

July 2008

South West Regional Spatial Strategy Proposed Changes

Habitats Regulations Assessment Executive Summary

Prepared for the
Secretary of State for Communities & Local Government
by
Land Use Consultants
in association with
Levett-Therivel Sustainability Consultants



**SOUTH WEST
REGIONAL SPATIAL STRATEGY
PROPOSED CHANGES**

**HABITATS REGULATIONS
ASSESSMENT**

Executive Summary

**Prepared for Secretary of State for
Communities & Local Government**

by

Land Use Consultants

in association with

Levett-Therivel Sustainability

Consultants

July 2008

43 Chalton Street
London NW1 1JD
Tel: 020 7383 5784
Fax: 020 7383 4798

luc@london.landuse.co.uk

EXECUTIVE SUMMARY

INTRODUCTION

1. Land Use Consultants (LUC) was commissioned by the Government Office for the South West (GOSW) to carry out the Habitats Regulations Assessment (HRA) of the Secretary of State's Proposed Changes to the South West Regional Spatial Strategy (RSS). This report sets out the results of this HRA¹.
2. LUC had previously been appointed by the South West Regional Assembly (SWRA) in August 2006 to undertake the first iteration of the HRA of the draft South West RSS. The results of this HRA were sent to Natural England (NE) and the Environment Agency (EA) for formal consultation in February 2007 and were used to inform the Examination in Public of the draft South West RSS in April – July 2007. This report should be read in conjunction with the previous HRA Report prepared for SWRA in February 2007² and the March 2007 Erratum³ to that report. The original HRA Report for the Draft RSS is available at:

http://www.southwest-ra.gov.uk/nqcontent.cfm?a_id=2655

3. HRA refers to the assessment of the potential effects of a development plan on one or more European Sites (collectively termed 'Natura 2000' sites). The network comprises Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The Government also expects potential SPAs (pSPAs), and Ramsar sites to be included within the assessment⁴. For ease of reference, the abbreviation for Natura 2000 sites 'N2K sites' has been used to cover all types of designations including Ramsar sites. A HRA must conclude that the development plan will not adversely affect one or N2K sites, if any doubt remains an adverse effect must be concluded.

SPAs are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex I of the Birds Directive, and migratory species).

SACs are designated under the Habitats Directive and target particular habitats (Annex I) and/or species (Annex II) identified as being of European importance.

Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).

¹ *South West RSS Secretary of State Final Draft Proposed Changes*. Government Office for the South West, 19th June 2008.

² *Habitats Regulations Assessment of the Draft RSS for the South West. Final Report*. Prepared for the South West Regional Assembly by Land Use Consultants, February 2007.

³ *Habitats Regulations Assessment of the Draft RSS for the South West. Erratum to Final Report*. Land Use Consultants, 16th March 2007.

⁴ *Planning Policy Statement 9: Biodiversity and Geological Conservation*. OPDM, 2005.

NATURA 2000 AND RAMSAR SITES IN THE SOUTH WEST

4. There is a wide range of N2K and Ramsar sites in the South West, varying in extent and reasons for designation relating to the habitats and species they contain. The study area includes a 10km zone outside the South West Region's administrative boundary due to the potential for RSS policies to have impacts outside the administrative boundary. As part of the HRA, 104 N2K sites have been identified for inclusion; this includes 75 SACs, 17 SPAs, 11 Ramsar sites and one pSAC. There is considerable overlap between the designations, with many of N2K sites covered by more than one type of designation.

