

**Habitat Regulations Assessment of the Plymouth City Council
Design Supplementary Planning Document**

Screening Report

October 2007

1. Introduction

This document has been produced to determine whether the Plymouth City Council's (PCC) Local Development Framework (LDF) Design Supplementary Planning Document (SPD) will have a significant adverse impact on nearby Natura 2000 sites.

1.1 Background

The Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the 'Habitats Directive' provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. This is implemented through a network of protected areas referred to as Natura 2000 sites.

Articles 6(3) and 6(4) of the Habitats Directive requires Appropriate Assessment of plans and projects likely to have a significant effect on a European site. This means that the effects of such plans/projects on Natura 2000 sites need to be assessed to ensure that the integrity of these sites is maintained. The Design Supplementary Planning Document is such a plan.

The Natura 2000 sites are of two types – Special Area of Conservation (SAC) and Special Protection Areas (SPA). SAC's stem from the Habitats Directive, and are mainly habitat features, whereas SPA's are features comprising populations of bird species. Each Natura 2000 site has a number of qualifying features, for which conservation objectives have been developed.

The purpose of a Habitat Regulations Assessment (HRA) is to assess the impacts of a land-use plan against the conservation objectives of the Natura 2000 Site. The assessment must determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.

The Habitats Directive applies the precautionary principle to SPA's and SAC's. Plans can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans may still be permitted if there are no alternatives to them and there are imperative reasons of overriding public interest as to why they should go ahead. Previous rulings show that these cases are rare. In such cases, compensation will be necessary to ensure the overall integrity of the site network.

The HRA for Plymouth's LDF Core Strategy was completed in early February 2007. This identified a number of necessary avoidance measures required to manage impacts associated with the Core Strategy and identified a number of suggested changes to the document that were incorporated before its adoption. A summary of the conclusions from Core Strategy Habitat Regulation Assessment is include in Appendix 1. Consideration of the potential for the Design SPD to have a significant effect will be made in the light of this existing work.

1.2 Methodology used for this Habitat Regulations Assessment

DCLG (2006) guidance on Planning for the Protection of European Sites: Appropriate Assessment (consultation document) recommends a 3 stage process:

1. Screening. Determining whether the plan 'either alone or in combination with other plans or projects' is likely to have a significant effect on a European site
2. Appropriate Assessment. Determining whether, in view of the site's conservation

objectives, the plan 'either alone or in combination with other plans or projects' would have an adverse effect (or risk of this) on the integrity of the site. If not, the plan can proceed.

3. Mitigation & Alternatives. Where the plan is assessed as having an adverse effect (or risk of this) on the integrity of a site, there should be an examination of mitigation measures and alternative solutions. If it is not possible to identify mitigation and alternatives it will be necessary to establish the '*imperative reasons of overriding public interest*' (IROPI). This is not considered a standard part of the process and will only be carried out in exceptional circumstances.

All 3 stages of the process are referred cumulatively as Habitat Regulations Assessment, to clearly distinguish the whole process from the step within it referred to as the Appropriate Assessment.

1.3 Consultation with Natural England

Natural England (NE) has been positively engaged in PCC's work on Habitat Regulations Assessment since its inception in November 2006. An open & constructive dialogue has been maintained throughout the process, and NE has endorsed the conclusions of Plymouth's previous HRA work.

