

Habitat Regulations Assessment Screening Opinion

Colchester Focused Review of the Local Plan **Sustainability Appraisal Report: Appendix**

Colchester Borough Council carried out a screening opinion under the Habitat Regulations Assessment as part of the Sustainability Appraisal Scoping Report (March 2013). The screening opinion concluded that as only minor changes are proposed to the Borough's adopted planning policies it can be concluded that there will not be a significant affect on Natura 2000 sites and therefore an appropriate assessment is not required. This opinion was also published in the Sustainability Appraisal Report (July 2013).

Natural England submitted a representation to the Focused Review pre-submission consultation expressing concern that there is not sufficient justification as to why the changes will not have a significant impact on Natura 2000 sites. Accordingly Colchester Borough Council provided Natural England with further justification and they responded as follows:

"In relation to the information provided Natural England is satisfied that, given that no new allocations are proposed in the Focus Review and that policies ENV1 and, in particular, Development Policy DP21 address impacts on internationally designated sites, the plan can be considered sound and legally compliant with regards to the Habitats Regulations."

For openness the Council is publishing this further justification as to why an appropriate assessment is not needed as an appendix to the Sustainability Appraisal Report.

Appropriate assessments were carried out for the adopted Core Strategy, Site Allocations and Development Policies Development Plan Documents (DPDs). All of these appropriate assessments were supported by Natural England and concluded that Colchester Borough Council's DPDs would not have a significant affect on the integrity of a Natura 2000 site.

The Habitat Regulations Assessment screening opinion contained within the Sustainability Appraisal Scoping Report (March 2013) concluded the following:

"There are unlikely to be any direct effects on international sites as a result of this focused review. In terms of indirect effects, whilst the focused review is not proposing a review of the housing or employment numbers, it is proposing changes to policies to increase rural housing and rural employment provision (this includes policy changes regarding neighbourhood planning). Changes to rural housing and employment policies could result in a change in the size and population of some villages and indirectly increase the number of visitors at Natura 2000 in the borough."

This screening opinion recognised that small scale development in rural areas, as supported by the NPPF and Focussed Review, has the potential to affect Natura 2000 sites. This is in the context of increasing the population close to Natura 2000 sites and thus increasing visitor pressure. However, after careful consideration the Council concluded that as only small scale

development would be acceptable in rural areas and policy ENV1 (extract below) provides an appropriate safeguard to ensure that development adversely affecting Natura 2000 sites will not be permitted the Council, as competent authority, can conclude that the Focussed Review will not adversely affect Natura 2000 sites.

“Policy ENV1 – Environment

The Council will safeguard the Borough’s biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported.”

The Sustainability Appraisal report (July 2013) reiterated the conclusion that the Focussed Review will not adversely affect Natura 2000 sites. The Sustainability Appraisal report commented that the survey and monitoring programme the Council commenced in 2010 will help to identify if an increase in housing and employment within the Borough is affecting Natura 2000 sites. If the evidence indicates that there is a link appropriate management measures can be implemented.

As part of the appropriate assessment of the Core Strategy Colchester Borough Council committed to implementing a long term survey and monitoring programme to gain a better understanding of visitors to Natura 2000 sites in Colchester and Tendring. This enabled the Council to conclude that its spatial plans will not adversely affect the integrity of Natura 2000 sites. Whilst not a mitigation measure as such the Council and Natural England agreed that a programme to survey and monitor visitors to Natura 2000 sites over the lifetime of the DPDs will highlight if and where adverse impacts are occurring. This will enable the Council, Natural England and any other relevant stakeholders to implement site management measures to avoid or mitigate the impacts. This could include, for example, geographical or spatial restrictions to the sites or signage to make visitors aware of the sensitivity of the area. It is impossible to list the mitigation measures that will be implemented as this will depend on the extent of any problems. The monitoring programme has just reached the end of its 3 year baseline period and the Council has a wealth of information about visitors to Natura 2000 sites in Colchester and Tendring. At this stage however it is too early to comment on whether housing growth and population increase in Colchester is increasing visitors to Natura 2000 sites and subsequently whether any increase in visitors are adversely affecting the integrity of Natura 2000 sites, although according to SSSI condition data disturbance is not referred to in the condition summary for any of the Natura 2000 sites in Colchester and Tendring.

The following extract from the Site Allocations DPD appropriate assessment is useful in providing context about the scope of appropriate assessments of spatial plans and the pragmatic approach the Council has taken:

“Spatial plans may not have all the answers about the detailed effects upon international sites and this appropriate assessment is appropriate considering

the strategic level of the Site Allocations DPD. Whilst it is vitally important for the Council, as competent authority under the Habitat Regulations, to be certain that the DPD will not adversely affect the integrity of an international site this issue will also be considered as part of the development control process. The Council has focussed on the key strategic issues and has demonstrated that none of them will result in adverse impacts. It must be remembered that impacts on international sites will largely become apparent through the design stage and so cannot be fully known and addressed at this strategic level. Through this process the Council has addressed the strategic issues and has highlighted relevant issues for the development control stage. Whilst a number of uncertain impacts remain adverse effects on the integrity of international sites can be avoided or mitigated through the proper application of policy safeguards within and outside the planning process.”

The Council considers that the need for an appropriate assessment must be appropriate to the scope of the Plan. The Focussed Review makes limited changes to the Borough’s adopted spatial plans and all of these Plans have been subject to appropriate assessments with the conclusion, which was supported by Natural England, that they will not adversely affect the integrity of Natura 2000 sites. The only change made by the Focussed Review that has the potential to affect Natura 2000 sites is changes to rural housing and employment policies. However, as any development in rural areas will be small scale this will not result in any significant impacts on the integrity of Natura 2000 sites. The Council’s visitor monitoring programme has found that just over half of all visitors across all sites had travelled less than 5 miles to visit a Natura 2000 site and just under half of all visitors visit to dog walk. Therefore it is fair to assume that any new housing less than 5 miles from a Natura 2000 site will result in an increase in visitors, including dog walkers. The survey has shown that the most popular Natura 2000 sites have daily visitors totalling 35 – 74 groups, although this figure is likely to be much higher as surveys generally take place from 10am – 2pm. Therefore a small increase in rural housing will not significantly increase the number of visitors to a Natura 2000 site.