be supported in the following location (as shown on the Policies Map).</p> <p>Oakham</p> <p>R1 - The Co-op site, Burley Road</p>	No issues	No pathway for effects due to allocation.

Policy EN1 – Landscape Character Impact	Category	Notes
<p>The distinctive character of Rutland's landscape will be conserved and, wherever possible, enhanced.</p>	No issues	Protective policy; no pathway for effects.

Policy EN1 – Landscape Character Impact	Category	Notes
<p>Development will be expected to enhance the distinctive qualities of the landscape character types in which it would be situated, including the distinctive elements, features, and other spatial characteristics as identified in the Council's current Rutland Landscape Character Assessment and Landscape Sensitivity and Capacity studies.</p> <p>All development proposals will be expected to demonstrate how they respond to the recommended landscape objectives for the character area within which it is situated and should respect existing landscape character and features including:</p> <ol style="list-style-type: none"> 1) Distinctive topography; 2) Important trees and hedgerows; 3) Ponds, reservoirs, watercourses and wetland areas; 4) Important views and settings; 5) Local distinctiveness and sense of place. <p>New development on the edge of a settlement or within open countryside which meets the spatial strategy (Policy SD2) will only be acceptable where it is designed so as to be sensitive to its landscape setting. Regard should therefore be given to the recommendations of the relevant Landscape Sensitivity and Capacity study.</p> <p>Proposals for minerals and waste development should undertake a landscape impact assessment in order to identify the existing landscape character, potential impacts and appropriate avoidance and/or mitigation measures required to reduce potentially adverse impacts to an acceptable level. Such measures may include (but are not limited to) buffer zones or stand-off distances, landscaping, design features, planting and screening (including in advance or commencement of works). Such proposals should demonstrate how the landscape impact assessment has informed the siting and screening of development and the longer-term restoration of the site.</p>		

Policy EN2 – Place Shaping Principles	Category	Notes
<p>All new development must be appropriate in scale and design to the location, character and features of the setting and landscape within which it is situated.</p> <p>All development proposals will be assessed in relation to:</p> <ol style="list-style-type: none"> 1. statutory, national and local designations of landscape features and heritage assets and their settings and the condition of the local landscape; 2. local distinctiveness and sense of place; 3. character, pattern and quality of the built fabric and its setting; 4. the layout, design and scale of proposed buildings and spaces; 	No issues	Protective policy; no pathway for effects.

Policy EN2 – Place Shaping Principles	Category	Notes
<ul style="list-style-type: none"> 5. biodiversity and ecological networks within the landscape; 6. public access to and community value of the landscape and open spaces; 7. visual intrusion and impact on remoteness and tranquillity; 8. air, noise, dust and light pollution; and 9. Neighbourhood plan policies, Conservation Area Appraisals, the Design SPD and site-specific design guides and design codes, where these have been adopted by the Council 		

Policy EN3 - Delivering Good Design	Category	Notes
<ul style="list-style-type: none"> 1. To ensure high quality design is achieved throughout the County, all development proposals will be expected to: <ul style="list-style-type: none"> a) Make a positive contribution to the local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the street scene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area; and b) Ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime; and c) Provide sufficient private amenity space, suitable to the type and amount of development proposed; and d) take account of requirements of the Design SPD and made Neighbourhood plans. 2. Development proposals should seek to: <ul style="list-style-type: none"> a) Retain and incorporate important on-site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development; b) Provide well designed hard and soft landscaping; and c) Effectively incorporate onsite infrastructure, such as flood mitigation systems or green infrastructure, as appropriate. 3. All major development (as defined in the Glossary) must demonstrate compliance with: <ul style="list-style-type: none"> a) Manual for Streets guidance and relevant Rutland County Council highways standards and guidance b) Development should enable flexible use and adaptation to reflect changing lifestyles, having an adaptable layout for sites and/or buildings that takes into account the needs of future users 	No issues	Protective policy and General design / guidance criteria; no pathway for effects.

Policy EN3 - Delivering Good Design	Category	Notes
<p>c) For new residential proposals, development should perform positively against Building for Life 12.</p> <p>4. Character and visual attractiveness:</p> <p>Development must establish or maintain a strong sense of place, creating an attractive, welcoming and distinctive place by ensuring that it:</p> <ul style="list-style-type: none"> a) Responds to the site's immediate and broader context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation; b) Is of a density, scale, form, massing and height that is appropriate to the local context of the site and to the surrounding landscape and/or streetscape character; c) Responds to valued landscape, townscape and heritage characteristics, including views, vistas and topography; d) Includes high quality and creatively designed public realm that utilises measures such as bespoke street furniture, memorable features and incidental play spaces; e) Is visually attractive, appropriate and possesses a high standard of architectural and landscaping quality; f) Is, where appropriate, communicated clearly with the use of innovative new visual tools to promote better design and quality, helping to make sure new development fits in with its surroundings. <p>5. Designing for streets and spaces:</p> <p>New development should ensure that streets and spaces are attractive, safe, easy to use and navigate and that they encourage people to walk and cycle by:</p> <ul style="list-style-type: none"> a) Relating to their context, with a balance being struck between place-making needs and vehicle movement needs; b) Prioritising the needs of pedestrians, cyclists and public transport users; c) Being active, overlooked, feeling safe and promoting inclusive access; d) Creating legible places which make it easy for people to find their way around; e) Ensuring that streets and spaces achieve continuity and enclosure within the street scene, being continuously enclosed by buildings, or by strong landscaping with well-defined public and private space; f) Ensuring that parking is well integrated and does not dominate the street scene; g) Ensuring safe and easy access for emergency vehicles. <p>6. Designing for diverse and adaptable places:</p> <p>New development should ensure the creation of diverse, adaptable and flexible places that are easy to use and manage by:</p> <ul style="list-style-type: none"> a) Creating distinctive and varied neighbourhoods which provide for local needs through a mix of uses, unit sizes and tenures; 		

Policy EN3 - Delivering Good Design	Category	Notes
<p>b) Mixing land uses and densities within settlements;</p> <p>c) Ensuring that streets, spaces and buildings can be used by all;</p> <p>d) Being able to adapt to changing social, environmental, technological and economic conditions, including the needs of an ageing society;</p> <p>e) Enabling flexible use and adaptation of new buildings to reflect changing lifestyles, having an adaptable layout for sites and/or buildings that takes into account the needs of future users;</p> <p>f) Ensuring that the evolution of the design of the scheme has been informed by early, proactive engagement with the community and the local planning authority</p> <p>g) Ensuring that cycle and vehicle parking and bin storage and collection facilities are fit for purpose, convenient, comfortable and easy to use and are in accordance with the parking standards set out in Appendix 5; and</p> <p>h) Designing development so that it is easy to maintain and manage, including having clear demarcations between public and private spaces.</p> <p>7. Designing for safer and healthier communities:</p> <p>New development should seek to create safer and healthier communities where people can enjoy a good quality of life by:</p> <p>a) Ensuring that people feel comfortable and safe by seeking to design out antisocial behaviour and crime and reduce the fear of crime through the creation of safe environments that have regard to the principles of 'Secured by Design' including good natural surveillance, defensible spaces and other security measures;</p> <p>b) Ensuring that there are no adverse impacts on the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance;</p> <p>c) Ensuring that design and layout promotes inclusive and accessible places, walkable neighbourhoods, social interaction, active travel, physical activity, contact with nature and high-quality sports and play facilities which promote health and wellbeing.</p> <p>d) Ensure the design and use of the place allows for safe and easy access for emergency vehicles.</p>		

Policy EN4 – Sustainable Building and Construction	Category	Notes				
<p>All development proposals will be expected to mitigate against and adapt to climate change, and will be expected to be designed to comply with present and future national policy requirements as well as contributing to local targets on reducing carbon emissions and energy use unless it can be demonstrated that compliance with the policy is not viable or feasible.</p> <p>Appropriate proposals for energy efficient and renewable energy measures for historic buildings which adequately safeguard their heritage significance will be permitted.</p> <p>1. Energy consumption</p> <p>New homes should be designed towards achieving zero carbon homes and all development will be expected to demonstrate how carbon dioxide emissions will be minimised from design and construction phase through to the ongoing use of the building, in accordance with the following energy hierarchy:</p> <ol style="list-style-type: none"> Using less energy through energy efficient building design and construction, including thermal insulation, passive ventilation and cooling; Utilising energy efficient supplies – including connecting to available heat and power networks; and Maximising use of renewable and low carbon energy generation system <p>2. Water Resources</p> <p>New development should seek to achieve a 'water neutral position' and promote enhanced sustainability. To achieve this, the following standards will be expected from new development:</p> <ol style="list-style-type: none"> New housing is expected to be as water efficient as possible. Proposals which do not meet the Building Regulations optional requirement target of 110 l/h/d must demonstrate how and why this standard cannot be attained as part of the specific development scheme proposed. Non-domestic buildings will be expected to reach 'Very Good' BREEAM status as a minimum. Major development schemes: will be expected to provide a programme of water efficiency promotion and consumer education, as part of the new development with the aim of behavioural change with regards to water use. <p>3. Contributing to Low-Carbon Travel</p> <p>All new development should demonstrate how they can support low-carbon travel and will be expected to meet the following requirements for electric vehicle charging points.</p> <table border="1" data-bbox="203 1187 1545 1364"> <tbody> <tr> <td data-bbox="203 1187 448 1276">Houses</td> <td data-bbox="448 1187 1545 1276">One dedicated electric vehicle charging point per house with garage or driveway within the curtilage of the property. Designed to enable the safe, accessible and convenient charging of electric vehicles</td> </tr> <tr> <td data-bbox="203 1276 448 1364">Flats</td> <td data-bbox="448 1276 1545 1364">At least 10% of parking bays should be provided with dedicated electric vehicle charging points. All other parking spaces to be provided with passive wiring to allow future charging point connection.</td> </tr> </tbody> </table>	Houses	One dedicated electric vehicle charging point per house with garage or driveway within the curtilage of the property. Designed to enable the safe, accessible and convenient charging of electric vehicles	Flats	At least 10% of parking bays should be provided with dedicated electric vehicle charging points. All other parking spaces to be provided with passive wiring to allow future charging point connection.	No issues	General statement of policy / General design / guidance criteria; no pathway for effects..
Houses	One dedicated electric vehicle charging point per house with garage or driveway within the curtilage of the property. Designed to enable the safe, accessible and convenient charging of electric vehicles					
Flats	At least 10% of parking bays should be provided with dedicated electric vehicle charging points. All other parking spaces to be provided with passive wiring to allow future charging point connection.					

Policy EN4 – Sustainable Building and Construction		Category	Notes
Other Development (<50 Bays)	At least two parking bays should be marked out for use by electric vehicles only, together with charging infrastructure and cabling.		
Other Development (>50 Bays)	Dedicated parking bays totalling 5% of the total provision marked out for use by electric vehicles only, together with charging infrastructure and cabling.		
<p>Phasing</p> <p>Subject to agreement with the local planning authority, standard provision may also require installation of groundwork / passive wiring at the outset in order to enable further future installation to match demand.</p> <p>Exemptions will be considered for residential apartments with communal parking areas or where it is demonstrated that it is not technically feasible or viable for the existing electricity network to support the requirement. In such cases the installation of groundwork / passive wiring may be required in order to enable future installation when network capacity issues have been resolved.</p>			

Policy EN5 – Surface Water Management and Sustainable Drainage Systems		Category	Notes
<p>Development proposals should demonstrate that water is available to serve the development and adequate foul water treatment and disposal already exists or can be provided in time to serve the development. Foul and surface water flows should be separated where possible.</p> <p>All planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged, including allowing for climate change effects. Topographical survey information should be used to inform the layout and design of a development in consultation with the Lead Local Flood Authority.</p> <p>Surface water connections to the public sewerage network should only be made in exceptional circumstances. On site-attenuation and infiltration will be required as part of any new development wherever possible. Opportunities must be sought to achieve multiple benefits, for example through green infrastructure provision and biodiversity enhancements in addition to their drainage function. The long-term maintenance of structures such as swales and balancing ponds must be agreed in principle prior to permission being granted.</p> <p>Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation of ponds and wetlands onsite or within close proximity.</p> <p>The Council will require the provision of SuDS techniques in all built development proposals and change of use applications, unless it is demonstrated to be technically unfeasible to provide a solution which follows SuDS principles.</p>		Assess / Amend	<p>Protective policy; no pathway for effects.</p> <p>The policy sets the criteria that would need to be met in relation to water discharges; this includes 'mitigating' elements which will help minimise effects on Rutland Water and provide controls in this regard and so consideration of this policy through AA is necessary; however, based on the likely effect pathways and analysis to date it is unlikely that amendments will be required to the policy as it is likely to include sufficient measures to ensure adverse effects do not occur.</p>

Policy EN5 – Surface Water Management and Sustainable Drainage Systems	Category	Notes
<p>Details of the proposed SuDS measures must be provided in a Water Management Strategy (WMS), which must also identify long-term ownership and maintenance strategy for all elements of SuDS techniques proposed within a scheme, including adequate proposals for the regular maintenance and management of such measures over the life expectancy of the development.</p> <p>Major development proposal (schemes of 10 or more homes and site areas of 1ha or greater) should demonstrate that they can be implemented without detriment to the quality or quantity of existing water and the wider environment. Development proposals that significantly threaten groundwater resource will not be permitted. Supporting documentation to accompany planning applications for major developments which explain how contaminated water arising during the construction process will be addressed. Mitigation measures will be required to minimise resultant pollution within new development. Ponds and wetlands will be encouraged where feasible, along with other Suds measures such as infiltration trenches and filter drains</p> <p>Suitable access should be maintained for water resource and drainage infrastructure.</p>		

