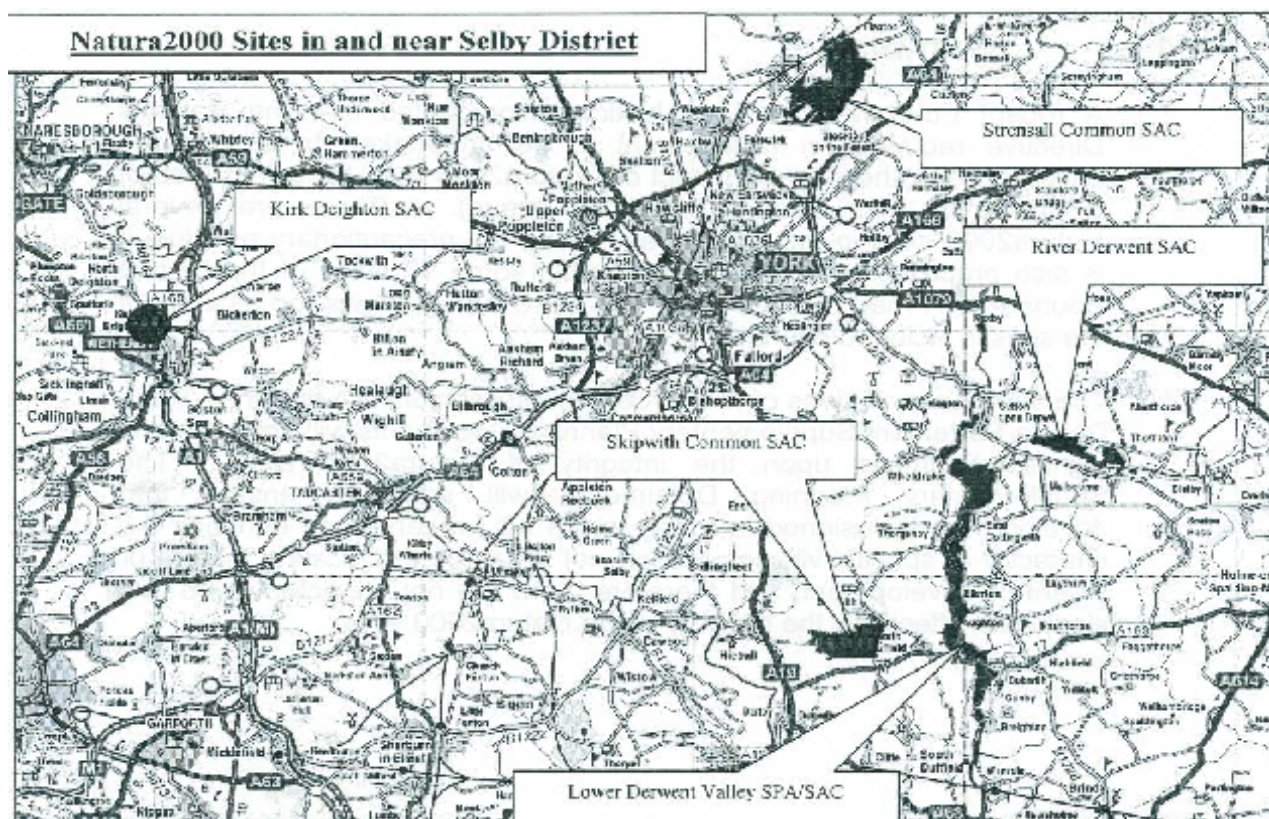


Habitat Regulations Screening Assessment for the Draft Affordable Housing Supplementary Planning Document July 2013

1. Summary

- 1.1 There are several Natura2000 sites in the District, and using the precautionary principle it is also proposed to consider sites within some 10 miles of the District Boundary. A map of the District and surrounding area showing the location of the sites is included below.
- 1.2 The overall conclusions of the screening assessment are that the Affordable Housing Supplementary Planning Document (AHSPD) will not have any significant effects upon the integrity of Natura2000 sites. Supplementary Planning Documents do not form part of the statutory development plan but provide guidance on implementing adopted policies. The AHSPD will seek to ensure that affordable housing is negotiated as part of planning applications, but will not itself influence the principle, location, nature or extent of development, and therefore there are not predicted to be any significant effects on the integrity of the Natura2000 sites. The AHSPD does not propose any additional policy context over and above what is outlined in the statutory plan.



