

Langham Neighbourhood Plan Review

Habitat Regulations Assessment

Screening Report



Rutland
County Council

September 2022

**Habitat Regulations Assessment
Screening Report for Langham Neighbourhood Plan Review**

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Habitat Regulations Assessment Screening Report for Langham Neighbourhood Plan Review

1. Introduction

Purpose of Report

- 1.1 This screening report will screen whether the Langham Neighbourhood Plan Review requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). A HRA is required if it is deemed that likely adverse significant effects may occur on protected European Sites (also known as Habitats Sites (NPPF, 2021)) as a result of the implementation of a plan/project. As a general 'rule of thumb' sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. Rutland Water Special Protection Area (SPA)/RAMSAR is the only internationally designated site within a 15km radius of the LNP boundary.
- 1.2 The legislative background is referred to in section 2 which outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment for the LNP of the likely significant effects of the implementation of the LNP and the need for a HRA.
- 1.3 A summary of findings and conclusions for the screening process can be found in Section 4 at the end of this document.

Langham Neighbourhood Plan Review Submission Version

- 1.4 The purpose of the LNP is to provide a set of statutory planning policies to guide development within the Parish of Langham over the life of the plan. The area covered by the Plan is shown at Appendix 1. Once formally adopted, a Neighbourhood Plan carries the same weight as Development Plans adopted by Rutland County Council.
- 1.5 The submission version of the LNP contains a vision statement which, in summary, is to continue to grow, develop and thrive as a parish while meeting the changing needs of the community. The vision also includes a focus on adapting and mitigating to climate change whilst preserving the distinctive character, landscape of the village.
- 1.6 The Plan sets out the objectives which will contribute to the delivery of the vision which encompasses sustainable growth, building design, cultural heritage, rural setting and village character. The policies proposed in the Plan are intended to support decision making that will deliver the objectives and achievement of the Vision.

Local Plan

- 1.7 The Localism Act (2011) requires that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. Rutland County Council has a Core Strategy Development Plan Document (DPD) which was adopted in July 2011 and a Site Allocations & Policies DPD adopted in October 2014. The Local Plan Review (2016-2036) was withdrawn in September 2021 and work is taking place on a new Local Plan which will cover the period up to 2041.
- 1.8 The settlement hierarchy in the adopted Local Plan categorises the towns and villages of Rutland according to their accessibility to facilities and services. Langham is defined as a Local Service Centre which means that it has 'key' facilities and is more accessible in terms of frequent transport provision or close proximity to the main towns. Policy CS4 – The location of development states that Local Service Centres can accommodate

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small scale development which is defined as unallocated sites of up to 9 dwellings, provided that proposals are sensitively developed.

- 1.9 Both the adopted Core Strategy DPD and Site Allocations & Policies DPD were subject to a full Sustainability Appraisal which included a SEA assessment. A HRA of both documents was also undertaken. The assessments established there were no likely significant effects arising from the implementation of the Core Strategy and the Site Allocations & Policies DPD.

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2. Legislative Background

Habitat Regulation Assessment (HRA)

- 2.6 It is required by article 6(3) of the EU Habitats Directive and by regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.7 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the LNP upon the European Sites, a screening assessment has been undertaken (in Section 4 of this report).
- 2.8 In line with the Court judgement (CJEU People over Wind v Coillte Teoranta C-323/17) mitigation measures cannot be considered when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a European Site.

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3. HRA Screening

HRA Process

- 3.1 The initial stage of the HRA process is the screening assessment of the impacts of a land use proposal against the conservation objectives of European (Habitats) sites. It determines if the implementation of the Plan, taking no account of mitigation measures, would result in a likely significant effect on any European site either alone or in combination with other plans or projects. If a 'significant effect' is likely then the need for an Appropriate Assessment of the Plan would be triggered.
- 3.2 The screening process should provide a description of the plan, identify the European sites which may be affected by the plan and assess the significance of any possible effects on the identified sites

Relevant European sites

- 3.3 Rutland Water Special Protection Area (SPA)/RAMSAR is the only international designated site within a 15km radius of the LNP boundary. The HRA screening assessment needs to identify if any likely significant effects will be caused by the implementation of the LNP.