2. Screening

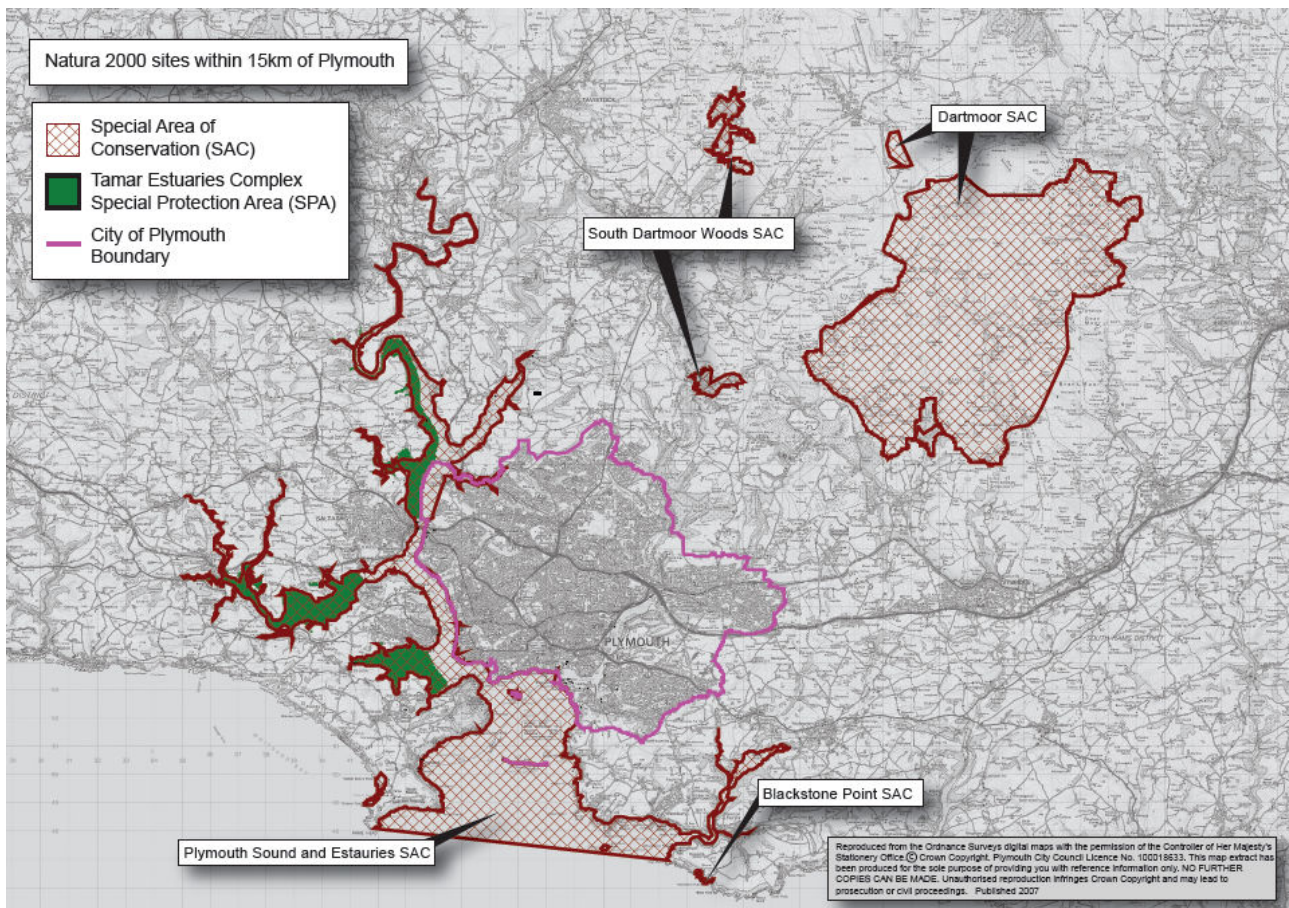
The principle aim of this document is to 'screen' the potential of Design SPD for its likely effect, either alone or in combination, on the Natura 2000 sites within 15 kilometres of the city boundary.

2.1 European Sites

Table 1 lists the European sites that are within 15 km of the city boundary

Name of Site	Reasons for Designation
Plymouth Sound & Estuaries SAC	Sandbanks which are slightly covered by sea water all the time. Estuaries. Mudflats and sandflats not covered by seawater at low tide. Large shallow inlets and bays. Reefs. Shore dock. Allis shad.
Tamar Estuaries Complex SPA	Internationally important populations of Avocet & Little Egret
Dartmoor SAC	Northern Atlantic wet heath with <i>Erica tetralix</i> . European dry heath. Blanket bog. Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles. Southern damselfly, <i>Coenagrion mercuriale</i> Otter <i>Lutra lutra</i> Atlantic salmon <i>Salmo salar</i>
South Dartmoor Woods SAC	Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles European dry heath
Blackstone Point SAC	Shore dock

