

Habitat Regulations Assessment (HRA) Screening Assessment for the Wheatley Neighbourhood Development Plan

04 SEPTEMBER 2019

INTRODUCTION

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2017, and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance¹, also referred to as Natura 2000.
2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan² (the higher level plan for town and country planning and land use). This Screening Assessment uses the Habitats Regulations Assessment of South Oxfordshire District Council’s emerging Local Plan 2034³ as its basis for assessment. From this, the Local Authority will determine whether the Wheatley Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

LEGISLATIVE BASIS

3. Article 6(3) of the EU Habitats Directive provides that:

“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

4. Regulations 105-106 of the Conservation of Habitats and Species Regulations 2017 state:

¹ Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

² The South Oxfordshire Core Strategy (December 2012) and the South Oxfordshire Local Plan 2011 (January 2006).

³ South Oxfordshire Local Plan Habitats Regulations Assessment Report (March 2019)

“105.—(1) Where a land use plan—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(3) The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.

(6) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 8(1)(c), or

(b) a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).

106.—(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.

(2) In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990 (authorisation to act in relation to neighbourhood areas)(159), as applied by section 38C of the 2004 Planning Act (supplementary provisions)(160).

(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that

purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site's conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.

(4) This regulation applies in relation to England only."

ASSESSMENT

5. The HRA of the emerging new South Oxfordshire Local Plan 2034 used a screening distance of 17km to identify European sites which could be affected by development from the plan. This distance has been subject to consultation with Natural England and reflects the average travel to work distance in the district. As such, the same distance has been applied in this HRA Screening.
6. The following European sites lie wholly or partly within 17km of Wheatley and have been taken into consideration:
 1. Oxford Meadow SAC – approximately 8km (Oxford City)
7. Oxford Meadow is designated as a SAC for its lowland hay meadows and creeping marshworts.
8. The main pressures and threats to this site include the impacts of hydrological changes and the invasive species of *Crassula* upon creeping marshwort.
 2. Cothill Fen SAC – approximately 11km (Vale of White Horse District Council)
9. Cothill Fen is designated as a SAC for its calcium-rich, spring fed fens and alder woodlands on floodplains.
10. The main pressures and threats to this site include the impact of water pollution and hydrological changes, as well as air pollution and the impact of atmospheric nitrogen deposition upon the calcium-rich water-fed fens.
 3. Little Wittenham SAC – approximately 12km (South Oxfordshire District Council)
11. One of the best-studied great crested newt sites in the UK, Little Wittenham comprises two main ponds set in a predominantly woodland context (broadleaved and conifer woodland is present). There are also areas of grassland, with sheep grazing and arable bordering the woodland to the south and west. The River Thames is just to the north of the site, and a hill fort to the south. Large numbers of great crested newts *Triturus cristatus* have been recorded in the two main ponds, and research has revealed that they range several hundred metres into the woodland blocks.
12. The main pressures and threats to this site include the impacts of public access and disturbance, and invasive fish species upon great crested newt.

With regard to the types of development that may be brought forward in the Local Plan, visitor disturbance could impact the site.

4. Aston Rowant SAC – approximately 14km (South Oxfordshire District Council)

13. Aston Rowant is classified as SAC because it supports one of the largest remaining populations of juniper in lowland Britain. It is selected as an example of juniper formations on the chalk in the south east of England. At this site juniper is present as part of a mixed scrub community but also occurs as isolated bushes in chalk grassland. In common with most lowland populations of juniper, successful reproduction and survival of new generations of bushes is extremely rare and conservation is currently dependent upon significant levels of management intervention. The low level of reproductive success is the main threat to the feature at this site. Aston Rowant also supports Asperulo-Fagetum beech forests although this is not a primary reason for classification as SAC.

14. The main pressures and threats to this site include an unsustainable on-site population, changes in species distribution, disease of juniper as well as the impacts of air pollution and the risks of atmospheric nitrogen deposition upon juniper. Additionally, conflicting conservation objectives threaten beech.