Rutland Water SPA/RAMSAR

- 3.4 Rutland Water is a manmade pump storage reservoir created by the damming of the Gwash Valley in 1975 and is the largest reservoir by surface area in the United Kingdom. In general, the reservoir is drawn down in the summer and filled during the autumn and winter months when river levels are high. The main habitats are open water and a mosaic of lagoons, reedswamp, marsh, old meadows, scrub and woodland. The lagoons are one of the most important areas for wintering wildfowl.
- 3.5 The interest features in relation to the site as an SPA and RAMSAR are provided in Table 1.

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Table 1: Interesting Features of Rutland Water SPA/RAMSAR

Designation	Interesting Features
SPA	<p>Qualifies under Article 4.2 by supporting populations of European importance of the following migratory species over winter:</p> <ul style="list-style-type: none"> - Shoveler (<i>Anas clypeata</i>) - Teal (<i>Anas crecca</i>)* - Wigeon (<i>Anas Penelope</i>)* - Gadwall (<i>Anas strepera</i>) - Tufted Duck (<i>Aythya fuligula</i>)* - Goldeneye (<i>Bucephala clangula</i>)* - Mute Swan (<i>Cygnus atra</i>)* - Goosander (<i>Mergus merganser</i>)* - Great Crested Grebe (<i>Podiceps cristatus</i>)* - Coot (<i>Fulica Arra</i>)¹ <p>Qualifies under Article 4.2 by regularly supporting at least 20,000 waterfowl.</p> <p>* Species that may be removed following the SPA Review *Stroud et al, 2001; The UK SPA network: its scope and content, JNCC)</p>
RAMSAR	<p>RAMSAR criterion 5 – Assemblages of international importance</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> - 19274 waterfowl (5 year peak mean 1998-99 – 2002/2003) <p>RAMSAR criterion 6 – Species/populations occurring at levels of international importance</p> <p>Qualifying Species:</p> <ul style="list-style-type: none"> - Gadwall <i>Anas strepera</i> - Northern shoveler <i>Anas clypeata</i>

3.6 The sensitivities and vulnerabilities of the site have been identified in HRA assessments for Rutland County Council’s Core Strategy and Site Allocations & Policies Development Plan Documents. The HRA identified that the most noticeable species are the populations of gadwall and shoveler. Data on the use of the site by these species indicate the gadwall and shoveler numbers peak in the autumn, generally around September/October, before declining over the winter period.

3.7 This suggests that Rutland is mainly used as a refuge whilst species are moulting in early autumn, before dispersing from the site to other wintering areas as winter progresses. During the winter, gadwall and shoveler occupy more extensive open waters of lakes, reservoirs, and gravel pits.

¹ Natural England (2014): ‘Rutland Water Citation, [Online] available to access [here](#)

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3.8 Threats include disturbance and water pollution. The principal sensitivities and vulnerabilities of Rutland Water include:

- Water Quality. The level of phosphate can vary above the recommended level at certain times of the year. This increases the risk of a shift in the trophic status of the water body to an algae dominated system, which would adversely affect the site
- Water level. The water level is linked to abstraction and affects accessible aquatic plants are for wildfowl feeding on the site. The ecological perturbation that frequent lowering and raising of water levels causes could be an important factor in whether or not a switch in trophic status occurs
- Recreation. Management of the trout fishery has caused some debate over potential effects on site ecology. In addition, water sports such as sailing have the potential to affect the site through disturbance. Casual recreation around the site margins may also affect some interest features. The site and the interest features are most likely to be vulnerable to disturbance during the key autumn period

3.9 Although the LNP proposes to allocate land specifically for new development, the HRA considered that both the Core Strategy and the Site Allocations & Policies DPDs would have no likely significant effects on Rutland Water in combination with any other adopted planning documents.

3.10 Any windfall development that comes forward in the LNP area will be subject to Core Strategy Polices CS4 – ‘Location of Development’ and Site Allocations & Policies DPD Policy SP5 – ‘Built Development in the towns and villages’.