Policy EN6 – Reducing the risk of flooding	Category	Notes
<p>The Development should be located in the lowest areas of flood risk in line with areas defined by the Environment Agency.</p> <p>Where this is not possible the sequential approach to development will be applied. Where the requirements of the sequential test are met, the exception test will be applied, where necessary.</p> <p>A Flood Risk Assessment (FRA) will be required for all development in Flood Zones 2 and 3 and for sites greater than 1 hectare in Flood Zone 1, and where a development site is located in an area known to have experienced flood problems from any flood source, including critical drainage.</p> <p>All development must avoid increasing flood risk elsewhere. Runoff from the site post development must not exceed pre-development rates for all storm events up to and including the 1% Annual Exceedance Probability (AEP)* storm event with an additional allowance for climate change. The appropriate climate change allowances should be defined using relevant Environment Agency guidance.</p> <p>Where development takes place in Flood Zones 2 and 3, opportunities should be sought to:</p> <ol style="list-style-type: none"> a. Reduce flooding by considering the layout and form of the development and the appropriate application of sustainable drainage techniques; b. Relocate existing development to land in zones with a lower probability of flooding; and c. Create space for flooding to occur by restoring functional floodplains and flood flow pathways and by identifying, allocating and safeguarding open space for storage. d. design buildings to minimise the impact of a flooding event. 	No issues	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy EN7– Pollution control	Category	Notes
<p>Development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. In achieving this development should be designed from the outset to improve air, land and water quality and promote environmental benefits.</p> <p>Development that, on its own or cumulatively, would result in significant air, light, noise, dust, land, water or other environmental pollution or harm to amenity, health well-being or safety will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. It should also be ensured that new development proposals do not have an adverse impact on existing operations.</p> <p>Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards required by the Water Framework Directive will not be permitted.</p> <p>Where development is situated on a site with known or high likelihood of contamination, remediation strategies to manage this contamination will be required.</p> <p>Subject to the Policies in this Plan, planning permission will be granted for development on land affected by contamination where it can be established by the proposed developer that the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters.</p>	No issues	Protective policy; no pathway for effects.

Policy EN8 - Low carbon energy generation	Category	Notes
<p>1. Wind turbine developments</p> <p>Areas identified as being suitable for wind turbine developments are shown on the Policies Map. Within these areas, wind turbine developments of an appropriate scale and size of grouping will be permitted provided that environmental, economic and social impacts can be addressed satisfactorily including:</p> <ul style="list-style-type: none"> a) impact on the landscape, having regard to the findings of the Rutland Landscape Sensitivity and Capacity Study (Wind Turbines); b) visual impact; c) cumulative impact; d) shadow flicker; e) noise; f) separation distances from: <ul style="list-style-type: none"> i) residential dwellings in order to protect residential amenity and to minimise any impact of noise or shadow flicker; 	Amend / Assess	<p>The identification of areas as being suitable for wind turbine developments may imply that this is based on a full range of strategic environmental considerations (e.g. effects on broad-front migration routes to Rutland Water) rather than landscape capacity only and the 2012 study / the SPD. The policy should be explicit in this regard, for example:</p> <p>Supporting text: 7.38 The Policies Map shows areas considered suitable for wind turbines developments based on the landscape and visual impact parameters set out in the Rutland Landscape Sensitivity and</p>

Policy EN8 - Low carbon energy generation	Category	Notes
<ul style="list-style-type: none"> ii) public footpaths and bridleways; iii) power lines, roads and railways; <p>g) the natural environment;</p> <p>h) the local economy and tourism;</p> <p>i) the historic and cultural environment;</p> <p>j) grid connection;</p> <p>k) air traffic and radar;</p> <p>l) form and siting;</p> <p>m) mitigation;</p> <p>n) decommissioning and reinstatement of land at the end of the operational life of the development.</p> <p>2. Solar farms and low carbon energy generating developments</p> <p>Proposals for photovoltaic panels, solar farms and other low carbon energy generating developments will be supported where they are acceptable in terms of:</p> <ul style="list-style-type: none"> a) impact on residential amenity; b) landscape and visual effects; c) the natural environment; d) the historic and cultural environment; e) noise; f) emissions to ground, watercourses and air; g) odour; h) vehicular access and traffic; i) proximity of generating plants to the renewable energy source; j) grid connection; k) form and siting; l) mitigation; 		<p>Capacity Study (Wind Turbines). This study identified areas with “high” landscape capacity to accommodate wind turbine developments according to the scale and size of grouping of the wind turbines concerned. These areas are strategic, although it must be recognised that the suitability relates to landscape capacity only and does not account for or prejudice other material planning considerations, such as effects on designated sites and their interest features. For example, the strategic areas may include existing settlements and built up areas in which case the provisions of Policy EN7 will usually prevent turbines being considered acceptable.</p> <p>Policy text: Areas identified as being potentially suitable for wind turbine developments based on the landscape and visual impact parameters set out in the Rutland Landscape Sensitivity and Capacity Study (Wind Turbines) are shown on the Policies Map. The suitability classification does not prejudice other material planning considerations, such as effects on designated sites and their interest features. Within these areas, wind turbine developments of an appropriate scale and size of grouping will be permitted provided that environmental, economic and social impacts can be addressed satisfactorily including:</p> <p>...</p>

Policy EN8 - Low carbon energy generation	Category	Notes
m) the decommissioning of the development and reinstatement of land at the end of its operational life.		g) the natural environment, having particular regard to effects on bird species associated with Rutland Water SPA / Ramsar and the permeability of the landscape for birds moving to and from the site (both alone and cumulatively with other developments) ...

Policy EN9 - The natural environment strategic policy	Category	Notes
<p>The Council will seek to achieve net gains for biodiversity and will proactively seek habitat creation as part of development proposals and will protect and enhance biodiversity, ecological networks and geological conservation interests across the County.</p> <p>Working in partnership with all relevant stakeholders, the Council will facilitate the conservation, enhancement and promotion of the County's biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals where possible.</p> <p>New development will be expected to maintain, enhance, restore or add to biodiversity. Opportunities should be taken to achieve positive gain through the form and design of development. The built environment should be viewed as an opportunity to fully integrate biodiversity within new development through innovation.</p> <p>All major development proposals must include an assessment of the potential impact of the development on the natural environment both on site and on the surrounding area, and identify measures to mitigate any potentially adverse impacts.</p> <p>Proposals that are likely to have a significant impact on sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats identified in any relevant local Biodiversity Action Plan, Geodiversity Strategy and the Natural Environment and Rural Communities (NERC) Act 2006 will only be permitted in exceptional circumstances:</p> <ul style="list-style-type: none"> • In the case of internationally designated sites (alone or in combination), where there is no alternative solution and there are overriding reasons of public interest for the development. • In the case of National Sites (alone or in combination) where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites. • In the case of Local Sites (e.g. Local Wildlife Sites) or sites which meet the designation criteria for Local Sites, the reasons for development must clearly outweigh the long term need to protect the site or where appropriate mitigation, including the translocation of important species, can be satisfactorily incorporated into the development proposal. <p>In exceptional circumstances where detrimental impacts of development cannot be avoided (by locating development to an alternative site) the Council will require appropriate mitigation to be undertaken by the developers or as a final resort compensation. Where none of these can be</p>	Review	<p>Protective policy; no pathway for effects although some minor amendments may be merited to reduce repetition and clarify the aspects of the policy as they relate to European sites:</p> <p>Para 4: All major development proposals must include an assessment of the potential impact of the development on the natural environment both on site and on the surrounding area, and identify measures to mitigate any potentially adverse impacts. This should include an assessment of the effects on any non-designated habitats that may be functionally critical to the integrity of sites designated for their nature-conservation value.</p> <p>(Reason: to ensure that 'functional land' is considered within any applications).</p> <p>Para 5: Proposals that are likely to have a significant impact on sites designated internationally, nationally or locally for their biodiversity and geodiversity importance; or on species populations and or habitats identified in by any</p>

Policy EN9 - The natural environment strategic policy	Category	Notes
<p>achieved then planning permission will be refused. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important species.</p> <p>Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.</p> <p>Development proposals that are likely to result in a significant adverse effect, either alone or in combination, on any internationally designated site, must satisfy the requirements of the Habitats Regulations. Development requiring Appropriate Assessment will only be allowed where it can be determined, taking into account mitigation, that the proposal would not result in significant adverse effects on the site's integrity.</p> <p>Planning permission will be granted for development proposals which:</p> <ol style="list-style-type: none"> Deliver net biodiversity gains on site where possible, if not on site within the immediate area; Provide habitat creation areas and tree planting on site; Provide the appropriate level of protection to legally protected sites and species (in accordance with the most appropriate statute or national planning policy); Protect ancient woodland, other irreplaceable habitats, and aged or veteran trees found outside ancient woodland except where the need for and benefits of the development in that location clearly outweigh the loss; Maintain and where appropriate enhance conditions for "priority habitats and species" identified in the Leicestershire, Leicester and Rutland Biodiversity Action Plan; Maintain and where appropriate enhance recognised geodiversity assets; Maintain and where appropriate enhance other sites, features, species or networks of ecological interest and provide for appropriate management of these; Maximise opportunities for the restoration, enhancement and connection of ecological or geological assets, particularly in line with the Leicestershire, Leicester and Rutland Biodiversity Action Plan; Identify measures to avoid and/or reduce any potentially adverse impacts on the natural environment to acceptable levels (commensurate with the status of specific sites where applicable); Do not result in significant harm to sites of local importance for biodiversity or geodiversity, unless appropriate mitigation or compensation measures are in place which result in equal or greater value being created Does not result in the loss of trees and hedgerows of biodiversity importance unless it is demonstrated that the trees and hedgerows are dead, dying, diseased or dangerous; Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere. 		<p>relevant local Biodiversity Action Plan, Geodiversity Strategy and or through the Natural Environment and Rural Communities (NERC) Act 2006 will only be permitted in exceptional circumstances.</p> <p>(Reason: clarifies that this does not relate solely to designated sites identified by the noted legislation etc; species and habitats of principal importance for biodiversity are not actually identified in the NERC Act, but pursuant to it by NE; 'internationally' removed to ensure that all aspects relating to European sites are addressed together (see amendments below).</p> <p>Bullet 1: In the case of internationally designated sites (alone or in combination), where there is no alternative solution and there are overriding reasons of public interest for the development.</p> <p>(Reason: addressed in revised paragraph below).</p> <p>Para. 9: Where any mitigation and compensation measures are required, they should be in place before any development activities start that may disturb affect protected or otherwise conservation-notable important species</p> <p>(Reason: disturb is a relatively narrow term with particular meanings in legislation).</p> <p>Para. 10: Development proposals that are likely to result in a cannot exclude</p>

Policy EN9 - The natural environment strategic policy	Category	Notes
		<p>the possibility of significant adverse effects on the integrity of any internationally designated site following an appropriate assessment, either alone or in combination, on any internationally designated site, must satisfy the requirements of the Habitats Regulations. Development requiring Appropriate Assessment will only be allowed will not be permitted where it can be determined, taking into account mitigation, that the proposal would not result in significant adverse effects on the site's integrity unless it is unequivocally demonstrated that there are no alternative solutions; that there are imperative reasons of overriding public importance for the development to proceed; and that all necessary compensatory measures are fully secured.</p> <p>(Reason: To align with the Habitats Regulations)</p>

Policy EN10 – Blue and Green infrastructure, sport and recreation strategic policy	Category	Notes
<p>The existing blue / green infrastructure network will be safeguarded, improved and enhanced by further provision to ensure accessible multi-functional green spaces and water features by linking existing areas of open space. This will be achieved by:</p> <p>a) the development of a network of green spaces, public rights of way, footways and paths, bridleways and cycleways in and around the towns and villages;</p> <p>b) requiring new development to make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing blue/green infrastructure network;</p>	No issues	Protective policy; no pathway for effects.

Policy EN10 – Blue and Green infrastructure, sport and recreation strategic policy	Category	Notes
<p>c) resisting development resulting in the loss of blue/green infrastructure or harm to its use or enjoyment by the public; proposals involving the loss of green infrastructure will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided to meet the local needs that is both accessible and of equal or greater quality and benefit to the community;</p> <p>d) resisting the loss of sport and recreation facilities where they are deficient and supporting the provision of additional new facilities in an equally accessible location as part of the development, particularly where this will provide a range of facilities of equal or better quality on a single site or provide facilities that may be used for a variety of purposes.</p>		

Policy EN11: Protecting Agricultural Land	Category	Notes
<p>Planning permission will not be granted for development which would lead to the loss of Grade 1 or 2 agricultural land unless:</p> <p>a. The land is allocated in the Local Plan; or</p> <p>b. There are no other more suitable and sustainably located sites available and the need for development are sufficient to override the need to protect the agricultural land.</p>	No issues	Protective policy; no pathway for effects.