APPROACH TO THE HRA

5. A HRA generally involves three main stages (Screening, Appropriate Assessment and Assessment where no alternatives exist), and our work has comprised an iteration of the Appropriate Assessment stage for the Proposed Changes to the South West RSS¹.
6. Although the HRA is being carried out by independent consultants, there has been close working between those responsible for preparing the Proposed Changes to the RSS and the HRA consultancy team throughout. However, unlike the HRA work we undertook for the Draft RSS in 2006-2007, due to issues of propriety relating to the preparation of the Secretary of State's Proposed Changes to the RSS⁵, we were unable to work closely with NE and the EA, and could not discuss any of the Proposed Changes with them prior to the formal consultation period. However, we were able to seek advice relating to evidence regarding potential impacts on sites, and additional information has been received in the form of discussions with NE and the EA and technical studies based on the Panel's recommendations.
7. The HRA has been an iterative process. GOSW provided a number of drafts of the Proposed Changes to LUC, each of which we assessed and provided GOSW with recommendations for the RSS within draft HRA reports via email. Our recommendations are recorded in the HRA report.
8. We have not been able to obtain or analyse the necessary evidence base in order to come to firm conclusions regarding adverse effects on integrity in all cases. This is particularly in relation to water abstraction/pollution and air pollution. Extra technical assessment (air pollution) and discussion with the EA and NE (water abstraction/pollution) is therefore needed before we can come to firm conclusions appropriate to an RSS.

⁵ The 'Guidance on propriety issues in handling planning casework in Communities and Local Government' outlines that Ministers or Officials should not enter into discussions with interested parties on the changes which might be made to a draft Regional Spatial Strategy while consideration is being given to the Panel's report. This prevented GOSW or the consultants having discussions with parties such as Natural England or the Environment Agency on the content of the draft Proposed Changes. It did not prevent discussions on the baseline evidence or process.
<http://www.communities.gov.uk/planningandbuilding/planning/decisionsplanning/secretarystate/proprietaryguidance/>

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Water abstraction

9. The EA undertook a study⁶ into the water resource implications of the recommended housing numbers set out in the Panel Report⁷, which focused on the water resource zones in the South West. This study concluded that for eight of the water resource zones in the South West (in which ten N2K sites which are vulnerable to changes in water levels are located), water deficits would not occur providing that new homes developed in these water resource zones comply with the water efficiency standards contained in Policy G of the Draft RSS. However, Policy G has now been amended in the Proposed Changes to the RSS, and is less stringent in terms of water efficiency standards. Therefore we were uncertain for some N2K sites whether there would be an adverse effect on their integrity. The study also concluded that in the Roadford resource zone (which serves eastern Cornwall and western Devon), water deficits are expected to arise throughout most of the planning period under the 'dry year annual average scenario'. The HRA identified five N2K sites within this water resource zone.
10. We requested additional information from the EA relating to existing pressure from abstraction on these sites and were advised that for the majority of them public water supply abstractions are not currently having an adverse effect on site integrity. There were a small number of sites identified in the first draft of the HRA which the EA did not provide additional information on, and three sites - River Avon SAC, Dartmoor SAC and Severn Estuary pSAC, SPA and Ramsar site - where the EA identified existing abstractions which are potentially adversely affecting site integrity.
11. As the information received from the EA in relation to the majority of the fifteen sites identified as at risk of adverse effects is based on current water abstractions, and does not take into account the higher housing growth in the Proposed Changes or revised Policy G, we had to conclude 'uncertain' whether there would be adverse effects due to increased water abstraction associated with the housing growth. This was also the case for those sites where no additional information was received from the EA. We were unable to conclude no adverse effects for the three sites where current water abstractions are already adversely affecting their integrity.
12. The HRA therefore set out a number of recommendations for additions to supporting text in the Proposed Changes to the RSS, including listing those sites where adverse effects could potentially occur. **These recommendations have been incorporated into the supporting text to Policy RE6 in the Secretary of State's Proposed Changes to the South West RSS.** However, despite these recommendations even more stringent water efficiency measures may be required (potentially including retro-fitting to existing properties) if Development Policy G standards in the Proposed Changes are predicted to be inadequate to ensure site integrity (following discussions with NE and the EA).

⁶ *Water Supply and Housing Growth in the South West of England*. RSS Panel Report December 2007. Short Report, Environment Agency, March 2008.

⁷ *Examination in Public April – July 2007, Exeter, Panel Report*. December 2007.