3.11 An assessment of likely significant effects has been undertaken for all policies in the LNP. Table 2 below presents a HRA Screening for the Langham Neighbourhood Plan.

Table 2: Establishing the Need for an Appropriate Assessment

Langham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
Policy SG1	Housing Allocation	This policy sets out the indicative housing figure for Langham and the way in which the Plan would meet the strategic allocation for the neighbourhood area set out in the Core Strategy	No likely significant effect
Policy SG2a	Meeting Housing Needs	This policy sets out the expected mix of housing sizes, types and tenures to be provided in new residential proposals to meet the local housing need. It also sets out the affordable requirement.	No likely significant effect

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Langham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
		The policy itself will not lead to development but seeks to ensure that housing meets the requirements of local people.	
Policy SG2b	Gypsy & Traveller Sites	The policy itself will not lead to development. It comments on the LNP approach to traveller sites and the way in which the provision of any sites should be consistent with national and local planning policies.	No likely significant effect
Policy SGB3	Site Allocation	The policy proposes the allocation of sites for development for residential and one site for small business units.	No likely significant effect
Policy SG4	Reducing Flood Risk	The policy itself will not lead to development. It sets out a comprehensive approach to reduce the risk of flooding. The supporting text sets out the local circumstances which have generated the continued need for the policy.	No likely significant effect
Policy BD1	Building & Materials	The policy itself will not lead to development. This policy sets out a series of design and building materials issues and what will be acceptable in terms of new residential design as well as extensions to ensure that development proposals are of high-quality design and are sensitive to the locally identity of Langham.	No likely significant effect
Policy BD2	Housing Density & Layout	The policy itself will not lead to development but proposes a specific approach to the development of new homes and for extensions. It sets out a comprehensive	No likely significant effect

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Langham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
		and locally-distinctive approach towards design and layout.	
Policy BD3a	Water Quality & Management	The policy itself will not lead to development but proposes a series of sustainability initiatives. They include the use of water, ponds and wildlife and the materials to be used for the construction of drives.	No likely significant effect
Policy BD3b	Promoting Broadband Access	The policy itself will not lead to development but highlights that Fibre to the Premises (FTTP) is considered to be essential infrastructure and vital to the delivery of sustainable development. The policy requires developers to indicate how this should be achieved as part of the design of new developments.	No likely significant effect
Policy BD3c	Energy Efficient Construction	The policy itself will not lead to development. It comments that new development will aim to optimise energy efficiency, targeting zero carbon-emissions. It also sets out a positive approach for new development and specifically for extensions.	No likely significant effect
Policy BD4	Architectural features	The policy itself will not lead to development. It comments about roof and chimneys/windows and doors and general architectural features.	No likely significant effect
Policy CH1	Conservation Area	The policy itself will not lead to development. This policy comments that development in the conservation area, (both new build and extensions/alterations) will only be acceptable where the scale, form, siting and	No likely significant effect

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Langham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
		design of the development and the materials proposed would preserve or enhance the character, appearance and conservation status of the area.	
Policy CH2	Sites of Historical Importance	The policy itself will not lead to development. It comments that areas of development are assessed for historical and cultural importance with particular regard to protecting listed buildings and scheduled monuments. The second part of the policy sets out additional protection to no designated heritage assets.	No likely significant effect
Policy CH3	Sites of Archaeological Importance	The policy itself will not lead to development. It comments on the NPPF approach to conserving heritage assets as part of sustainable development. It states the developers should consult the Rutland Heritage Environment Record.	No likely significant effect
Policy RS1	Landscape Character	The policy itself will not lead to development. It comments that the landscape character of the countryside within the parish will be safeguarded, and that rural views will be preserved.	No likely significant effect
Policy RS2	Development in the countryside	It comments that residential development in the countryside will be restricted so that it is consistent with the approach in the policies of the Rutland Core Strategy and the Sites and Policies DPD, and Policies RS1 and SG3 of the neighbourhood plan. It also states that all development must	No likely significant effect