Policy EN12– Important open space and frontages	Category	Notes
<p>Development will only be acceptable where it does not have an adverse impact on an Important Open Space and/or Important Frontage as shown on the Policies Map having regards to:</p> <p>a) its intrinsic environmental value by virtue of its landform, vegetation or tree cover, or the presence of any special features such as streams, ponds, important wildlife habitats or walls;</p> <p>b) its contribution to enhancing the attractiveness of the town or village setting when viewed from surrounding land, particularly the approaches to the built-up area;</p> <p>c) the views and/or vistas out of and within the town or village that contribute to the character and attractiveness of the settlement;</p> <p>d) its peripheral or transitional open character in contributing to preserving the form and character of the settlement;</p> <p>e) its contribution, possibly in conjunction with other areas, to creating the overall character and attractiveness of the settlement;</p> <p>f) its contribution to the form and character of the settlement in terms of the relationship of buildings and structures one to another, to other open spaces or natural features;</p>	No issues	General statement of policy / General design / guidance criteria / Protective policy; no pathway for effects.

Policy EN12– Important open space and frontages	Category	Notes
g) its contribution to the setting of a building or group of buildings or important natural features.		

Policy EN12 – Designation of Local Green Spaces – strategic policy	Category	Notes
<p>When Neighbourhood Plans are being prepared or reviewed consideration may be given to the designation of green space which are of particular importance to the community for special protection as Local Green Spaces.</p> <p>The Neighbourhood Plan should be accompanied by evidence which demonstrates that identified spaces is:</p> <p>a) Within or immediately adjacent to the Planned Limits of Development</p> <p>b) demonstrably special to the local community and holds a particular local significance</p> <p>c) local in character and scale and is contained with clearly defined boundaries</p> <p>d) not already subject to a planning permission or an adopted local plan allocation</p> <p>e) not already protected by another designation or strategic planning policy</p> <p>f) physically or visually accessible in some form</p>	No issues	<p>General statement of policy / Protective policy; no pathway for effects.</p> <p>Note, policy may be misnumbered (2x EN12).</p>

Policy EN13 – Provision of new open space	Category	Notes								
<p>Open Space Type</p> <table border="1"> <thead> <tr> <th>Open space type</th> <th>Proposed standard</th> <th>Accessibility</th> <th>Quality</th> </tr> </thead> <tbody> <tr> <td>Parks, gardens and amenity green space</td> <td>0.75 ha per 1,000 population of sites not less than 0.2ha in size</td> <td>500m</td> <td> <ul style="list-style-type: none"> • Have natural grass on a high proportion of the site • Be permanently (24/7) available for informal public recreation use without charge • Be reasonably flat and accessible to the local community • Safe for use by a wide range of ages • Clearly designed, with definition between the public space and adjoining private spaces e.g. fenced </td> </tr> </tbody> </table>	Open space type	Proposed standard	Accessibility	Quality	Parks, gardens and amenity green space	0.75 ha per 1,000 population of sites not less than 0.2ha in size	500m	<ul style="list-style-type: none"> • Have natural grass on a high proportion of the site • Be permanently (24/7) available for informal public recreation use without charge • Be reasonably flat and accessible to the local community • Safe for use by a wide range of ages • Clearly designed, with definition between the public space and adjoining private spaces e.g. fenced 	No issues	<p>General statement of policy / General design / guidance criteria; no pathway for effects.</p> <p>Note, policy may be misnumbered (2x EN12).</p>
Open space type	Proposed standard	Accessibility	Quality							
Parks, gardens and amenity green space	0.75 ha per 1,000 population of sites not less than 0.2ha in size	500m	<ul style="list-style-type: none"> • Have natural grass on a high proportion of the site • Be permanently (24/7) available for informal public recreation use without charge • Be reasonably flat and accessible to the local community • Safe for use by a wide range of ages • Clearly designed, with definition between the public space and adjoining private spaces e.g. fenced 							

Policy EN13 – Provision of new open space				Category	Notes
			<ul style="list-style-type: none"> • Sites should not include playing pitches, sustainable urban drainage sites, roadside verge, or be primarily landscaping as part of a development • Be well maintained • Where children's equipped play provision is developed as part of a larger park or amenity greenspace, then an additional area is required of 0.25 ha per 1000 with the individual play area meeting the appropriate standards from Fields In Trust. 		
Children's Play and provision for young people	0.25 ha per 1,000 population of Designated Equipped Playing Space	400m for LEAP 1000m for NEAP	<ul style="list-style-type: none"> • New LAPs, LEAPs and NEAPs should meet the Fields In Trust standards as relevant to the individual site. • New youth provision should reflect current best practice, and also take into account the needs expressed by local young people. 		
Allotments	0.23ha per 1,000	1000m	<ul style="list-style-type: none"> • Allotment sites will be well maintained and secure with appropriate facilities such as controlled water supplies, toilets, parking for bicycles and a shared shed or meeting room. They will be easy to get to on foot or by public transport, easy to find out about, and easy to get around with appropriate provision for people with disabilities. Sites will be managed to benefit wildlife and maintain good soil quality. • All paths should be no less than 1.5 m wide, but ideally 1.7 m wide. The main gates should be wide enough to allow large delivery vehicles. 		

Residential Development

The Council will seek to ensure that residential development which results in a net gain in floorspace makes adequate provision for on-site open space in accordance with the Council's Open Space Standards identified in the table above.

If the provision cannot be made, the Council will seek to use CIL contributions towards the costs of providing the necessary facilities in an off-site location and/or maintaining and upgrading existing sites.

Open space must be integrated and well located in relation to the proposed and existing development and be step free with pathways to and through the site making it accessible for those with disabilities and pushchair users.

Appropriate arrangements for the long-term management of open space will be required. This might be through an arrangement with the parish or town council, or a management trust or similar.

Policy EN14 - The historic and cultural environment strategic policy	Category	Notes
<p>All developments, projects and activities will be expected to protect and where possible enhance historic assets and their settings, maintain local distinctiveness and the character of identified features.</p> <p>Development should also respect the historic landscape character and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.</p> <p>Development proposals affecting or likely to affect any heritage asset or its setting will be expected to demonstrate an understanding of the significance of the asset and/or its setting by describing it in sufficient detail to determine its historic, archaeological or architectural interest to a level proportionate with its importance.</p> <p>As a minimum this should be through reference to the Historic Environment Record or by a desk-top analysis and reference to other relevant sources of information, which may include landscape character and historic landscape character appraisals, conservation area appraisals and management plans.</p> <p>Desk based and/or field evaluations may be required to identify and determine the nature of the asset, describe the significance of the asset and its setting and any potential impacts resulting from the proposed development, as well as to inform the identification of appropriate avoidance and/or mitigation measures required to minimise impacts to an acceptable level (appropriate to their significance).</p> <p>Locally sourced, sustainable, building and roofing materials will be used in the repair and maintenance of historic buildings and structures where appropriate.</p> <p>The adaptive re-use of redundant or functionally obsolete listed buildings or important buildings will be supported where this does not harm their essential character.</p>	No issues	<p>Protective policy; no pathway for effects.</p> <p>Note, policy may be misnumbered (2x EN12).</p>

Policy EN15 – Protecting heritage assets (local Policy)	Category	Notes
<p>1. Designated heritage assets</p> <p>a) Conservation areas</p> <p>Development in conservation areas will only be acceptable where the scale, form, siting and design of the development and the materials proposed would preserve or enhance the character or appearance of the area. Development will not be acceptable if it would have an adverse effect upon:</p> <ul style="list-style-type: none"> i) the appearance of buildings being altered; ii) the immediate setting of the development; iii) the street scene, views into and out of the area; iv) other environmental, amenity and highway interests; and 	No issues	<p>Protective policy; no pathway for effects.</p> <p>Note, policy may be misnumbered (2x EN12).</p>

Policy EN15 – Protecting heritage assets (local Policy)	Category	Notes
<p>v) important features such as trees, hedgerows or important open spaces.</p> <p>Conservation areas designated at the time of the preparation of this plan are shown on the policies map.</p> <p>Favourable consideration will be given to new development in conservation areas that preserves the elements of its setting and that make a positive contribution to better reveal the significance of the asset.</p> <p>b) Listed buildings</p> <p>The Council will require the protection of listed buildings and seek to ensure that they are kept in a good state of repair by the following means:</p> <p>i) consent would only be granted for the demolition of Grade II listed buildings in exceptional circumstances and for Grade II* and Grade I listed buildings in wholly exceptional circumstances following a thorough assessment of their significance;</p> <p>ii) retention of the original use for which the listed building was built is preferred; other uses will only be considered where the change of use can be justified, and where it can be proven that the original use cannot be sustained;</p> <p>iii) alterations and extensions including partial demolitions should be based on an accurate understanding of the significance of the asset including the structure, and respect the architectural character, historic fabric and detailing of the original building. With alterations, the Council will normally insist on the retention of the original structure, features, material and plan form or features that contribute to the significance of the asset. The Council will expect retention and repair, rather than replacement of the structure, features, and materials of the building which contribute to its architectural and historic interest; and will require the use of appropriate traditional materials and techniques;</p> <p>iv) using its legal powers to take steps to secure the repair of listed buildings, where appropriate;</p> <p>v) protecting the setting of listed buildings where proposals could have an impact;</p> <p>vi) taking a practical approach towards the alteration of listed buildings to comply with the Equality Act 2010 and subsequent amendments, provided that the building's special interest is not harmed, using Historic England advice as a basis.</p> <p>2. Non-designated heritage assets</p> <p>Development that has the potential to affect a non-designated heritage asset will be considered having regard to the scale of any harm or loss and the particular significance of the heritage asset and its setting.</p> <p>a) Archaeology</p> <p>Where a development has the potential to affect heritage assets with archaeological interest, the applicant will be required to submit an appropriate desk-based assessment and where necessary a field evaluation.</p> <p>Development proposals that would result in the removal or destruction of remains of archaeological interest that are considered to be of equal significance to a scheduled monument will not normally be permitted.</p> <p>Proposals for development on areas that are of known or suspected archaeological interest must be accompanied by an archaeological field evaluation that determines the significance of the archaeological remains and assesses the implications of the development on those remains.</p>		

Policy EN15 – Protecting heritage assets (local Policy)	Category	Notes
<p>Development that would have an adverse effect on a site of national archaeological importance, including scheduled ancient monuments, their setting and amenity value will only be acceptable in exceptional circumstances and where it would meet the requirements for designated heritage assets (see 1. above). Scheduled monuments designated as at the time of the preparation of this plan are shown on the Policies Map.</p> <p>Development that would adversely affect other important archaeological remains will only be acceptable where:</p> <ul style="list-style-type: none"> a) the benefits of the development outweigh the harm to the remains and the value of retaining the remains in situ; and b) the degree of disturbance has been minimised; and c) satisfactory provision is made for the evaluation, excavation, recording and interpretation of the remains before the commencement of development. <p>Where development can take place and still preserve important features in situ, planning conditions will be sought to secure the implementation of effective management plans that ensure the continued protection of those features.</p> <p>b) Buildings of local importance</p> <p>Where planning permission is required, which would involve the demolition of, or substantial alteration to, the external appearance of any building designated as being of local importance it will only be granted where it is demonstrated that:</p> <ul style="list-style-type: none"> a) all reasonable steps have been taken to retain the building, including examination of alternative uses compatible with its local importance; and b) retention of the building, even with alterations, would be demonstrably impracticable; and c) the public benefits of the scheme outweigh the loss of, or substantial alteration to, the building. <p>3. Re-use of historic buildings</p> <p>The conversion or change of use of a statutorily protected or locally listed building or structure which makes a significant historical, cultural or architectural contribution to the character of the area will only be acceptable where:</p> <ul style="list-style-type: none"> a) a structural survey demonstrates that the conversion or change of use can be undertaken without extensive building works, alterations or extensions that would have a significant detrimental effect on the structure's character and appearance; b) the proposal can be achieved in a way that preserves the structure's historic, cultural and architectural features and its character; c) the nature, scale and intensity of the proposed use are compatible with, and would not prejudice, surrounding uses or the character of the locality; and d) it would not adversely affect protected species or habitat. <p>Wherever possible, the building or structure should remain in the use for which it was originally designed. Where this is not possible, employment, recreation or tourism uses (including holiday accommodation for short stay occupation on a rented basis) will be the next preference.</p>		

Policy EN15 – Protecting heritage assets (local Policy)	Category	Notes
Conversion to residential uses will only be acceptable where employment, recreation or tourism uses of the building are shown to be unviable.		