15. As required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the qualifying body (Wheatley Parish Council) provided the required information to enable South Oxfordshire District Council to determine whether the assessment under Regulation 105 is required. Consideration has been given to the potential for the development proposed by the neighbourhood plan to result in significant effects associated with:

Physical loss of/damage to habitat;

16. Any development resulting from the Neighbourhood Plan will be located within the neighbourhood area. There are no European sites within the Neighbourhood Plan area, therefore loss of habitat from within the boundaries of a European site can be ruled out in relation to all sites.

17. Loss of habitat from outside of the boundaries of a European site could still affect the integrity of that site if it occurs in an area used by the qualifying species of the site (e.g. for off-site breeding, foraging or roosting). One of the European sites included in this assessment have mobile species amongst their qualifying features that could travel outside of the site to make use of other areas of habitat:

- Long Wittenham SAC; great crested newt.

18. The HRA (Marc 2019) produced alongside the emerging Local Plan 2034 states that great crested newts will travel away from their breeding ponds,

during the terrestrial phase of their lifecycle, but not large distance. 500 metres is considered an appropriate buffer distance inside which great crested newts might be found, from their breeding location. The site listing for Little Wittenham SAC states that great crested newts have been found to range several hundred metres into the site's woodland blocks. Research has found that great crested newts at Little Wittenham SAC migrate within woodland and do not over-winter in the arable farmland. All of the woodland within 500 metres of the ponds at Little Wittenham SAC is within the SAC boundary. Therefore potential loss of or damage to off-site habitats associated with Little Wittenham SAC can be screened out of further assessment.

Non-physical disturbance e.g. noise/vibration or light pollution:

19. The most recent HRA of the emerging South Oxford Local Plan 2034 (March 2009) states:
'Using a precautionary approach, we have assumed that the effect of noise, vibration and light are most likely to be significant if development takes place within 500 metres of a European site with qualifying features sensitive to these disturbances, or known off-site breeding, foraging or roosting areas.'
20. None of the European sites are within 500 metres of the designated area. Therefore, effects in relation to noise, vibration and light pollution can be screened out of further assessment.

Air pollution:

21. Air pollution is most likely to effect European sites where plant, soil and water habitats are the qualifying feature, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
22. Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 120 (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself.
23. The European sites within 17km of Wheatley that are within 200m of strategic roads are Aston Rowant SAC (M40) and Oxford Meadow SAC (A34, M40). As highlighted above Wheatley is approximately 8km from the Oxford Meadow SAC and 14km from the Aston Rowant SAC.
24. The HRA sets out how SODC commissioned Atkins to model the effects of the Local Plan on traffic flows within the District. The modelling resulted in the HRA concluding that the South Oxfordshire Local Plan will not result in adverse effects on the integrity of Oxford Meadow SAC as a result of air pollution, either alone or in-combination with other plans. In reaching this

conclusion the HRA (March 2019) highlights show previous work undertaken demonstrates that a substantial amount of additional traffic could be accommodated on the A40 without adverse impacts to the integrity of the SAC, including growth from other local authorities. Wheatley is located east of Oxford and Oxford Meadow SAC is located west of Oxford, given the modest scale of the proposed development in the NDP, distance between the Oxford Meadow SAC and Wheatley, the potential impact associated with Oxford Meadow SAC can be screened out of further assessment.

25. In relation to the Aston Rowant SAC the HRA (March 2019) states:

'In light of the above analysis, it is concluded that the ecological effects of the predicted increase in NO_x concentrations and nutrient nitrogen deposition would either be negligible, or that any small effects would be highly unlikely to result in a deterioration in the condition of the qualifying features, and as such it is concluded that the in-combination effects of planned growth would not result in an adverse effect on the integrity of the Aston Rowant SAC.'

26. Therefore, given the modest scale of proposed development in the Wheatley Neighbourhood Plan and distance of the SACs from the proposed development, effects in relation to air quality can be screened out and do not need to be considered further.