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Langham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
		demonstrate biodiversity net gain.	
Policy RS3	Energy Generation in the Countryside	This policy will not lead to development but takes a comprehensive approach to energy generation in the countryside. It states what forms/size of energy generation will be acceptable in the countryside within the NP area.	No likely significant effect
Policy RS4a	Green separation zone	This policy will not lead to development but seeks to preserve the separation of Langham from Oakham and in line with the Landscape Character Assessment.	No likely significant effect
Policy RS4b	Wildlife Buffer Zone	The policy itself will not lead to development but aims and to protect the residents of the retirement communities at Ranksborough Hall as well as the surrounding wildlife, through by stating a developer will be required to provide a private wildlife buffer zone at least 20 m wide.	No likely significant effect
Policy RS5	Biodiversity	The policy itself will not lead to development. It reinforces the approach taken in the NPPF. It identifies a series of areas to be protected for their biodiversity value and comments about the protection to be offered to wildlife corridors.	No likely significant effect
Policy VC1	Important Open Green Spaces	The policy itself will not lead to development but aims to preserve the rural character of the village by ensuring that no development will impinge on the identified Open Green Spaces and Frontages or block or	No likely significant effect

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Langham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
		otherwise obscure important views across, and within, the village.	
Policy VC2	Gardens and Verges	The policy itself will not lead to development but sets out to safeguard gardens and verges, hedgerows and trees.	No likely significant effect
Policy VC3	Street Character	This policy will not lead to development but seeks to ensure that new development retains the character of streets in the parish. It details the conditions for boundaries and driveways, pavements and verges, traffic signage, lighting, street furniture and advertising.	No likely significant effect

3.12 The findings show that the policies will have no likely significant effect upon Rutland Water. The policies within the LNP are in conformity with those in both the adopted Core Strategy and Site Allocations & Policies DPD, which were subject to a HRA that confirmed no significant effects are likely, it is considered that there will be no requirement to undertake an Appropriate Assessment of the LNP.

In combination effects

3.13 Regulation 105 of the Habitats Regulations 2017 requires an appropriate assessment where a land use plan (not directly connected with or necessary to the management of the site) is likely to have a significant effect on a European site, either alone or in combination with other plans or projects

3.14 There are a number of potentially relevant plans and projects which may result 'in combination' effects for the LNP, a useful starting point to determine whether the LNP may result in 'in combination' effects are the HRA's undertaken for Rutland County Council's Core Strategy and Site Allocations & Policies DPD's. Both these HRA's identified possible 'in combination' effects in relation to development and regional water resource demands on Rutland Water.

3.15 However, in mitigation, the Water Cycle Study identifies that there is either sufficient capacity within the sewerage network to avoid significant effects on Rutland Water, or works will be able to improve their treatment levels within the limits of conventional wastewater treatment technology to allow for increased discharges from the Waste water Treatment Works (WwTWs).

3.16 The screening assessment undertaken concludes that no likely significant effects in relation to the Rutland Water SPA/RAMSAR site will occur as a result of the implementation of the Core Strategy and Site Allocations & Policies DPD's.

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Screening Outcome

- 3.17 The LNP does not go beyond the requirements set out in the Core Strategy & the Site Allocations & Policies DPD or emerging Rutland Local Plan (2016-2036). Consequently, it is considered that no significant 'in combination' likely effects will occur from the implementation of the LNP. As such, the LNP does not require a full HRA to be undertaken.

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4 Conclusions and Recommendations of the Screening Assessment

- 4.1 A screening assessment was undertaken to determine the need for a HRA in line with regulations and guidance. The assessment finds that the LNP is not predicted, without mitigation, to have any likely significant effects on a European site. The assessment finds many of the policies are in conformity with the local plan policies, which have undergone a full HRA and which identified no likely significant effects would occur as a result of the implementation of policies. It is also identified that no likely in combination significant effects will occur as a result of the implementation of the LNP.
- 4.2 From the findings of the screening assessment, it is recommended that a full HRA does not need to be undertaken for the LNP.