Policy EN16 - Advertisements	Category	Notes
<p>The display of advertisements will only be acceptable where they would not individually or cumulatively detract from the appearance of buildings, the street scene, and the environment and amenity or adversely affect public safety, by virtue of their location, size, design, colour and illumination.</p> <p>a) Listed buildings and conservation areas</p> <p>Display of advertisements on listed buildings and in conservation areas, whether illuminated or not, will not be acceptable where they would detract from the appearance or character of the building and/or street scene and/or would prejudice public safety.</p> <p>b) In the countryside</p> <p>Display of directional advertisements and signs in the countryside which are not located on a building or within the curtilage of the business or activity to which the sign relates will only be acceptable where signs are:</p> <p>i) not illuminated unless essential for directional and operational purposes, in which case externally illuminated signs of the minimum intensity for the purpose will be allowed;</p> <p>ii) of a scale, colour and design appropriate to the rural setting;</p> <p>iii) not detrimental to the landscape individually or cumulatively; and</p> <p>iv) not be prejudicial to public safety.</p>	No issues	<p>General statement of policy / General design / guidance criteria; no pathway for effects.</p> <p>Note, policy may be misnumbered (2x EN12).</p>

Policy SC1 – Delivering safe, healthy and inclusive communities	Category	Notes
<p>Planning permission will be granted for development proposals and activities that protect, retain or enhance the provision, quality or accessibility of existing community, education, leisure and cultural facilities.</p> <p>Proposals involving the loss of services and facilities, such as schools, nurseries, village halls, village shops, post offices, public houses, places of worship, banking facilities and health services will only be supported where the applicant demonstrates that:</p> <p>a) an alternative facility to meet local needs is available that is both equally accessible and of equal benefit to the community; or</p> <p>b) all options for continued use have been fully explored and none remain which would be financially viable.</p>	No issues	General statement of policy; no pathway for effects.

Policy SC1 – Delivering safe, healthy and inclusive communities	Category	Notes
<p>Development should take account of the needs and requirements of all people in the community, including people with disabilities or special needs, elderly people, and young people. Appropriate measures or adaptations should be included where necessary.</p> <p>All development proposals should demonstrate how they help make safe and healthy communities and will support the wellbeing of existing and new residents and employees.</p>		

Policy SC2 – Securing sustainable transport	Category	Notes
<p>New development will have an impact upon the County's transport network; therefore the Council expects that development proposals should demonstrate through a Transport Assessment or Transport Statement, how the proposal addresses all of the following:</p> <ol style="list-style-type: none"> 1) meet the requirements of Rutland's fourth Local Transport Plan and its supporting documents; 2) promote a range of transport choices for the movement of people and goods; 3) minimise the distance people need to travel to shops, services and employment opportunities; 4) reduce the need to travel by car and encourages the use of alternatives such as walking, cycling and public transport; 5) include a range of appropriate mitigating transport measures, including travel plans, aimed at improving transport choice and encouraging travel to work and school safely by public transport, cycling and walking; 6) provide safe and well-designed transport infrastructure (in accordance with any council policies) – including improved and new cycleway and footway provisions, 7) will support the delivery of an integrated walking and cycling network and associated provisions, connecting new developments to essential services and neighbouring communities. Developers should refer the County Council's Local Cycling and Walking Infrastructure Plan, once developed (anticipated to be published in late 2019). 8) make adequate provision (where appropriate) to put in place or improve bus routes, services and passenger facilities serving the County, and to put in place or improve rail facilities in Oakham including bus, pedestrian and cycle links to the rail station. Developers should refer to the County Council's Passenger Transport Strategy (in draft) when considering such provisions; 9) provide adequate levels of car parking in line with Council's published car parking standards; <p>In addition, commercial, mineral extraction and waste proposals will also be expected to demonstrate how they:</p> <ol style="list-style-type: none"> 10) support opportunities for sustainable freight movement by rail where possible and other alternatives to road-based transport; and 	No issues	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy SC2 – Securing sustainable transport	Category	Notes
<p>11) support sustainable transport movements and minimise the potentially adverse impacts associated with heavy goods vehicle movements on the community, environment and road network including the need for significant minerals and waste development proposals to prepare a transport assessment and site transport plan.</p>		

Policy SC3 - Promoting Fibre to the Premise Broadband (FTTP)	Category	Notes
<p>Fibre to the Premises (FTTP) is considered to be essential infrastructure and vital to the delivery of sustainable development.</p> <p>A. Proposals for the following types of development will be expected to deliver FTTP:</p> <ol style="list-style-type: none"> 1 All residential and employment schemes on sites allocated in this Local Plan 2 Residential schemes promoting 10 or more new dwellings 3 Employment schemes promoting 10 or more jobs (FTE) <p>Proposals must be supported by a FTTP Statement, to be agreed by the Council. This statement will establish how FTTP will be provided to serve the development and that it will be engaged at first occupation.</p> <p>In exceptional cases where it is demonstrated that FTTP is not practical, viable or feasible to deliver the Council will consider the delivery of non Next Generation Access technologies that can provide speeds in excess of 24Mbps as an alternative. Clear evidence should be provided in support of a planning application to demonstrate why a proposal is not able to deliver FTTP.</p> <p>B. For other residential and employment schemes, FTTP will be encouraged by the Council as a means of expanding the local fibre network.</p> <p>All developments should ensure that sufficient ducting space for future digital full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users</p> <p>Developers will be required to produce an FTTP statement to support any planning application which will establish how and when FTTP will be secured through new development, working with the relevant telecom provider.</p>	No issues	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy SC4 - Developer contributions – strategic policy	Category	Notes
<p>Planning applications for the following types of development will be subject to the application of Community Infrastructure Levy (CIL) in accordance with the adopted Charging Schedule:</p> <ul style="list-style-type: none"> • Residential development 	No issues	General statement of policy; no pathway for effects.

Policy SC4 - Developer contributions – strategic policy	Category	Notes
<ul style="list-style-type: none"> • Storage and Distribution (B8) • Food Retail (Supermarkets) • Retail Warehouses <p>Proposals for major development will be expected to deliver any additional on and off-site infrastructure requirements that would mitigate and/or compensate for the impacts generated by the new development. Negotiations with developers will consider the individual site circumstances and other published guidance (including the Planning Obligations Supplementary Planning Document (SPD). In demonstrating how a development proposal meets the needs arising, reference should be made to the Regulation 123 List, the Infrastructure Funding Statement and discussions held with relevant utility or service providers.</p> <p>Development proposals must consider all of the relevant infrastructure implications associated with their scheme. Consideration will also need to be given to the likely timing of infrastructure provision. As such, the delivery of development may need to be phased, either in time or geographically, to ensure the related provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.</p> <p>CIL and the policy requirements in this plan have been assessed as being viable for the development types and sites allocated in this plan, therefore it is assumed that all development proposals will be viable. The Council will follow national guidance (set out in NPPG) to determine the exceptional circumstances where a site-specific viability appraisal might be accepted.</p>		

Policy MIN1 - Spatial strategy for minerals development	Category	Notes
<p>Extraction of mineral resources, in particular limestone for aggregate purposes and limestone and clay for cement purposes, will be focussed within the:</p> <ul style="list-style-type: none"> - Limestone for aggregates and building stone Area of Search (AoS), and - Cement primary and secondary materials AoS. <p>Within the cement primary and secondary materials AoS preference would be given to proposals for extraction from that part of the cement AoS identified in the St George's masterplan.</p> <p>Small-scale extraction of non-aggregate minerals for building/roofing stone and clay where linked to historic environment conservation outcomes will be supported in rural areas or within settlements.</p> <p>Recycled aggregate facilities should be in general conformity with the spatial strategy and development principles for waste management and disposal (Policy WST1).</p>	No issues	<p>The Areas of Search are broad areas reflecting known resource areas. However, the policy does not identify any scale or quantum for minerals development, or specific locations (although it is perhaps most likely that development will occur near existing facilities). The supporting text of the policy is clear that there is no presumption in favour (<i>"It should be noted that the identification of areas within the spatial strategy does not imply grant of planning permission, any proposal would be required to be assessed through the Development Assessment"</i>)</p>

Policy MIN1 - Spatial strategy for minerals development	Category	Notes
		<p><i>process and comply with the Local Plan policies”). The evidence gathered to date and the consultation responses from NE (see Section 1) do not suggest that significant or significant adverse effects are unavoidable as a result of minerals development, and based on the likely effect pathways and analysis it is unlikely that amendments will be required to the policy.</i></p>

Policy MIN2 – Mineral provision	Category	Notes
<p>In providing a steady and adequate supply of minerals over the plan period 2016 to 2036 the plan will seek to:</p> <ul style="list-style-type: none"> A) Make provision for the extraction of 3.8 million tonnes of crushed rock (limestone), equivalent to an annual average of 0.19 million tonnes. B) Maintain a sufficient stock of permitted reserves for limestone and clay in order to supply the Cement Works at Ketton at an output of around 1.4 million tonnes of cement production per annum. C) Support the supply of minerals where necessary for conservation purposes and / or maintaining the local distinctiveness of the built environment within Rutland. <p>The maintenance of a landbank of at least 10 years for crushed rock will be sought.</p> <p>A stock of permitted reserves of at least 15 years for cement primary and secondary materials (limestone and clay) will be sought.</p> <p>This will be delivered through existing sites and new sites (including allocated and unallocated sites where in compliance with relevant local plan policies) as well as the identification of the cement primary and secondary materials Area of Search.</p>	No issues	<p>The policy provides a quantum for minerals provision although these values are modest and consistent with existing rates of extraction within the county; in addition, the policy does not strictly advocate minerals development but is instead focused on securing the stated provision with no judgement made on the acceptability or not of proposals that may be required to extract these resources. The policy has some site-specificity (in that it relates to existing operations) but the evidence gathered to date and the consultation responses from NE (see Section 1) do not suggest that significant or significant adverse effects are unavoidable as a result of minerals development, and based on the likely effect pathways and analysis it is unlikely that amendments will be required to the policy.</p>

Policy MIN3 – Safeguarding Rutland’s Mineral Resources	Category	Notes
<p>Mineral Safeguarding Areas (MSAs) have been designated to safeguard mineral resources of local and national importance from unnecessary sterilisation by other development; these include:</p> <ul style="list-style-type: none"> • limestone and ooidal freestones resources from the Lincolnshire limestone formation; • siliceous clay resources from the Rutland formation and fireclay; and • river terrace sand and gravel resources associated with the River Gwash and River Welland as well as the West Glen River, River Chater, Eye Brook, a tributary of the River Eye and Rutland Water. <p>Planning permission will not be granted for non-mineral development that would lead to the unnecessary sterilisation of mineral resources within a Minerals Safeguarding Area unless it can be demonstrated that:</p> <ol style="list-style-type: none"> a) the mineral concerned is not of economic value or evidence confirms the absence of mineral resources, or b) the proposed development is temporary or of a nature that would not sterilise the mineral resource or hinder future extraction, or c) prior extraction can occur where practicable, environmentally feasible and within a reasonable timescale, or d) there is an over-riding need for the development, or e) the development is exempt. <p>In determining the need for prior extraction an assessment of the following factors will be required to inform the decision-making process:</p> <ol style="list-style-type: none"> (i) site-specific geological survey data (in addition to the Councils MSA and British Geological Survey mapping data) to establish the existence or otherwise of mineral resources setting out the type, quality, quantity, extent of the resource, overburden to reserve ratio, the proportion of the mineral to be used on-site and estimated saleable mineral; (ii) economic viability and practicability of prior extraction, this should also take account of the size, nature and need for the (non-minerals) development as well as the proposed phasing of operations and construction of the non-mineral development; and (iii) potential environmental impacts resulting from prior extraction. <p>Where the non-mineral development is delayed or not implemented the site must be restored to a stable landform and appropriate after-use that would not hinder future extraction.</p>	No issues	Safeguarding policy cannot affect European sites as the policy does not there is no presumption in favour of extractions etc; there is a theoretical displacement risk (e.g. if a development is prevented from occurring within an MSA and is subsequently located such that it affects a European site when it would not have done in the MSA) but this is a nebulous indirect risk that cannot be assessed at the plan level – and in any case the displaced scheme would need to meet the other requirements of the plan and legislation on its own merits.
Policy MIN4 - Development criteria for mineral extraction	Category	Notes
<p>Proposals for extraction of minerals will be permitted where it can be demonstrated that the development:</p> <ol style="list-style-type: none"> 1. Complies with the spatial strategy for minerals set out in Policy MIN1 and relevant Local Plan policies, 	No issues	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy MIN4 - Development criteria for mineral extraction	Category	Notes
<p>2. Is required to maintain a sufficient supply of material with respect to:</p> <ul style="list-style-type: none"> a. The adopted aggregate provision rate and/or the maintenance of a landbank, or b. The adopted cement production rate and/or maintaining a stock of permitted reserves for cement materials, or c. Supporting conservation of the historic environment or maintaining the local distinctiveness of the built environment within Rutland, <p>3. Maximises the recovery of the reserve whilst minimising waste,</p> <p>4. Promotes the most appropriate end-use of materials, and</p> <p>5. Is environmentally acceptable and avoids and/or minimises potentially adverse impacts (including cumulative impacts) to acceptable levels.</p> <p>Proposals for the extraction of minerals to support conservation of the historic environment or maintaining local distinctiveness must demonstrate that this is the main purpose of the proposal.</p> <p>Preference will be given to proposals for mineral extraction at allocated sites and, within the Cement primary and secondary materials Area of Search, from the area identified in the St George's masterplan. Proposals on unallocated sites or outside of the areas identified in the spatial strategy will be considered where:</p> <ul style="list-style-type: none"> a. The proposal relates to extraction of aggregates or cement materials (limestone and clay) and cannot reasonably or would not otherwise be met from committed or allocated reserves, or from within the cement primary and secondary materials Area of Search, or b. Extraction of the mineral can be clearly demonstrated to be ancillary to the proposed development (e.g. agricultural reservoirs), or c. The proposal is for the prior extraction within a Mineral Safeguarding Area. <p>Proposals for minerals development must be expected to identify and determine the nature and extent of potentially adverse impacts likely to result from the development and demonstrate how the proposal will protect local amenity, particularly in relation to dust, noise and vibration; secure safe and appropriate site access and; make provision to secure highway safety.</p> <p>Where potentially adverse impacts are likely to occur appropriate mitigation measures must be identified to avoid and/or minimise impacts to an acceptable level. Where applicable a site-specific management plan should be developed to ensure the implementation and maintenance of such measures throughout construction, operation, decommissioning and restoration works.</p>		

Policy MIN5 - Site-specific allocations for the extraction of crushed rock	Category	Notes
<p>Proposals for the extraction of crushed rock (limestone) at the following site will be permitted in accordance with other relevant Local Plan policies.</p> <p>M4a Greetham Quarry North West extension 1.1 million tonnes (approximately) to 2036 (2.4 million tonnes thereafter)</p>	No issues	Site is several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.) other than

Policy MIN5 - Site-specific allocations for the extraction of crushed rock	Category	Notes
		a theoretical, but extremely low, risk of functional land being affected (which cannot be reasonably assessed at the plan level). The protective policies in the plan will apply in any case. Note, although there is no reason to assume Category at the strategy level, this does not prejudice any project-level HRA that may be required.