Water quality

13. The EA completed a study of the waste water impacts of the Panel's recommended housing numbers⁸. Three sites were identified in this study as having the potential to be affected by water pollution as a result of the housing numbers and distribution proposed by the Panel: Avon Valley SPA and Ramsar site/River Avon SAC, Fal and Helford SAC and Somerset Levels and Moors SPA and Ramsar site. Although only these three sites were specifically highlighted in the EA study, NE also raised particular concerns⁹ relating to a number of additional sites. At our request the EA provided further information relating to the sites identified by NE, which concluded that as far as possible, assuming sufficient investment in treatment works is forthcoming over the planning period and there is some further innovation in sewage treatment technologies, there should be no effect on the integrity of these sites. NE also provided additional information raising concerns in relation to water quality impacts of further housing development on the River Avon SAC.
14. While the additional information received provides some reassurance that adverse effects on N2K sites in relation to water quality should be avoided, these judgements have only been based on the housing growth recommended by the Panel. Higher growth is proposed in the Proposed Changes for some of the Housing Market Areas (HMAs)¹⁰ and Strategically Significant Cities and Towns¹¹ which may affect the vulnerable N2K sites. Therefore it is not possible to conclude no adverse effects on those sites where higher housing growth is proposed.
15. There are statutory safeguards outside the RSS which will help to avoid water pollution having adverse effects on the integrity of N2K sites within the South West. However, to provide more guidance to the Local Planning Authorities about this issue, we recommended additional supporting text for Policy RE6 to reflect the fact that there are N2K sites that are currently being adversely affected due to nutrient overloading from some sewage treatment works, as well as additional supporting text to Policy HMA I I which specifically addresses the sewage treatment capacity issue around Salisbury. **These recommendations have been incorporated into the supporting text of Policy RE6, Policy HMA I I and its supporting text in the Secretary of State's Proposed Changes to the South West RSS.**
16. The HRA also strongly recommends that further discussions with NE and the EA are entered into to seek to resolve remaining uncertainties, which may mean further alterations to the Proposed Changes RSS, prior to adoption of the RSS by the Secretary of State.

⁸ Draft RSS SW Panel report: The Environment Agency's observations on housing growth and waste water treatment, March 2008.

⁹ Natural England's statutory consultation response letter on the HRA of the Draft RSS from Andrew Nicholson to Clare Reid at SWRA, dated 5th July 2007.

¹⁰ These are the areas within which most people who are looking to move home will search for a new property in which to live.

¹¹ Cities and towns which currently play a critical strategic role regionally or sub-regionally.

Tourism, recreation and related pressures

17. A number of sites were identified by NE¹² as being particularly vulnerable to recreational pressures. There are also a number of additional sites which have been identified during this HRA of the Proposed Changes to the RSS as sites where particular issues in relation to tourism and recreation remain.
18. The Proposed Changes to the RSS include additional wording which makes reference to the need to protect internationally designated sites in Policy ENVI: Protecting and Enhancing the Region's Natural and Historic Environment and GII: Green Infrastructure. This is expected to ensure that the majority of sites identified in the HRA of the Draft RSS as potentially being affected by recreation are sufficiently safeguarded from adverse effects.
19. Policy GII has been amended in the second draft of the Proposed Changes and now makes reference to protecting N2K sites and providing new areas of appropriate greenspace where development would otherwise cause unacceptable recreational pressure on sites of international ecological importance.
20. In order to strengthen this protection and provide clarity for Local Authorities, the HRA recommends that those sites identified by NE and the HRA as being particularly vulnerable to recreational impacts are specifically referenced in the supporting text to this policy. The HRA also recommends that additional supporting text to this policy is included which refers to additional mitigation options and the need for Local Authorities to work jointly and with NE to secure and implement appropriate and deliverable measures to avoid or mitigate adverse effects from recreation at these sites. **These recommendations have been incorporated into the supporting text of Policy GII in the Secretary of State's Proposed Changes to the South West RSS.**
21. On the basis of the revised supporting text to Policy GII, we have concluded no adverse effects from disturbance effects in relation to recreation on the above N2K sites. However, this conclusion is based on the assumption that the mitigation measures incorporated into Policy GII (e.g. provision of alternative greenspace) will be implemented successfully. This assumption will need to be thoroughly tested in LDDs, including partnership working between Local Planning Authorities where appropriate, and regularly monitored and reviewed to ensure that recreation activity and the resultant effects on integrity of N2K sites is as anticipated. If the mitigation measures are shown not to be successful, then the development proposals and the mitigation measures will need to be reviewed to ensure that no adverse effect on site integrity occurs.