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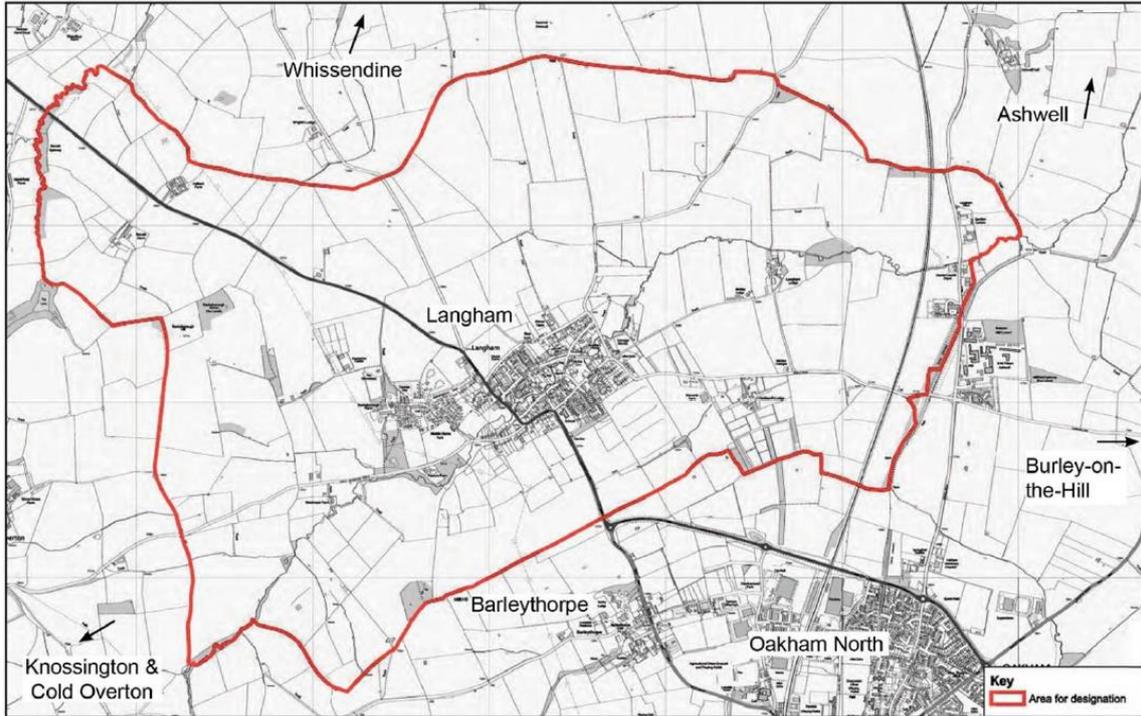
5 Determination

- 5.1 Before the Council made a formal determination, there was a requirement to consult with Natural England. The screening report was sent to Natural England in September 2022 and they agreed with the conclusions of the report that no significant effects would arise from the implementation of the neighbourhood plan.
- 5.2 It is also the Council's opinion that a full Habitats Regulations Appropriate Assessment is not required, as the Langham Neighbourhood Plan is unlikely to have a significant effect on any designated sites.

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Appendix 1 – Langham Neighbourhood Plan Area

1. Langham Parish showing the area addressed via Langham Neighbourhood Plan 2022-2041



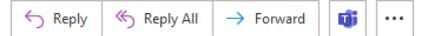
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Appendix 2 – Response from Natural England

Langham Neighbourhood Plan HRA screening



Deeming, Roslyn <Roslyn.Deeming@naturalengland.org.uk>
To Kerry Andrews



Fri 07/10/2022 14:45

Follow up. Start by 07 October 2022. Due by 07 October 2022.
You replied to this message on 07/10/2022 16:22.

Our ref: 408273

Hi Kerry,

I have looked through the draft Langham Neighbourhood Plan HRA screening report which you sent to us for an informal opinion. The document has assessed the neighbourhood plan policies in terms of the Habitat Regulations and which are all assessed as being of "No likely significant effect". The neighbourhood plan also does not go beyond the requirements of the adopted Rutland Local Plan which has been through the HRA process. Therefore Natural England would be able to agree with the conclusions of the report that no significant effects would arise from the implementation of the neighbourhood plan. The Screening report would now have to go through consultation with the appropriate bodies (including NE).

Is there anything in particular that the Examiner was concerned with or does the above address your request made to us?

Kind regards

Roslyn

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