Policy MIN6 - Site-specific allocations for the extraction of building stone	Category	Notes
Proposals for the extraction of building stone at the following site will be permitted in accordance with other relevant Local Plan policies: M5a Hooby Lane Quarry extension (yield unknown)	No issues	Site is several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.) other than a theoretical, but extremely low, risk of functional land being affected (which cannot be reasonably assessed at the plan level). The protective policies in the plan will apply in any case. Note, although there is no reason to assume Category at the strategy level, this does not prejudice any project-level HRA that may be required.

Policy MIN7 - Safeguarding of minerals development	Category	Notes
To safeguard the provision to be delivered by the allocated and committed mineral extraction sites, proposals for non-minerals development: a) within an allocated site must demonstrate that the site is no longer required to support the delivery of the adopted provision rate and/or to maintain landbanks (with reference to the most recent Local Aggregate Assessment); or b) adjacent to an allocated or permitted site must demonstrate that the proposed development would not prevent or unreasonably restrict the future extraction of minerals from the allocated site.	No	Safeguarding policy cannot affect European sites as the policy does not there is no presumption in favour of extractions etc; there is a theoretical displacement risk (as per MIN3) but this is a nebulous indirect risk that cannot be

Policy MIN7 - Safeguarding of minerals development	Category	Notes
<p>In order to ensure that there is a sufficient supply of material to support current community and businesses and planned growth the following minerals development will be safeguarded unless proposals for non-minerals development can demonstrate that alternative provision in the vicinity can be made, or there is no longer a need for the facility at that location.</p> <p>Minerals development to be safeguarded includes:</p> <p>c) existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and</p> <p>d) existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.</p>		<p>assessed at the plan level – and in any case the displaced scheme would need to meet the other requirements of the plan and legislation on its own merits.</p>

Policy MIN8 - Borrow Pits	Category	Notes
<p>Permission will be granted for borrow pits where it can be demonstrated that:</p> <p>a. Extraction of mineral from the borrow pit constitutes the most appropriate supply option with reference to the type and quality of the mineral and proximity to other mineral extraction sites.</p> <p>b. The estimated size of the resource, and proposed extractive operations, is commensurate to the estimated needs of the associated construction or engineering works.</p> <p>c. The borrow pit is within close proximity to the associated works that it is intended to supply, and minimises the use of public highways in transporting the mineral.</p> <p>d. The proposal avoids and/or mitigates potentially adverse impacts to acceptable levels and is environmentally feasible.</p> <p>e. The site will be progressively restoration to an acceptable condition and afteruse and completed as soon as possible following cessation of the associated works.</p> <p>f. Inert waste arising from the associated works should be used in restoration of the borrow pit where appropriate. The site will be progressively restoration to an acceptable condition and afteruse and completed as soon as possible following cessation of the associated works.</p>	<p>No issues</p>	<p>Policy not spatially explicit and so cannot be assessed at the plan level. However, proposed development clearly not of a scale whereby significant effects on European sites are potentially unavoidable, and cross-cutting protections within the plan apply.</p>

Policy MIN9 - Development criteria for other forms of minerals development	Category	Notes
<p>Permission will be granted for other forms of minerals development where it can be demonstrated that the development complies with relevant Local Plan policies and avoids and/or mitigates potentially adverse impacts to acceptable levels.</p>	<p>No issues</p>	<p>General statement of policy</p>

Policy WST1	Category	Notes
<p>Waste management capacity requirements</p> <p>The development of a sustainable waste management network for Rutland will be supported through the recognition of waste as a resource and will involve the provision of facilities to meet the indicative waste management capacities. Waste development within the county will focus on the provision of preliminary and supporting facilities. Rutland is not considered an appropriate location for large-scale advanced treatment facilities, unless the facility would form an ancillary activity to industrial operations where the waste would be utilised as an alternative fuel source.</p> <p>The indicative waste management capacity requirements up to 2036 include:</p> <ul style="list-style-type: none"> a) Preparing for reuse and recycling capacity of 16,000 tonnes per annum (tpa), plus an additional 500tpa for civic amenity facilities, b) Biological processing capacity of 11,000tpa, c) Inert recycling and/or soil treatment of 16,000tpa, and d) Advanced treatment of 29,000tpa. <p>Waste management spatial strategy</p> <p>Within Rutland facilities to meet the indicative waste management capacity requirements should be focussed at Oakham, Uppingham, the new garden community and the Local Service Centres. Within these areas waste development should be located within industrial areas or integrated with new residential and commercial development, and be of an appropriate scale. Co-location of facilities for advanced treatment with industrial operations where the output(s) are able to be utilised as an alternative fuel or for energy generation is supported.</p> <p>In other areas, including the countryside, the development of preliminary treatment facilities should be linked to the management of agricultural wastes, or where a rural location is more appropriate due to the nature of operations or the relationship with rural activities. Within these areas, preference would be for the use of redundant agricultural and forestry buildings and their curtilages.</p> <p>Industrial sites and brownfield land including existing minerals and waste sites, disused railheads and wharves are appropriate, in principle, to accommodate inert recycling facilities. At locations that are only temporarily in use, only temporary facilities will be permitted.</p> <p>Development on the edge of Stamford, large redevelopments and other similar proposals would be considered where consistent with their role and relevant Local Plan policies.</p> <p>The current role of the Ketton cement works, being a nationally significant facility for the use of alternative fuels, is to be maintained.</p> <p>Waste disposal capacity requirements and strategy</p> <p>The estimated inert disposal/recovery capacity requirement up to 2036 is 31,000tpa. The deposit of inert waste to land should be directed towards permitted mineral extraction sites to facilitate restoration; however inert fill could be permitted for agricultural improvement or other purposes as long as it could be demonstrated that it would not prejudice restoration of any mineral extraction sites (existing and allocated).</p>	No issues	General statement of policy; not spatially explicit; quantum of waste development low and self-evidently can be accommodated without affecting a European site, although this does not remove the need for project-level consideration of HRA.

Policy WST1	Category	Notes
<p>Rutland is not considered an appropriate location for non-hazardous disposal facilities. Although disposal forms the least desirable solution, it is important to note that there will still be a requirement for disposal. The estimated non-hazardous disposal capacity requirement up to 2036 includes 13,000tpa for non-hazardous waste, as well as an additional 4,000tpa of residual waste materials.</p> <p>Hazardous waste</p> <p>Rutland is not considered an appropriate location for hazardous waste management and disposal facilities. The estimated requirement for hazardous waste management up to 2036 includes: recycling capacity of approximately 1,500tpa; treatment capacity of less than 500tpa; and hazardous waste disposal (landfill) capacity of less than 500tpa.</p> <p>Radioactive waste management and disposal</p> <p>Rutland is not considered an appropriate location for radioactive waste management or disposal facilities. Proposals for facilities for the management or disposal of radioactive waste should demonstrate how the proposal forms the most appropriate management option and enables waste to be managed or disposed of in the nearest appropriate installation, in addition to addressing the development criteria set out in WST2.</p>		

Policy WST2 - Waste-related development	Category	Notes
<p>Waste-related development will be acceptable in principle where it:</p> <ul style="list-style-type: none"> a) Is located on an allocated site or is co-located with complementary activities within the new garden community; b) Supports the spatial strategy for waste management and disposal, facilitates the delivery of Rutland's capacity requirements and, in doing so, identifies the type(s) and origin of waste intended to be received on-site as well as the destination of outputs; c) Enables communities and businesses to take more responsibility for their own waste and supports the management and disposal of waste in line with the proximity principle; d) Is compatible with the waste hierarchy and includes the re-use of energy, heat and residues where possible; e) Will not result in unacceptable adverse impacts in relation to water quality and resources, flood risk, land instability, landscape and visual impacts, nature conservation, historic environment, traffic and access, air emissions (including dust), odours, bio aerosols, vermin and birds, noise, light, vibration, litter, potential land use conflict, amenity and cumulative impact(s); f) Ensures restoration of sites (in particular temporary facilities) as soon as possible after cessation of operations to an acceptable condition and to a stable landform. 	No issues	Policy not spatially explicit and so cannot be assessed at the plan level. However, supported development clearly not of a scale whereby significant effects on European sites are potentially unavoidable, and cross-cutting protections within the plan apply.

Policy WST2 - Waste-related development	Category	Notes
<p>g) Specific to proposals for extensions to existing sewage treatment works (STWs) or new STWs, the increased capacity is required to support sustainable development, operations do not have unacceptable impacts and the scale of development reflects the role of the location with respect to the settlement hierarchy.</p> <p>Proposals for waste-related development must identify and determine the nature and extent of potentially adverse impacts likely to result from the development. Where potentially adverse impacts are likely to occur appropriate mitigation measures are to be identified in order to avoid and/or minimise impacts to an acceptable level. Where applicable a site-specific management plan should be developed to ensure the implementation and maintenance of such measures throughout construction, operation, decommissioning and restoration works.</p>		

Policy WST3 - Sites for waste management and disposal	Category	Notes
<p>The following sites in Rutland are allocated for waste management and disposal as shown on the policies map:</p> <p>Preliminary treatment facilities</p> <p>W1 - Cottesmore, Burley Road</p> <p>W2 - Greetham, Wood Lane</p> <p>Deposit of inert waste to land (inert disposal/recovery)</p> <p>W3 - Ketton, Ketco Avenue</p> <p>Preference will be given to proposals for waste management and inert disposal/recovery in accordance with the locations set out above.</p> <p>For proposals for waste development on unallocated sites, preference will be given to industrial and employment sites and the re-use of previously developed land in line with the spatial strategy for waste management and disposal as set out in Policy CS25 (Waste management and disposal).</p> <p>Proposals for waste development on both allocated and unallocated sites must address the development criteria set out in SP28 (Waste-related development).</p> <p>To safeguard the capacity to be delivered by the allocated sites, proposals for non-waste development:</p> <p>a) within an allocated site must demonstrate that the site is no longer required to support the delivery of the indicative capacity requirements; or</p> <p>b) adjacent to an allocated site must demonstrate that the proposed development would not prevent or unreasonably restrict the use of that site for waste management / disposal purposes.</p>	No issues	The identified sites are several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.). The protective policies in the plan will apply in any case. The policy as it relates to unallocated sites is not spatially explicit and so cannot be assessed at the plan level. However, the supported development is clearly not of a scale whereby significant effects on European sites are potentially unavoidable, and cross-cutting protections within the plan apply. Note, this does not prejudice any project-level HRA that may be required.

Policy MIN10 - Restoration and aftercare	Category	Notes
<p>All temporary minerals and waste development must include a restoration scheme to secure delivery of high-quality restoration and aftercare, including provisions for ongoing management and maintenance where necessary. Restoration should be undertaken in a progressive manner, provide a net-gain in biodiversity and be sympathetic to the local landscape character and wider setting of the site (having regard to the Rutland Landscape Character Assessment). After-use will be determined in relation to the existing characteristics of the site, land-use context, surrounding environment and requirements of the local community.</p> <p>Where appropriate, the following after-uses should be supported through the restoration scheme:</p> <ul style="list-style-type: none"> a) Agriculture or another form that supports the safeguarding the long-term potential of best and most versatile agricultural land and conserving soil resources. b) Geodiversity, biodiversity and nature conservation (including native woodland) with regards to the Leicester, Leicestershire and Rutland BAP and / or objectives of the Lincolnshire and Rutland Limestone Strategy. c) Water conservation and flood management. d) Historic environment conservation and/or enhancement. e) Recreation. f) Where the site forms part of the Garden Community, restoration should reflect the desired outcomes of the approved masterplan <p>Where relevant, the restoration and aftercare of mineral sites should also seek to meet the following planning objectives:</p> <ul style="list-style-type: none"> g) Create community benefits such as improving public access to the Countryside, recreational facilities, green infrastructure and environmental education. h) Ensuring that sites within aerodrome safeguarding zones take account of aviation safety. i) Provision of climate change mitigation measures and / or facilitate adaptation to its effects. <p>Where fully in accordance with relevant Local Plan policies the restoration of sites for economic purposes will be supported where coupled with a secondary after-use</p>	No issues	General statement of policy; not spatially etc explicit; effects can only be assessed at the project level.
Policy IMP1 – Delivery and monitoring	Category	Notes
<p>1. The Local Plan aims to exceed the minimum housing requirement set out in policy H1 over the plan period to address identified needs through the Strategic Housing Market Assessment and provide choice and contingency to the market.</p> <p>Housing trajectories, as updated each year in the Authority Monitoring Report, will be considered together for the purposes of phasing of housing delivery, including for calculating 5-year housing land supply in housing development management decisions</p>	No issues	General statement of policy

Policy IMP1 – Delivery and monitoring	Category	Notes
<p>2. Compliance with policies and allocations in the Local Plan will be continuously monitored throughout the plan period. If, through monitoring, it appears that policies and allocations are not being achieved or more up to date forecasts suggest that the objectively assessed needs of Rutland require different levels of development, the following mechanisms will be triggered:</p> <ul style="list-style-type: none"> a. review of housing and employment land supply and allocations; b. action to bring forward sites for development, wherever possible in partnership with landowners and developers; c. action to bring forward development on previously developed land; d. action to secure the timely provision of infrastructure; e. review of all, or relevant parts of, the Local Plan; f. review Development Management processes; g. consider undertaking cooperation with other local authorities, including through duty to cooperate. 		