Table 1: European sites within 15km of Plymouth City boundary



Map 1 Distribution of Nature 2000 sites within 15km of Plymouth city boundary

2.2 Scope of the Design SPD

The Draft Design Supplementary Planning Document (Sustainable Design in Plymouth), seeks to provide guidance to developers, on design issues. There is a raft of national guidance that already acknowledges that good design is fundamental to the delivery of sustainable communities. The aim of the SPD is to apply that general guidance to the Plymouth context, providing more detailed guidance about the distinctive elements of Plymouth and how the unique characteristics of Plymouth need to be recognized and used to inform new development.

Design in this respect is used in its broadest context and not only relates to the visual appearance of the built environment, but will also to issues regarding designing for climate change, biodiversity, community safety and the historic environment. The SPD expands upon and provides a further level of detail to the policies set out in the adopted Core Strategy.

The aim of the SPD is to expand on the policies in the Council's LDF Core Strategy and in doing so add value to the quality and sustainability of development within the City. The document is designed to be thought provoking and to aid the design process by asking relevant questions about key issues that need to be considered.

The SPD illustrates and expands upon the policies set out in the Plymouth Core Strategy, primarily CS01, CS02, CS03, CS12, CS13, CS18, CS19, CS20, CS21, CS26 and CS32. It sets out a broad range of issues to consider, and questions that should be asked in assessing the quality of development proposals, but it does not set out any new policy or proposal, or detail criteria that must be met.

2.3 Possible Effects of the Design SPD

The Design SPD covers a large subject matter covering a broad range of disciplines. The range of possible effects is therefore huge, and it would not add value to this screening process to attempt to document them.

However it is possible to state that the primary effect or impact of the SPD will be the enhancement of the quality & sustainability of new development. It is also possible to identify three key characteristics of the document that help to reach a conclusion regarding its potential to have a significant effect on Natura 2000 sites. These are:

- It is a primarily a guidance document that seeks to improve the quality and sustainability of development proposals in relation a range of design related issues
- It does not present polices or proposals, and serves only to expand on existing policies with Plymouths LDF Core Strategy. These policies have already been subject to Habitat Regulations Assessment
- It provides detailed guidance on how biodiversity should be considered as an integral part of the design process. This increases the likely hood of the Core Strategy policy CS19 being implemented effectively and therefore provides greater protection for the Natura 2000 sites

On the basis of these three characteristics the Council feels that the Design SPD alone is not likely to have a significant adverse effect on any European site.

In considering whether the document could work in combination with the other plans and programmes a similar conclusion of no significant adverse effect is reached. The plan is specifically designed to work in combination with the Core Strategy, which has already been subject to HRA.

2.4 Conclusions – Habitat Regulations Assessment - Screening Stage

PCC's Design SPD is a guidance document that sets out to improve the quality and sustainability of new development within the city. It does not present any policies or proposals, and serves only to provide greater clarity about the council expectations in relation to existing policies within the LDF Core Strategy. The Core Strategy has already been subject to a Habitats Regulations Assessment. On this basis Plymouth City Council have concluded that the **will be no significant adverse impact on the integrity of the Natura 2000 sites as a result of Design SPD.**

Appendix 1: Summary of conclusions from Core Strategy Habitat Regulation Assessment

The results of Plymouth LDF Core Strategy Habitat Regulation Assessment are summarised as :

Screening the potential impacts of Plymouth's LDF Core Strategy against the local Natura 2000 sites qualifying features identified the following potentially significant adverse impacts:

- Water quality impacts at Plymouth Sound & Estuaries SAC, Tamar Estuaries Complex SPA & Dartmoor SAC
- Recreational disturbance impacts at South Dartmoor Woods SAC, Dartmoor SAC, Plymouth Sound & Estuaries & Tamar Estuaries Complex SPA
- Biological Disturbance impacts from shore crab fishery & bait digging at Tamar Estuaries Complex SPA
- Impacts linked to water abstraction at Plymouth Sound & Estuaries SAC, Tamar Estuaries Complex SPA, Dartmoor SAC & South Dartmoor Woods SAC,
- Impacts linked to air quality changes at South Dartmoor Woods SAC & Dartmoor SAC
- Cumulative impacts of habitat loss associated with numerous small scale land claim events within Plymouth Sound & Estuaries SAC & Tamar Estuaries Complex SPA