Increased recreation pressure; and

27. The most recent HRA of the emerging South Oxford Local Plan 2034 (March 2009) states:

'Natural England's Site Improvement Plans record the threats and pressures relevant to each European site. Public access or disturbance are not identified as current threats or pressures at the following sites, despite their lying close to large settlements: Aston Rowant SAC, Hartslock Wood SAC, Cothill Fen SAC, and Oxford Meadow SAC.'

28. The HRA of the emerging South Oxfordshire Local Plan 2034 sets out that the potential for effects depends upon the scale of development proposed and the features for which the site is designated. However, as a conservative estimate, it is assumed that any development within 7 km of a sensitive site could have impacts due to recreation. Where site specific information indicates that development beyond 7 km could produce recreation impacts, this will be taken into account; for example at Little Wittenham SAC, where development in the eastern fringes of the Vale of White Horse District could be relevant.

29. Wheatley is approximately 12km from Little Wittenham SAC, which is part of a larger site managed by the Earth Trust as a nature reserve. The areas which are most important to the population of great crested newts (GCN) have restricted access which is designed to prevent conflicts between the visiting public, the newts and their habitat.

30. The increased visitor levels which are likely to occur as a result of the modest increase in population in Wheatley may result in increased pressure on the habitats on the reserve as a whole. However, due to restricted access to the areas where newts are primarily found, the increased visitor numbers will be concentrated onto other habitats on the reserve. These habitats are not related to the primary reasons for the selection of the SAC.
31. Great crested newts are not believed to be particularly sensitive to human disturbance provided their breeding ponds are not affected and their primary terrestrial habitat and hibernacula are not adversely affected. Provided controls on access to the most sensitive areas are maintained (i.e. ponds and hibernacula are not disturbed) there is no reason to believe that there would be any significant effect on the integrity of the site or the primary reason for the selection of the site.
32. Therefore, likely significant effects in relation to visitor pressure and the impact of recreation can be ruled out and do not need to be considered further.

Changes to hydrological regimes

33. European sites at which aquatic or wetland environments support qualifying features have the potential to be affected by changes in water quantity or quality. The European sites close to Wheatley are:
- Cothill Fen SAC: has calcium rich springwater-fed fens that have been identified as sensitive to water pollution and hydrological changes.
 - Oxford Meadow SAC: lowland hay meadow, identified as sensitive to hydrological changes.
 - Little Wittenham SAC: its ponds support great crested newts, but changes to water quality or quantity have not been identified as an issue at this site – the site has therefore been screened out.
34. The types of development that have the potential to affect water quality / quantity or flow regimes at sensitive European sites are residential or employment development that would involve significant increase in demand for water supply and treatment, and infrastructure development that requires significant excavation in proximity to watercourses or groundwater.
35. The scale of development proposed in the Wheatley Neighbourhood Plan is modest; therefore, likely significant effects in relation to water quality and quantity can be screened out and does not need to be considered further.
36. The Council has considered the HRA of the emerging Local Plan (March 2019) in respect of the potential in combination effects of the proposals in the Wheatley Neighbourhood Plan. As the South Oxfordshire Local Plan 2034 covers the period from 2011 to 2034, the quantum of development proposed in the Local Plan includes some completed and committed development

(Committed development includes sites under construction, with planning permission, made neighbourhood plan allocations and allocations carried forward from the Local Plan 2011 and Core Strategy). The policies that enabled those developments to be permitted have already been subject to HRA as part of the Core Strategy, Local Plan 2011 or as part of the HRA for the relevant NDP. Paragraph 5 to 35 of this assessment has considered how the development proposed in the Wheatley Neighbourhood Plan is unlikely to have significant effects on Natura 2000 sites. Given the modest scale of development proposed and having regard to conclusions of paragraphs 5 to 35, it is considered that the development proposed in the Wheatley Neighbourhood Plan is not likely to give rise to significant in combination effects.

CONCLUSION

37. All of the designations are outside of the built-up area of Wheatley. None of the designations are located within the NDP designated area, with the closest (Oxford Meadow SAC) approximately 8km from the built up area of Wheatley.
38. The Wheatley NDP is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans or projects, therefore, an Appropriate Assessment for the Wheatley NDP is not required.

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On behalf of Head of Planning

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