Air quality

22. The specific effects of the RSS on air pollution, and consequently on the integrity of N2K sites are inherently difficult to measure. Despite this uncertainty, as stated in

¹² Natural England's statutory consultation response letter the HRA of the Draft RSS from Andrew Nicholson to Clare Reid at SWRA, dated 5th July 2007.

the Appropriate Assessment of the Proposed Changes to the North East RSS¹³ 'it is not appropriate to defer this issue to a lower level in the planning system as there are no mechanisms by which it can be dealt with at a lower tier. Indeed it would be more appropriately addressed at the national level, as air pollution crosses regional boundaries, as do its transport-related sources.'

23. A significant number of N2K sites in the South West were identified in the HRA as vulnerable to air pollution, and located within 200m of a major road or in close proximity to proposed airport development. The potential for adverse effects from air pollution at these sites due to increased road and air transport associated with the increase in housing provision and airport expansion within the Proposed Changes is more certain. These sites included those where nitrogen deposition is estimated as already exceeding critical loads (18 sites), those which are not currently exceeding critical loads but are located within 200m of a major road or in close proximity to proposed airport development (three sites), and those where there is uncertainty associated with whether critical load is currently being exceeded (seven sites).
24. It has not been possible to undertake the detailed level of technical assessment for the Proposed Changes to the South West RSS which has been undertaken in other regions, as the forecasts of future traffic levels arising from the RSS proposals have not been estimated. Therefore, the HRA has been unable to conclude no adverse effects from air pollution on these sites.
25. Therefore, in line with recommendations from HRAs of other RSSs, the HRA recommends that supporting text is added to Policy RE9: Air Quality which references the need to avoid and where necessary reduce the impacts of air quality problems arising from development on biodiversity, and in particular on N2K sites. **These recommendations have been incorporated into Policy RE 9 and supporting text of the Secretary of State's Proposed Changes to the South West RSS.**

Coastal squeeze

26. Improved coastal defences, which are likely to arise as a result of implementation of Policy FI: Flood Risk, can result in coastal squeeze, where natural coastal retreat is restricted by such defences, leading to loss of habitat. The EA's response to the HRA of the Draft RSS (dated 2nd April 2007) highlighted coastal squeeze as a particular issue at the Severn Estuary, Poole Harbour and other estuaries in the South West.
27. The HRA therefore recommends that, in order to ensure that coastal squeeze is fully considered in lower tier plans, specific reference to those sites which lie within or in close proximity to estuaries is included in the supporting text to Policy FI or Policy CO2. **This recommendation has been incorporated into Policy CO2 in the Secretary of State's Proposed Changes to the South West RSS.**

¹³ *Appropriate Assessment of the Proposed Changes to the North East RSS. Addendum – Assessment of Further Proposed Changes (February 2008) and Final Conclusions.* Treweek Environmental Consultants, February 2008.