Policy IMP2 – Reviewing the plan	Category	Notes
<p>The Council will commit to reviewing the plan on a regular 5-year basis. It will use the monitoring framework to consider whether there are any issues which would trigger an early review of the plan.</p> <p>Specific issues that will be considered in requiring an early review include:</p> <ul style="list-style-type: none"> a. progress being made towards the implementation of the spatial strategy set out in this plan; b. an updated assessment of housing and employment needs; c. any emerging issues of co-operation with neighbouring Local Planning Authorities. 	No issues	General statement of policy





Appendix C

Review of Plans for 'In Combination' Effects

Table C1 presents the review of plans for in-combination effects with the Local Plan.



Table C1 Plans and programmes considered for potential 'in combination' effects with the RCC Local Plan

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

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

Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
East Northamptonshire Adopted Local Plan Part 2	<p>Site specific development plan documents and the policies map, which together form Part 2 of the Local Plan; the current Local Plan Part 2 consists of the following development plan documents:</p> <ul style="list-style-type: none"> Rural North, Oundle and Thrapston Plan (RNOTP), adopted July 2011 (saved/ retained policies), covering all of the District north of the A14 together with Great Addington, Little Addington, Denford and Woodford Parishes; and East Northamptonshire District Local Plan (DLP), adopted November 1996 (a small number of saved/ retained policies), which continue to apply for the predominantly urban southern part of the District not covered by the RNOTP. 	No significant effects	Yes	An HRA of the East Northamptonshire District Local Plan was not undertaken (pre-dated the case law that established the requirement for plans). The RNOTP was subject to screening, which concluded no significant effects (including for Rutland Water SPA/Ramsar). Development supported by these plans will contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through 'in combination' effects on water quality (depending on the Nene abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).
East Northamptonshire Replacement District-wide Local Plan Part 2 (in preparation)	The Local Plan Part 2 will provide additional site-specific detail to support the North Northamptonshire Joint Core Strategy (Local Plan Part 1), which sets the overarching strategic policy framework. This will replace policies from the previous Local Plan Part 2, except in cases where a "made" (adopted) Neighbourhood Plan has already superseded these	In preparation; early drafts of the HRA suggest 'no significant effect'	Yes	The plan and its HRA are being prepared, although early drafts of the HRA suggest that there can be 'no significant effect' as the parent plan (the North Northants JCS) has been subject to HRA and contains the relevant mitigation proposals. Notwithstanding this, individual allocations in the RCC and ENC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through 'in combination' effects on water quality, air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).
Corby Borough Local Plan Part 1 (North Northamptonshire Joint Core Strategy 2011 – 2036)	As for East Northants, above.	No adverse effects	Yes	As for East Northants, above.

Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
Part 2 Local Plan for Corby	The Council is preparing the Part 2 Local Plan for Corby which follows on from and supports the Part 1 North Northamptonshire Joint Core Strategy. It will set out the non-strategic development allocations and a number of detailed policies to manage development in line with the vision, strategy and strategic policies of the Joint Core Strategy.	No significant effects	Yes	The Corby HRA concludes that there will be no significant effects alone or in combination any European sites (specifically the Nene Washes SPA/Ramsar). Rutland Water SPA/Ramsar was not considered by the HRA. With regard to the RCC plan, individual allocations in the RCC and CBC areas will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through 'in combination' effects on water quality (depending on the Nene abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).
Harborough Local Plan 2011-2031	Sets out the development strategy, policies and proposals, including site allocations, which will guide land use and development in the District up to 2031. Includes provision for 11140 homes.	No significant effects	Yes	The Harborough Local Plan HRA concludes that there will be no significant effects alone or in combination any European sites (only effects on Rutland Water SPA/Ramsar explicitly considered). With regard to the RCC plan, individual allocations in the RCC and HDC plans will not interact to affect European sites although they will both contribute to the overall quantum of development regionally which has the potential to significantly affect Rutland Water SPA/Ramsar through 'in combination' effects on water quality (depending on the Welland abstractions), air quality and visitor pressure. The RCC HRA demonstrates that there will be no adverse effects 'in combination' through these mechanisms (see Section 5).
Anglian Water WRMP (2019)	Anglian Water abstracts from ground- and surface-water sources; the Rutland area is covered by its North Rutherford WRZ and Bourne WRZ, where water supply is mainly from large pumped storage reservoirs such as Rutland Water or Grafham Water. The WRMP accounts for the growth predicted by RCC and other LPAs in forecasting for the 2019 WRMP, and has predicted future deficits in both the Routhamford North and Bourne WRZs. These deficits are being met through leakage reductions and water transfers into the WRZs using existing infrastructure.	No adverse effect	No	WRMPs explicitly account for any reductions in abstraction that are required to safeguard European sites (see Section 4) and for the growth predicted by the Local Plan and other LPA local plans in their forecasting. Therefore, the future water resource requirements of the county are factored into the abstraction regime, such that they will not affect European sites (i.e. the growth provided for by the Local Plan is in line with predictions used in the WRMP and will not increase water resources pressure on any European sites, alone or in combination). However, it should be noted that the Anglian Water WRMP and its HRA do not exclude the possibility of adverse effects on some coastal sites due to proposed desalination schemes.

Plan	Summary	Plan HRA conclusions*	Potential for i/c effects?	Notes / Assessment
Severn Trent Water WRMP (2019)	The Severn Trent Water supply area in Rutland is covered by its Rutland Water Resource Zone (WRZ), which receives all of its water via bulk supply transfers from Anglian Water. Notwithstanding this, STWL included 22 solutions to resolve predicted supply-demand deficits over the planning period.	No adverse effect	No	As for the Anglian Water WRMP (2019). Note, the Severn Trent supply area in Rutland is supplied via bulk transfer from Anglian Water and so in some respects the Anglian Water WRMP and its HRA are more relevant to the RCC plan.
Environment Agency (2015) River Basin Management Plans (RBMPs): <ul style="list-style-type: none"> • Humber RBMP (2015) • Anglian RBMP (2015) 	The RBMPs focuses on the protection, improvement and sustainable use of the water environment. The overall objective is to ensure sufficient water supplies for future generations especially in the face of climate change, housing growth and an increase in individual water use.	No significant effect	No	The plans will be complementary and the proposals within both plans do not create a scenario where there is insufficient flexibility at the project stage to allow significant effects to be avoided.
Anglian / Humber Region Catchment Flood Management Plans (CFMPs): <ul style="list-style-type: none"> • River Witham CFMP (2009) • River Welland CFMP (2009) • River Trent CRMP (2009) 	CFMPs account for the scale and extent of current and predicted flooding and set policies for managing flood risk within the catchments. CFMPs are used to inform planning and decision making by key stakeholders including LPAs	No significant effect	No	The CFMPs are accounted for in the development of the Local Plan. They do not generally identify specific flood schemes or projects but provide broad policies for the future management of flood risk which the Local Plan policies complement.

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

*Based on the HRAs accompanying the published or draft plans, where available. The conclusion noted relates to the plan as a whole and not necessarily to the conclusion in relation to particular European sites (although a 'no significant effects conclusion is only possible if there are no significant effects on any sites). Many of the sites considered by the RCC Local Plan HRA will not be considered by other plan HRAs at all as they are beyond the plan's 'zone of influence'.



Appendix D

Summary of Assessment of Pre-Submission Draft Policies

Key

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

Table D1 Summary of the assessment of the Pre-Submission Draft Policies (screening and AA)

Policy	HRA summary	Notes
Policy SD1 Sustainable development principles	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria that new development in Rutland will be expected to meet; these are entirely consistent with the safeguarding of European sites. The inclusion of (i) (<i>“Ensure that adequate waste water treatment is already available or can be provided in time to serve new development ahead of its occupation”</i>) is important for safeguarding Rutland Water SPA/ Ramsar.
Policy SD2 The Spatial Strategy for Development	No LSE	General statement of policy / aspiration - general principles are consistent with safeguarding of European sites. Principles are given geographical context by later policies.
Policy SD3 Development within Planned Limits of Development	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to maintenance of settlement character. Principles are given geographical context by later policies.
Policy SD4 Residential Development in the Countryside	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to maintenance of settlement character and the scale and design of development in countryside areas.
Policy SD5 Non-residential development in the countryside	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to maintenance of settlement character and the scale and design of development in countryside areas.
Policy SD6 Re-use of redundant military bases and prisons	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to the use of former military bases and prisons. Does not relate to St George’s (covered by separate policies) and major proposals beyond those proposed within the plan would be considered in the context of the spatial strategy and would likely trigger the review of the local plan. Contains measures that will incidentally safeguard European sites.

Policy	HRA summary	Notes
Policy SD7 Use of military bases and prisons for operational or other purposes	No LSE	General design / guidance criteria or policies that cannot lead to or trigger development. Policy sets the broad criteria relating to the use of former military bases and prison for other operational purposes. Contains measures that will incidentally safeguard European sites.
Policy H1 Sites for residential development	No adverse effects	Policy identifying quantum of development and broad locations for this. The policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and specific allocation sites. Policy has been examined in more detail through the screening and AA stages; in summary, <ul style="list-style-type: none"> most allocations will have no significant effects alone (with the possible exception of St George's Barracks due to its proximity to Rutland Water); St George's will have no adverse effects alone or in combination (and arguably no significant effects once policy measures are accounted for); and there will be no 'in combination' quantum of development related effects.
Policy H2 St George's Garden Community Development and Delivery Principles	No adverse effects	Policy relates to the allocation of St. George's barracks which is close to Rutland Water and has the potential to affect the site through a range of mechanisms to which the site is potentially vulnerable (e.g. wastewater discharge, recreational pressure). Strictly the policy might be considered a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements (e.g. (7) and (9) which are intended to minimise effects on the SPA/Ramsar and which have therefore been considered as part of the AA.
Policy H3 St George's Garden Community Development Requirements	No LSE	As for H2; strictly the policy is a 'no LSE' policy (general design / guidance criteria or policies that cannot lead to or trigger development) that sets the criteria that would need to be met for the development of St George's Barracks to be supported; this includes 'mitigating' elements (e.g. relating to WFD and wastewater infrastructure provision) which are intended to minimise effects on the SPA/Ramsar and which have therefore been considered as part of the AA.
Policy H4 Cross Boundary Development Opportunity - Stamford North	No LSE	The policy allocates Land at Quarry Farm (Stamford) but this is contingent / dependent on a contiguous allocation in South Kesteven being brought forward. The allocation will have no effects alone on any sites due to weakness or absence of effect pathways; there will be no 'in combination' quantum of development related effects based on the AA.
Policy H5 Housing density	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H6 Meeting All Housing Needs	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H7 Accessibility Standards	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H8 Self-build and custom housebuilding	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H9 Affordable housing	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.
Policy H10 Rural Exception Housing	No LSE	General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development.

