

HRA Screening of Clutton Neighbourhood Plan

ASSESSMENT OF LIKELY SIGNIFICANT EFFECT ON EUROPEAN SITES Conservation of Habitats and Species Regulations (2010)

PART A: The Proposal

Type of application: Neighbourhood Plan

Application site: Map Attached

Brief description of proposal: The Clutton Neighbourhood Plan has been produced under the Localism Act to guide development within the village and wider Parish. It includes policies for deciding how and where development should take place, and the type and quality of that development. It does not allocate specific sites for development and development must accord with the BNES Core Strategy.

Background

Under Regulations 102-105 of the Conservation of Habitats and Species Regulations 2010 (the Habitat Regulations) all strategic and local development plans must be assessed for their impacts upon a network of European wildlife sites (European Sites). These regulations transpose the requirements the EC Habitats Directives into to UK law and are designed to protect the integrity of European Sites. They require the assessment of impacts and avoidance of harm to the Conservation Objectives of European sites. The process is generally referred to as a Habitats Regulation Assessment (HRA).

HRA is an iterative, multi-staged process, which should be applied at points throughout the plan making process. It should be used to help shape, form, and refine Development Plans so that adopted policies and site allocations do not result in adverse impacts to the integrity of European sites.

The first stage of the process involves an assessment or screening of whether the plan is likely to have a significant effect on one or more European sites either alone or in combination. A precautionary approach should be used when assessing likely significant effect, and all opportunities should be taken to avoid or mitigate impacts, to prevent any likelihood of a significant effect. Where the likelihood of a significant effect cannot be excluded the process moves to the second stage and an Appropriate Assessment must be undertaken. This represents a more detailed investigation and assessment of possible impacts. Except in exceptional circumstances, where there are no alternative solutions and where there are imperative reasons of overriding public interest, Development Plans should only be adopted if the Appropriate Assessment ascertains that the plan will not adversely affect the integrity of any European Site.

As the competent authority, B&NES is required to carry out this initial assessment and if a likely significant effect is identified, to then continue on with investigating the potential effects more fully in the form of 'Appropriate Assessment'. Ultimately the plan must be compliant with the legal

obligation to maintain in 'favourable condition' the conservation objectives of any SAC or SPA that may be affected or influenced by the Neighbourhood Plan.

As set out below, it is considered that the Clutton Neighbourhood Plan could, subject to the detail of policies and proposals, effect Chew Valley Lake SPA and so must be subject to scoping for potential significant effects upon the special bird assemblages of the SPA. Essential attributes to these objectives for the SPA are the maintenance of the favourable water levels & water quality of Chew Valley Lake, and avoidance of physical disturbance of the habitat.

This document comprises the initial Habitats Regulations Assessment (HRA) of the draft Clutton Neighbourhood Plan dated (xxxx), in accordance with Regulation 61 (see table below) of the Habitats Regulations 2010.

European sites to consider :

Map 1 shows the distribution of European Sites and their 5km buffer zones in close proximity to Clutton Parish. Just over half of the Parish lies within a 5km buffer zone around the lake.

Part B: The European Sites (Natura 2000) potentially affected

1. Chew Valley Lake (SPA)

Component Sites of Special Scientific Interest (SSSIs): Chew Valley Lake

Conservation Objectives

Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive

At the time of this HRA this site was reported as being in x condition

SENSITIVE INTEREST FEATURES : Chew Valley Lake SPA

This site qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

Over winter;

Shoveler Anas clypeata, 503 individuals representing up to 1.3% of the wintering Northwestern/Central Europe population (5 year peak mean 1991/2 - 1995/6)

Is the proposal directly connected with or necessary to the management of the European site for nature conservation? No

PART C: Risk Assessment

C1:Details of the Plan:

The Neighbourhood Plan sets out the Vision and Objectives for the Parish of Clutton, together with a series of planning policies. No quantities for development are proposed and no specific sites are allocated for development.

The policies have been considered in terms of potential impacts to the Special Interest Features of Chew Valley Lake and in terms of potential impacts on the integrity of the site (see Appendix X).

C2:Discussion and Assessment of likely effects and their significance

CHEW VALLEY LAKE SPA

Vulnerabilities and potential adverse effects:

Chew Valley Lake supplies drinking water to the city of Bristol and surrounding area. The lake also provides significant recreational opportunities including fishing, sailing and walking. The site is owned and managed by Bristol Water Plc who successfully implement a nature conservation strategy for the site, including a Biodiversity Action Plan. This includes a zoning scheme to minimise / avoid any adverse impacts on the wildlife of the area. It is recognised that there is potential for increases in visitor numbers to the site, including pressure for increased access to previously quiet, refuge areas of the lake. Increased recreational activity could lead to greater disturbance of the Annex 1 bird species for which the lake is designated.

Shoveler numbers, and those of the other ducks, are also sensitive to water levels, and tend to be higher in years when there is significant late summer drawdown of water at Chew Valley Lake. Increase in water use resulting from increase in the number of dwellings could impact upon water quality and water levels.

Possible Impacts of Clutton Neighbourhood Plan

The Clutton Neighbourhood Plan focuses change and development within and adjacent to the Housing Development Boundary of the Village of Clutton, and policies are designed to manage the scale, form, and location of 'windfall' development. Given the distance of the village from Chew Valley Lake and the limited nature of the plan, no likelihood of significant adverse effects upon Chew Valley Lake are identified. The screening is summarised in appendix X.

Opportunities for impact avoidance and mitigation

None required. However, it is recommended that the plan does make clear reference to the conservation status and designation of Chew Valley Lake SPA and its proximity and relevance to the Neighbourhood Plan.

C3: Possible In combination effects

None

PART D: Conclusions and final recommendations

The Draft Clutton Neighbourhood Plan (15/11/14) does not raise any significant issues to address in terms of the Habitat Regulations. It would be helpful however if the final draft of the plan did provide some reference to the proximity of the nearest European sites, and recognise their value and importance. (eg. Chew Valley Lake Special Protection Area lies about 3km to the west of Clutton, and just over half of the Parish falls within a 5km buffer around the Lake.).

Is the potential scale or magnitude of any effect likely to be significant?

a) Alone? No

b) In combination with other plans or projects? No

DRAFT