Bird strike

28. Six N2K sites have been identified through the HRA of Proposed Changes to the RSS as potentially being affected by renewable energy development and airport development (in relation to potential bird strike by wind turbines or aeroplanes). In order to ensure that the integrity of N2K sites in relation to bird strike is included in lower tier plans, the HRA recommends that additional supporting text is added to Policy RE4: Meeting the Targets through Development of New Resources and Policy RTS6: Airports and Heliports which makes specific reference to the potential adverse effects of development on the flight paths of birds and bats. **These recommendations has been incorporated into supporting text to Policies RE4 and RTS6 of the Secretary of State's Proposed Changes to the South West RSS.**

Physical damage

29. Where known, most of the areas of search for development within the Proposed Changes RSS are not sufficiently close to N2K sites to result in direct physical damage to the sites. However, there are some sites identified through the HRA that are more at risk of physical damage from development, due to proximity to areas of search proposed in the RSS. Physical damage to N2K sites also has the potential to occur as a result of implementation of the Regional Transport Strategy (RTS) set out in Section 5 of the Proposed Changes to the RSS. A number of sites lie in close proximity (i.e. within 200m) of roads identified in the supporting text to the RTS as potentially requiring infrastructure or junction improvements, which may lead to the partial loss of or physical damage to these sites.
30. Additional proposals in the Proposed Changes to the RSS which may also lead to physical damage of N2K sites include mineral extraction, port development and off-site damage of bat foraging or commuting habitats. During consultation on the HRA of the Draft RSS, NE and the EA identified a number of N2K sites where mineral extraction could directly affect site integrity. Development of ports (as set out in Policy RTS5 of the Proposed Changes to the RSS) is also proposed in close proximity to a number of N2K sites in the South West. Although it is unlikely that development of these ports would lead to direct physical loss of N2K sites, it may potentially lead to physical damage or disturbance at a small number of sites. Finally, physical damage, fragmentation and disturbance of bat foraging and commuting habitats may occur as a result of the Proposed Changes to the RSS, as bats often rely on foraging habitat some distance away from the designated sites, and on habitat features linking foraging locations with breeding and roosting sites.
31. In order to ensure that physical damage to N2K sites does not occur as a result of the Proposed Changes to the RSS, a number of recommendations have been made in the HRA for inclusion of additional supporting text which makes reference to these potential adverse effects, and in some cases specifically highlights those sites where potential adverse effects may occur. **These recommendations have been incorporated into Policies HMA3 and HMA7, and the supporting text to Policy RE10, RTS5 and ENVI in the Secretary of State's Proposed Changes to the South West RSS.**

Incursion by trees and woodlands

32. A number of sites were identified during screening of the Draft RSS as potentially being adversely affected by Policy RE8: Woodlands and Forests, which seeks to protect trees and woodlands. There is a very slight possibility that preventing removal of trees in Policy RE8 could compromise the integrity of N2K sites where removal of trees and woodland needs to be allowed to maintain site integrity. For the avoidance of doubt the HRA recommends that the supporting text to this policy states that the removal and management of trees and woodland would be allowed where this is needed to meet the conservation objectives for open habitats, such as heathland and grassland. **This recommendation has been incorporated into the supporting text of Policy RE8 of the Secretary of State's Proposed Changes to the South West RSS.**

CONCLUSIONS

33. Generally, we have been able to conclude that the Proposed Changes RSS should not have adverse effects on the integrity of many of the N2K sites in the South West provided that the RSS policies are successfully implemented. In this respect we have placed considerable reliance on mitigation measures included in Proposed Changes, such as alternative greenspace for recreation, which will need further testing at the local level and will need to be carefully monitored to ensure that the actual outcomes are as anticipated in this report. Notwithstanding this reliance on successful implementation of policies, there are still a number of sites for which uncertainty about adverse effects on integrity remain, as shown in **Table I**.
34. This uncertainty has been mainly due to a lack of information regarding the significance of effects relating to water abstraction and water pollution associated with the substantial increase in houses and other development to be provided, as well as potential air pollution effects arising from the likely increases in traffic and air transport associated with the policies in the Proposed Changes to the RSS. It is anticipated that firmer conclusions should be able to be determined in consultation with NE and the EA following publication of the Proposed Changes in July 2008.