Policy	HRA summary	Notes
Policy H11 Gypsies and Travellers	No LSE	General statement of policy / General design / guidance criteria.
Policy E1 New provision for industrial and office development and related uses	No adverse effects	Allocates land for employment; policy has been examined in more detail through the screening and AA stages; in summary, <ul style="list-style-type: none"> no allocations will have significant effects alone; and there will be no 'in combination' quantum of development related effects.
Policy E2 Expansion of existing businesses	No LSE	General statement of policy / General design / guidance criteria.
Policy E3 Protection of existing employment sites	No LSE	Safeguarding policy that cannot lead to or trigger development. General design / guidance criteria.
Policy E4 The rural economy	No LSE	General statement of policy / General design / guidance criteria.
Policy E5 Local Visitor Economy	No LSE	General statement of policy / General design / guidance criteria.
Policy E6 Rutland Water	No LSE	Safeguarding / protective policy
Policy E7 Eyebrook Reservoir Area	No LSE	Safeguarding / protective policy
Policy E8 Caravans, camping, lodges, log cabins, chalets and similar forms of self-serviced holiday accommodation	No LSE	General statement of policy / General design / guidance criteria.
Policy E9 Town Centres and Retailing	No LSE	General statement of policy / General design / guidance criteria.
Policy E10 Primary shopping areas	No LSE	General statement of policy / General design / guidance criteria.
Policy E11 Site for retail development	No LSE	No pathway for effects due to allocation.
Policy EN1 Landscape Character Impact	No LSE	Protective policy; no pathway for effects.
Policy EN2 Place Shaping Principles	No LSE	Protective policy; no pathway for effects.
Policy EN3 Delivering Good Design	No LSE	Protective policy and General design / guidance criteria; no pathway for effects.
Policy EN4 Sustainable Building and Construction	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy	HRA summary	Notes
Policy EN5 Surface water management, water supply, foul drainage and Sustainable Drainage Systems	No LSE	Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to water discharges and which are intended to minimise effects on the SPA/Ramsar and which have therefore been considered as part of the AA.
Policy EN6 Reducing the risk of flooding	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.
Policy EN7 Pollution control	No LSE	Protective policy; no pathway for effects.
Policy EN8 Low carbon energy generation	No adverse effects	The identification of areas as being suitable for wind turbine developments may imply that this is based on a full range of strategic environmental considerations (e.g. effects on broad-front migration routes to Rutland Water) rather than landscape capacity only and the 2012 study / the SPD. Recommendations made in the previous policy review to clarify this point have been made and the policy is arguably a 'no LSE' policy as it does not promote or support wind farms in particular areas independently of other assessments; and does not provide any specific locational direction beyond noting the landscape study; however, this aspect has been considered through AA and it is considered that significant or significant adverse effects are not an unavoidable outcome of wind turbine developments within the areas identified, taking account of the cross-cutting protective policies within the plan and established project-level planning techniques that can be relied on.
Policy EN9 The natural environment	No LSE	Protective policy; no pathway for effects.
Policy EN10 Blue and Green infrastructure, sport and recreation	No LSE	Protective policy; no pathway for effects.
Policy EN11 Protecting Agricultural Land	No LSE	Protective policy; no pathway for effects.
Policy EN12 Important open space and frontages	No LSE	General statement of policy / General design / guidance criteria / Protective policy; no pathway for effects.
Policy EN13 Designation of Local Green Spaces	No LSE	General statement of policy / Protective policy; no pathway for effects.
Policy EN14 Provision of new open space	No LSE	Protective policy; no pathway for effects. The policy has some specific elements that will moderate / provide some mitigation for visitor pressure; these are accounted for in the AA but it is recognised that the moderating effects will be small.
Policy EN15 The historic and cultural environment	No LSE	Protective policy; no pathway for effects.
Policy EN16 Protecting heritage assets (local policy)	No LSE	Protective policy; no pathway for effects.
Policy EN17 Advertisements	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy	HRA summary	Notes
Policy EN18 Outdoor lighting	No LSE	Protective policy / General design / guidance criteria; no pathway for effects.
Policy SC1 Delivering socially inclusive communities	No LSE	General statement of policy; no pathway for effects.
Policy SC2 Sustainable transport	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.
Policy SC3 Promoting Fibre to the Premise Broadband (FTTP)	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.
Policy SC4 Developer contributions	No LSE	General statement of policy; no pathway for effects.
Policy MIN1 Spatial strategy for minerals development	No LSE	The Areas of Search are broad areas reflecting known resource areas. However, the policy does not identify any scale or quantum for minerals development, or specific locations (although it is perhaps most likely that development will occur near existing facilities). The supporting text of the policy is clear that there is no presumption in favour ("It should be noted that the identification of areas within the spatial strategy does not imply grant of planning permission, any proposal would be required to be assessed through the Development Assessment process and comply with the Local Plan policies"). The evidence gathered to date and the consultation responses from NE do not suggest that significant effects are likely and there is no reason to assume that unavoidable significant or significant adverse effects might arise due to minerals schemes that might benefit from this policy.
Policy MIN2 Mineral provision	No LSE	The policy provides a quantum for minerals provision although these values are modest and consistent with existing rates of extraction within the county; in addition, the policy does not strictly advocate minerals development but is instead focused on securing the stated provision with no judgment made on the acceptability or not of proposals that may be required to extract these resources. The policy has some site-specificity (in that it relates to existing operations) but the evidence gathered to date and the consultation responses from NE do not suggest that significant effects are likely and there is no reason to assume that unavoidable significant or significant adverse effects might arise due to minerals schemes that might benefit from this policy.
Policy MIN3 Safeguarding Rutland's Mineral Resources	No LSE	Safeguarding policy cannot affect European sites as the policy does not advocate development and there is no presumption in favour of extractions etc; there is a theoretical displacement risk (e.g. if a development is prevented from occurring within an MSA and is subsequently located such that it affects a European site when it would not have done in the MSA) but this is a nebulous indirect risk that cannot be assessed at the plan level – and in any case the displaced scheme would need to meet the other requirements of the plan and legislation on its own merits.
Policy MIN4 Development criteria for mineral extraction	No LSE	General statement of policy / General design / guidance criteria; no pathway for effects.

Policy	HRA summary	Notes
Policy MIN5 Site-specific allocations for the extraction of crushed rock	No LSE	This allocated site is several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.) other than a theoretical, but extremely low, risk of functional land being affected (which cannot be reasonably assessed at the plan level). Note, although there is no reason to assume significant effects at the strategy level, this does not prejudice any project-level HRA that may be required.
Policy MIN6 Site-specific allocations for the extraction of building stone	No LSE	This allocated site is several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.) other than a theoretical, but extremely low, risk of functional land being affected (which cannot be reasonably assessed at the plan level). Note, although there is no reason to assume significant effects at the strategy level, this does not prejudice any project-level HRA that may be required.
Policy MIN7 Safeguarding of minerals development	No LSE	Safeguarding policy cannot affect European sites as the policy does not there is no presumption in favour of extractions etc; there is a theoretical displacement risk (as per MIN3) but this is a nebulous indirect risk that cannot be assessed at the plan level – and in any case the displaced scheme would need to meet the other requirements of the plan and legislation on its own merits.
Policy MIN8 Borrow Pits	No LSE	Policy not spatially explicit and so cannot be assessed at the plan level. However, proposed development clearly not of a scale whereby significant effects on European sites are potentially unavoidable at the scheme level, and cross-cutting protections within the plan apply.
Policy MIN9 Development criteria for other forms of minerals development	No LSE	General statement of policy
Policy WST1 Waste management and disposal	No LSE	General statement of policy; not spatially explicit; quantum of waste development low and self-evidently can be accommodated without affecting a European site, although this does not remove the need for project-level consideration of HRA.
Policy WST2 Waste-related development	No LSE	Policy not spatially explicit and so cannot be assessed at the plan level. However, supported development clearly not of a scale whereby significant effects on European sites are potentially unavoidable.
Policy WST3 Sites for waste management and disposal	No LSE	The identified sites are several kilometres from the nearest European sites, and there are no reasonable pathways for effects (e.g. no hydrological connectivity etc.). The policy as it relates to unallocated sites is not spatially explicit and so cannot be assessed at the plan level. However, the supported development is clearly not of a scale whereby significant effects on European sites are potentially unavoidable, and cross-cutting protections within the plan apply. Note, this does not prejudice any project-level HRA that may be required.
Policy MIN10 Restoration and aftercare	No LSE	General statement of policy; not spatially etc explicit; effects can only be assessed at the project level.
Policy IMP1 Delivery and monitoring	No LSE	General statement of policy
Policy IMP2 Reviewing the plan	No LSE	General statement of policy



Appendix E

Natural England Consultation Responses

Date: 04 December 2015
Our ref: 171447
Your ref: N/A



The Planning Policy and Housing Manager
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

localplan@rutland.gov.uk

Dear Sir/Madam

Rutland Local Plan Review 2015-2036 - Issues and Options Consultation

Thank you for your consultation on the above dated 10 November 2015, which was received by Natural England on 10 November 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the opportunity to comment on the potential issues and options to be considered in the review of the Rutland Local Plan. Our comments on specific aspects of the consultation document area added below.

Introduction:

We note that the purpose of the review is to update the existing plan and to incorporate a number of associated documents into a single Local Plan as recommended in the National Planning Policy Framework (NPPF). It also reflects the preparation of a growing number of neighbourhood plans. We note that the plan period has been extended from 2026 to 2036.

We welcome the commitment in paragraph 1.9 to take into account the environmental as well as the economic and social sustainability of the plan and to consider its potential impacts on the conservation objectives of Rutland Water Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI). We welcome the submission of an initial Sustainability Appraisal Report and Habitat Regulations Assessment Screening Report. Our comments on these documents can be found below.

Settlement Hierarchy:

We have no specific comments on the settlement hierarchy other than to make clear that there are a number of environmental considerations to be taken into account when allocating sites for development, such as nationally and internationally designated nature conservation sites (e.g. Rutland Water), locally and regionally designated sites for geodiversity and biodiversity, wildlife habitats and protected species, ancient woodland and landscape character. These considerations are unlikely to have any influence over the settlement hierarchy but may have a bearing on the subsequent allocation of sites. A coherent network of accessible greenspace is another key component of any sustainable settlement.

Housing:

It would be inappropriate for Natural England to express any preferences. We would simply reiterate the environmental concerns listed above which need to be taken into account.

Objective 7: Strong & Diverse Economy

We welcome the commitment to a strong and diverse local economy to provide a greater range and quality of employment opportunities locally and reduce commuting out of the county.

Strategic Objective 1: Broad Locations for Development

We welcome Strategic Objective 1 to identify broad locations for sustainable development that will give access for all to services and facilities, minimise the impact on climate change and need to travel and promote the efficient use of land while protecting the natural environment, landscape, the unique character and identity of the towns, villages and countryside.

Objective 2: Vibrant and prosperous market towns

We welcome Objective 2 to develop vibrant and prosperous market towns by encouraging sustainable development that supports their function as service centres with a range of good quality housing, jobs, businesses, shops and services that meet the needs of local people and the wider hinterland.

Objective 14: Resources, waste and climate change

We welcome Objective 14 to reduce the impact of people and development on the environment by sustainable design and construction, reducing pollution, encouraging the prudent uses of resources, including the re-use of previously developed land, minerals, waste management and recycling, increased use of renewable energy and provision of green infrastructure and addressing the implications of flood risk and climate change.

Strategic Objective 5: Healthy and socially inclusive communities

We welcome Strategic Objective 5 to support healthy and thriving communities by protecting existing facilities and providing high quality local, accessible and diverse opportunities for leisure, recreation, sport, natural green space and cultural activities in order to address the needs of all groups in Rutland, including disadvantaged and vulnerable groups. Reference could be made to the importance of green infrastructure in the creation of healthy sustainable communities. One important function of GI is the provision of new opportunities for access to open space. Natural England's 'standards for accessible natural greenspace' (ANGSt) should be used to ensure new and existing housing has appropriate access to nature. More information can be found on Natural England's publication ['Nature Nearby, Accessible Greenspace Guidance' \(March 2010\)](#).

The CABE Space Guidance ['Start with the Park' \(2005\)](#) outlines the importance of planning around green spaces, with consideration being given to the context of local landscape character and contribution to the wider GI network. The provision of new GI should be considered at an early stage to ensure it is deliverable at the planning stage.

Appendix 2: The existing Spatial Portrait, Vision and Objectives Core Strategy DPD and Site Allocations & Policies DPD

Environment:

We welcome the portrait of Rutland's historic and natural environment in this section, the acknowledgement of Rutland's 21 SSSIs in particular. We welcome the reference to soils and agricultural land quality, recognising the ecosystems services provided by the natural environment. The Defra website notes that:

- Nature provides us with the very essentials of life. It gives us clean air and water; enables us to produce and gather food, fuel and raw materials from the land and sea; regulates our climate; stems flood waters and it filters pollution. It also gives us personal benefits from

enjoying it that increase our health and happiness”.

- An ecosystems approach provides a framework for looking at whole ecosystems in decision making, and for valuing the ecosystem services they provide, to ensure that society can maintain a healthy and resilient natural environment now and for future generations.
- An ecosystems approach is a way of looking at the natural environment throughout your decision making process that helps you to think about the way that the natural environment works as a system. In doing so you will also be thinking about the spatial scale of your interactions with the natural environment, the range of constraints and limits at play and the people involved in supplying and receiving ecosystem services and benefits. Carrying out economic valuation of the ecosystem services involved will help you to incorporate the value of the natural environment in your decision.

Further information on an Ecosystems approach is available at <http://www.defra.gov.uk/environment/natural/ecosystems-services/>

In relation to soils, early consideration should be given to the quality of soil resource affected by potential development sites. Local authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local authorities should seek to use areas of poorer quality land in preference to that of a higher quality (NPPF, paragraph 112). Land quality varies from place to place. The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. Further information can be found [here](#).

We welcome the Vision as set out in Appendix 2 and the strategic objectives listed to achieve that vision.

Appendix 3: The existing Spatial Portrait, Vision and Objectives Minerals Core Strategy and Development Control Policies DPD

We note the Council's Spatial Vision for minerals development within Rutland and the strategic objectives listed. We welcome the commitment to ensure that minerals development in Rutland is managed in a sustainable manner which both protects and enhances public amenity and the natural resources, landscape, cultural heritage and the diversity of wildlife and habitats. We particularly welcome strategic objectives c, d, e, g & h which relate to biodiversity and geodiversity, landscapes and townscapes, the provision of accessible greenspace, climate change mitigation and adaptation and the restoration of minerals sites to a high standard after extraction has been completed.