Screening the LDF Core Strategy's objectives & policies against the above sites and potential impacts (identified the following statements that may cause *'Possible adverse effect on the Natura 2000 sites'*:

- SO1 Delivering Plymouth's Strategic Role
- AV2 Millbay & Stonehouse
- CS12 Culture & Leisure Considerations
- CS25 Provision for Waste Management
- SO14 Delivering Sustainable Transport
- CS27 Supporting Strategic Infrastructure Proposals

All of the above will now include within the policy, or the explanatory text, wording that makes it clear any development directed or encouraged by this policy, which is determined to have an adverse affect on the Natura 2000 sites, would not be in accordance with the LDF.

The Core Strategy HRA policy review matrix also identified the following objectives & policies of Plymouth's LDF Core Strategy that are *'Likely to have a significant adverse effect on Natura 2000'*

- SO10 Delivering Adequate Housing
- CS16 Spatial Distribution of Housing Sites
- SO6 Delivering the Economic Strategy
- CS04 Employment Provision

An Appropriate Assessment (AA) scrutinised the role of these policies in driving the full range of impacts noted above. **The AA concluded that subject to the avoidance measures identified below the Plymouths LDF Core Strategy will not cause an adverse impact on the integrity of any Natura 2000 sites.** In addition to the avoidance measures each of these policies also should be accompanied by explanatory text that makes it clear any development directed or encouraged by this policy, which is determined to have an adverse affect on the Natura 2000 sites, would not be in accordance with the LDF.

To avoid a significant adverse impact on the integrity of Plymouth Sound & Estuaries SAC, & Tamar Estuaries Complex SPA, arising from future recreational pressure Plymouth City Council will commit to the following:

- 1. Partnership funding & support for the Tamar Estuaries Consultative Forum.*
- 2. Project funding & support: Provide funding and relevant officer time to support recreation linked actions / projects as identified in Tamar Estuaries Management Plan Chapter 1 and 10. This should include a review and update of Port of Plymouth Area Recreation Study as a priority.*
- 3. Preparation of a Planning Obligations SPD - Plymouth's forthcoming Planning Obligations SPD will include appropriate provisions for negotiating individual contributions towards managing recreational impact within Plymouth Sound & Estuaries European Marine site.*
- 4. Coastal Planning SPD - Inclusion of relevant guidance in relation to shore side development in respect to managing recreational use of surrounding waters.*

To avoid significant adverse impact on the integrity of Plymouth Sound & Estuaries SAC, arising from numerous small land claim events Plymouth City Council will commit to the following:

- 1. Additional explanatory text associated with Policy CS19 that makes clear that the policy relates to the development in inter tidal or sub tidal areas, as well as terrestrial habitats*
- 2. Preparation of a Coastal Planning SPD - Inclusion of relevant guidance in relation to inter tidal & sub tidal development*

The Appropriate Assessment process identified a number of impacts that are not significant but that should be addressed as part of raft of measures to improve sustainability of future DPDs, SPDs and site master plans. These are:

- 1. The importance of promoting water efficient design to minimise demand and moderate the requirement for waste water treatment. This could be pursued through requiring all new and refurbished buildings achieve the requirements of BREEAM and Eco Homes very good standard, or at least level 3 above minimum building standards in the emerging Code for Sustainable Homes. More detailed guidance in relation to requirements for water efficient design should be included in Plymouth's proposed Design SPD.*
- 2. The importance of ensuring that policies such as Plymouth's Core Strategy LDF CS19, CS 20 Resource Use, South West Regional Spatial Strategy Policy G Sustainable Construction, & Policy RE 1 are robustly applied.*
- 3. The need to continue the work identified in 'Charter for Countryside & Seas in and around Plymouth' (2005) to work with Natural England/ neighbouring authorities to plan / manage sustainable recreation at key sites within SE Dartmoor.*