Table I: Sites where it is uncertain whether adverse effects on integrity will remain following incorporation of the HRA recommendations into the Secretary of State's Proposed Changes to the South West RSS

Site	Effect uncertainty relates to
Avon Valley SPA and Ramsar site	<ul style="list-style-type: none"> • Water abstraction • Water quality
Braunton Burrows SAC	<ul style="list-style-type: none"> • Water abstraction
Breney Common, Goss and Tregoss Moors SAC	<ul style="list-style-type: none"> • Air quality
Cerne and Sydling Downs SAC	<ul style="list-style-type: none"> • Air quality
Cotswold Beechwoods SAC	<ul style="list-style-type: none"> • Air quality
Crookhill Pit SAC	<ul style="list-style-type: none"> • Water abstraction
Culm Grasslands SAC	<ul style="list-style-type: none"> • Air quality
Dartmoor SAC	<ul style="list-style-type: none"> • Water abstraction

Site	Effect uncertainty relates to
Dorset Heaths SAC, Dorset Heathlands SPA and Ramsar site	<ul style="list-style-type: none"> • Water abstraction • Air quality
East Devon Pebblebed Heaths SAC and East Devon Heaths SPA	<ul style="list-style-type: none"> • Air quality
Exe Estuary SPA and Ramsar site	<ul style="list-style-type: none"> • Water quality
Exmoor and Quantock Oakwoods SAC	<ul style="list-style-type: none"> • Water abstraction
Exmoor Heaths SAC	<ul style="list-style-type: none"> • Water abstraction
Fontmell & Melbury Downs SAC	<ul style="list-style-type: none"> • Air quality
Holme Moor and Clean Moor SAC	<ul style="list-style-type: none"> • Water abstraction
Isle of Portland to Studland Cliffs SAC	<ul style="list-style-type: none"> • Water abstraction • Air quality
Isles of Scilly Complex SAC, SPA and Ramsar	<ul style="list-style-type: none"> • Air quality
Marazion Marsh SPA	<ul style="list-style-type: none"> • Air quality
Mendip Limestone Grasslands SAC	<ul style="list-style-type: none"> • Air quality
Newlyn Downs SAC	<ul style="list-style-type: none"> • Air quality
North Meadow & Clattinger Farm SAC	<ul style="list-style-type: none"> • Air quality
North Somerset & Mendip Bats SAC	<ul style="list-style-type: none"> • Air quality
Plymouth Sound and Estuaries SAC, Tamar Estuaries Complex SPA,	<ul style="list-style-type: none"> • Water quality
Poole Harbour SPA (96) and Ramsar	<ul style="list-style-type: none"> • Air quality
Porton Down SPA	<ul style="list-style-type: none"> • Air quality
River Avon SAC	<ul style="list-style-type: none"> • Water abstraction • Water quality • Air quality
River Axe SAC	<ul style="list-style-type: none"> • Water quality • Air quality
River Wye SAC	<ul style="list-style-type: none"> • Water abstraction • Air quality
Rodborough Common SAC	<ul style="list-style-type: none"> • Air quality
Salisbury Plain SAC and SPA	<ul style="list-style-type: none"> • Air quality
Severn Estuary pSAC, SPA and Ramsar site	<ul style="list-style-type: none"> • Water abstraction • Water quality • Air quality
Solent & Isle of Wight Lagoons SAC	<ul style="list-style-type: none"> • Air quality
Solent Maritime SAC, Solent & Southampton Water SPA and Ramsar	<ul style="list-style-type: none"> • Air quality
Somerset Levels & Moors SPA and Ramsar	<ul style="list-style-type: none"> • Air quality
South Hams SAC	<ul style="list-style-type: none"> • Air quality
The New Forest SAC, SPA and Ramsar	<ul style="list-style-type: none"> • Air quality
Walmore Common SPA and Ramsar site	<ul style="list-style-type: none"> • Water abstraction

Land Use Consultants with Levett-Therivel Sustainability Consultants

9th July 2008