Rutland Local Plan Review Initial Sustainability Appraisal Report – Issues and Options

We welcome the initial Sustainability Appraisal report which accompanies the issues and options consultation. We note the conclusion that the overall compatibility between the Local Plan Objectives and the SA Objectives is relatively good but that the compatibility assessment has identified some inconsistencies between the economic and environmental objectives which the Council aims to mitigate. We recognise that this will form part of an ongoing process as the Local Plan evolves. It would be inappropriate for Natural England to comment on the individual options provided that the usual environmental considerations are taken into account when allocating sites for development. These include nationally and internationally designated nature conservation sites (e.g. Rutland Water), locally and regionally designated sites for geodiversity and biodiversity, wildlife habitats and protected species, ancient woodland and landscape character. We continue to welcome the Sustainability Appraisal Objectives as listed in Appendix 1.

Rutland Local Plan Review Issues & Options: Habitat Regulations Assessment Screening Report

We welcome the completion of a Habitats Regulations Assessment Screening Report on the Issues and Options consultation and the opportunity to comment. We note the report's conclusions that in

its current form the Plan's objectives are unlikely to have any significant effect on Rutland Water Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) & Ramsar Site, Barnack Hills & Holes Special Area of Conservation (SAC) and Grimsthorpe SAC but that there may be some potential impacts on Rutland Water arising from some of the broad spatial options. We agree with the conclusion that the likely effects can only be properly assessed as the Local Plan develops and that further HRA screening will need to be undertaken at the next preferred options stage in the Local Plan review to ensure that there would be no likely significant effects on any European site.

We hope that you find these comments helpful. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0300 060 0571. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Sean Mahoney
Lead Adviser, Sustainable Development, East Midlands Area Team

Local Plan

From: Mahoney, Sean (NE) <Sean.Mahoney@naturalengland.org.uk>
Sent: 30 August 2017 14:22
To: Local Plan; Roger Ranson
Subject: 19 - Rutland Local Plan Review - Consultation Draft Plan

Dear Mr Ranson,

Planning Consultation: Rutland Local Plan Review - Consultation Draft Plan

Thank you for your consultation on the Rutland Local Plan Review - Consultation Draft Plan.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Consultation Draft Plan

Natural England has already commented on previous iterations of the Rutland Local Plan Review so we have nothing further to add here except to remind Rutland County Council of its duty to protect nationally and internationally designated nature conservation sites from the impacts of development.

Rutland has 19 Sites of Special Scientific Interest (SSSIs), which are all protected under the Wildlife & Countryside Act 1981 (As Amended), including Rutland Water which is an internationally designated wetland site with importance for wintering and passage wildfowl. As well as the SSSI designation, Rutland Water is also designated a Special Protection Area (SPA) and a Ramsar Site. We are pleased to note that this is acknowledged in Policy RLP24 – Rutland Water. We also welcome Section 7 – Sustaining the Environment and the policies contained therein.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this email only please contact me on 02080261940. For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Kind regards

Sean Mahoney

Lead Adviser

Sustainable Development

East Midlands Area Team

Natural England

Apex Court
City Link
Nottingham
NG2 4LA

Tel: 02080261940

Mobile: 07825934258

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through the [SSSI Advice Service](#).

From: Local Plan [<mailto:Localplan@Rutland.gov.uk>]
Sent: 31 July 2017 11:59
Subject: Rutland Local Plan Review - Consultation Draft Plan

Dear Sir or Madam,

I am writing to notify you that Rutland County Council is consulting on its Consultative Draft Local Plan. This is the next stage of public consultation following previous consultation on Issues and Options in November 2015-January 2016.

In view of the “duty to co-operate” in the planning of sustainable development included in the 2004 Planning and Compulsory Act, we would wish to ensure constructive and active engagement with your organisation in the preparation of this document. To this end we would be happy to discuss any issues or concerns that you wish to raise or to meet with you to discuss these matters further.

The consultation document identifies provisional sites to be allocated for development and sets out planning policies for Rutland for the period to 2036. Comments are invited during the consultation period starting on 31 July 2017 and ending at 4.45 pm on **Monday 25 September 2017**.

For details of how to view the plan and make comments, please see the Council's website www.rutland.gov.uk/localplanreview. You may also contact us by email at localplan@rutland.gov.uk or by telephone at 01572 722577 and asking for the Planning Policy Section.

Yours faithfully,
Roger Ranson

Roger Ranson | **Planning Policy Manager**
Rutland County Council
Catmose, Oakham, Rutland LE15 6HP
t: 01572 758278 | e: rranson@rutland.gov.uk
www.rutland.gov.uk

Please note my normal working days in Rutland are Tuesday and Thursday

Rutland County Council

Customer Service Centre: 01572 722 577

Visitor Parking Information & Map:
http://www.rutland.gov.uk/customer_services/visitor_parking.aspx

Email Enquiries: enquiries@rutland.gov.uk
Council Website: <http://www.rutland.gov.uk>
Visiting Rutland? <http://www.discover-rutland.co.uk>

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Natural England comments

Name or org	Natural England
Vision	We welcome the provision in the sixth bullet point regarding making the best use of land, particularly brownfield land. We suggest that this same bullet point should also include the enhancement of green infrastructure and a net gain in biodiversity.
Objective 1 and 12	Strategic Objective 12 - We acknowledge the inclusion of the additional sentence in this objective to promote development on suitable brownfield sites.
Objective 2a	New Strategic Objective 2a - Natural England generally support this new objective and welcome the phrase – “makes the most of local heritage, landscape and biodiversity assets.”
Delivering sustainable growth	
Settlement Hierarchy	
Revised Policy RLP3	
Distribution of housing	
housing requirements consultation	
Please use this space to tell us what you think about the proposed new Policy	Natural England has the following comments on this policy: We note that Rutland Water is not specifically mentioned within the policy wording or the accompanying explanatory text. We would suggest that the importance of protecting Rutland Water’s designated sites is specifically highlighted and that cross reference is made to the local plan policy RLP24: Rutland Water. Net gain - In paragraph 7 of the policy wording we would prefer to see a more positive statement regarding the enhancement of the natural environment which incorporates the concept of biodiversity net gain to comply more closely with advice set out in the revised National Planning Policy Framework (NPPF). We would suggest that the first sentence could read as follows: “Design and development that protects and enhances the natural environment within the site through the creation of significant areas of public open space, a network of green corridors and the creation of new habitat to support a net gain in biodiversity across the whole site and its relationship to the wider County.” Biodiversity net gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. Net gain outcomes can be achieved both on and/or off the development site and should be embedded into the development process at the earliest stages. Metrics exist for calculating the amount of biodiversity required to achieve net gain. The most commonly used are variants of the Defra metric which calculates the biodiversity units required to achieve biodiversity net gain. The advantage of using a recognised metric to deliver net gain is that it provides a clear, transparent and evidence-based approach to assessing a project’s biodiversity impacts that can assist with “derisking” a development through the planning process and contribute to wider place-making. Natural England would be happy to advise further on this approach and there is further information available on the Defra website: https://www.gov.uk/government/publications/technical-paper-the-metric-for-the-biodiversity-offsetting-pilot-in-england Transport - We support

paragraph 10 that encourages the provision of routes for walking and cycling. Green Infrastructure - We particularly support the requirement for “networks of multifunctional green spaces, a country park and high quality open spaces with green access routes linking to nearby settlements and the wider countryside”. Natural England consider that the delivery of Green Infrastructure is a key issue for this development. A GI approach should include the enhancement of ecological networks which would provide further opportunities to enhance the natural environment in the area whilst delivering multiple benefits. Opportunities should be taken to explore partnership working on this matter with local organisations, educational establishments and the local community at the various stages of the development. The potential to incorporate health and wellbeing in terms of access to the countryside and walking opportunities should also be included. Environmental mitigation – Natural England welcomes the requirement for proposals to demonstrate how they will avoid, minimise and where necessary mitigate or compensate any adverse environmental impacts. In particular we welcome the following: [] the provision of a comprehensive travel plan (paragraph d) and development of a bespoke energy strategy (paragraph b) which should result in the reduction of air pollution impacts. The proposed development will potentially impact upon the existing background air quality by increasing the amount of road traffic and the amount of emissions from domestic dwellings, and so this policy wording will help to address this issue. The environmental impacts of any potential increases in NOx should also be assessed on SSSIs in the vicinity of the proposed development. [] paragraph (e) which sets out the requirement to secure improvements in water quality and surface water management. The discharge of treated foul sewage into Rutland Water from the proposed development is a particular concern as it could potentially elevate the levels of phosphorus and nitrogen within Rutland Water. Any proposed masterplan should cover details of foul sewage discharge since Natural England would have no option but to object where details on this matter were not included. [] paragraph (f) which sets out the requirement for the enhancement of landscape and green infrastructure to support biodiversity. We are also pleased to note the provision for open space, significant areas of new open space and woodland, and the creation of an extensive walking, cycling and riding network with areas of new green infrastructure. There is likely to be an increased demand for recreational activities generated by this development proposal and so it is important that details of recreational opportunities should be provided at the proposed development site which could off-set some of the potential increases in recreational pressure at Rutland Water. We also suggest that this section of the policy wording should refer to the following: [] Functional land - There is potential for the breeding and passage waterfowl, which are notified interest features of Rutland SSSI/SPA/Ramsar, to use the proposed development site as functional land. This needs to be clarified to ensure no negative impacts result upon the birds. [] Water table impacts – The proposed quarrying of mineral from the proposed development site will result in changes to existing ground levels and on existing rock aquifers. The potential impacts upon Rutland Water should be assessed to rule out any significant effects. [] Protected species – Surveys of protected species should accompany any proposal on this site and how their protection can be achieved given the scale of the proposed changes that will result from the construction of a large number of new dwellings and quarrying mineral from a large part of the site. [] Best and most versatile agricultural (BMV) land and soils – The area of proposed development is likely to include BMV land therefore detailed agricultural land classification (ALC) information should be provided with any application to apply the requirements of the NPPF.

Date: 09 April 2019
Our ref: 274919
Your ref: None



Mike Frost
Associate Director,
Wood Environment & Infrastructure Solutions UK
mike.frost@woodplc.com

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mike,

Rutland Local Plan Review – Habitat Regulations Assessment

Thank you for your consultation on the above dated 26 February 2019 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes your enquiry regarding the updating of the Habitat Regulations Assessment (HRA) for the Rutland Local Plan Review in the light of recent legal agreements.

We have reviewed the letter which you submitted with your email and have addressed the questions that you raised as follows:

Study Area

Q1. Yes, Natural England agrees with the study area that you have suggested and considers it to be suitably pre-cautionary.

Q2. We would not require any additional sites to be considered.

Air Quality & “in combination” effects

Q3. Yes we agree that it is a reasonable approach to screen out Barnack Hills & Holes SAC, Grimsthorpe SAC, and Baston Fen SAC because they are over 200m from the nearest roads that may receive additional traffic associated with development in Rutland. No further modelling would therefore be required.

Q4. We concur that your suggested approach to air quality assessments for Rutland Water SPA/Ramsar is reasonable because these sites are not particularly sensitive to eutrophication. No further modelling would therefore be required.

Public Access & Visitor Pressure

Q5. We are not aware of any visitor information for Rutland water.

Q6. As there is no public access on these sites and given the distance involved it would seem reasonable to assume that there would be no increase in visitor pressure on these sites and a visitor survey would therefore not be necessary.

Q7. Natural England agree that bespoke visitor surveys would not be required for the Rutland Water SPA/ Ramsar to assess the likely effects of the Local Plan Review.

St Georges Barracks

Q8. At present we have no additional requirements for this site further to our previous response on this site made in our letter of 21 September 2018. However as you will see from this letter we will require further information and details on a number of issues including water quality and the treatment of foul sewage, green infrastructure and biodiversity enhancements and the impact of functional land used by SPA birds.

People over Wind

Q10. In this question you refer to “policy improvements” which we assume refer to Table 2: *Review of Local Plan Consultation Draft Policies*, in the HRA Screening Report of 2017. As you explain in your letter these type of improvements tend to strengthen the policy performance in relation to European sites and not specific measures intended to mitigate a specific effect and we could therefore agree with your reasoning. However the ‘low bar’ approach to screening, that you are suggesting, should be applied i.e. that any potentially notable issues or areas of uncertainty that require specific investigations should be taken through to an appropriate assessment.

Q11. We advise the need for more technical information as a result of the People over Wind judgement would depend on the impact of the particular policy or project that is being assessed - we may need a more technical assessment if there was a direct effect or pathway to a designated site.

If the approach is followed as you have suggested it would comply with our current advice on this ruling (as set out below):

“Competent authorities undertaking HRAs should be aware of a recent ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. The Court’s Ruling goes against established practice in the UK that mitigation measures can, to a certain degree, be taken into account at the screening stage.

As a result, Natural England advises that any “embedded” mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained. In light of the recent case law, any reliance on measures intended to avoid or reduce harmful effects at the likely significant stage is vulnerable to legal challenge. You may also want to seek your own legal advice on any implications of this recent ruling for your decisions.”

Natural England emphasises that our comments above are made without prejudice to our views on the publication draft plan when we are formally consulted on it.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 02080268500. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Roslyn Deeming
Lead Adviser
Sustainable Growth & Marine
East Midlands Area

wood.