2. Introduction

- 2.1 The Habitats Directive¹ requires a Habitats Regulations Assessment (HRA) to be undertaken for plans and projects that are likely to have a significant effect, alone or in combination with other plans and projects, on one or more European sites (Special Protection Areas – SPAs and Special Areas of Conservation - SACs). This requirement is transposed into UK law via the Conservation of Habitats and Species Regulations 2010 (as amended 2012). The requirement to carry out a Habitats Regulations Assessment extends to all Supplementary Planning Documents as they are Local Development Documents.
- 2.2 The first stage of an assessment under the Habitats Regulations is to determine if the Supplementary Planning Document is likely to have a significant effect on the integrity of the conservation objectives of Natura 2000 sites. If a significant effect is likely to occur as a result of implementing the Supplementary Planning Document then an Appropriate Assessment will be necessary.
- 2.3 An Appropriate Assessment identifies any adverse effects on the integrity of a SPA or SAC and, if it is necessary, identifies mitigation measures which will reduce (ideally eliminate) those effects. If effects cannot be reduced sufficiently then the assessment will conclude that an adverse effect on integrity will occur. If the proposer of a plan or project wishes it to go ahead, then a case for Imperative Reasons of Overriding Public Importance (IROPI) has to be made to the Secretary of State, and compensatory measures determined.
- 2.4 The following guidance has been followed in undertaking the Habitats Regulations Assessment (HRA):
- *Planning for the Protection of European Sites: Appropriate Assessment* (Draft, DCLG, 2006)
 - *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites* (European Commission, 2001)
 - *Habitats Regulations Guidance Notes 1, 3 and 4* (English Nature 1997, 1999 and 2001)
 - *The Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations* (David Tyldesley and Associates for Natural England, 2006)
 - ODPM Circular 06/2005 *Biodiversity and Conservation*
- 2.5 Natural England has been consulted on the screening of the HRA. Their comments will guide the final HRA reporting.

¹ Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) (Directive 92/43/EEC)

3. Details of the Natura2000 sites in Selby District and within 10 miles of the District:

- Humber Estuary SAC, SPA and RAMSAR
- Kirk Deighton SAC
- Lower Derwent Valley SAC, SPA and Ramsar
- River Derwent SAC
- Skipwith Common SAC
- Strensall Common SAC
- Thorne Moor SAC
- Thorne and Hatfield Moors SPA and SAC

3.1 Details (and links to the location maps) of each site including their conservation objectives, are set out at the end of this report in Annex 1.

3.2 The Directive states that the assessment needs to consider whether the plan will have an effect on the site *either individually or in combination with other plans and projects*. This should include "approved but incomplete plans and projects", "permitted ongoing activities" and "plans or projects begun/applied for but not yet approved".

3.3 The Supplementary Planning Document will assist in decision making in combination with the following Core Strategy policies: CP5 *Affordable Housing* and CP6 *Rural Exception Sites*. These Policies have been prepared with a HRA already, the findings of which state:

"The remaining policies of the Core Strategy [including CP5 and CP6] were not considered likely to have the potential to affect the Natura2000 sites because:

A) The other policies of the Core strategy contained commitments designed to safeguard the integrity of the Natura2000 sites; or

B) Policies were directed at settlements situated over 5km from the Natura2000 sites; or

C) The policies were concerned with aspects of development that would not lead to any impacts on the integrity of the Natura2000 sites."

(extract from: *Assessment based on Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC Screening for Appropriate Assessment* 4 February 2010. Prepared by Waterman Environmental for the Selby District Core Strategy).

3.4 It is not considered that the AHSPD will work in combination with any other plans or strategies, other than Policy CP5 or Policy CP6. This is because the AHSPD sets out only the mechanism for applying these policies. (Policies CP5 and CP6 themselves will work alongside other plans and strategies (and Core Strategy policies) but this will be *before* the AHSPD is used).

4. Options

4.1 Draft Government guidance² requires the assessment under the Habitats Regulations to assist in selecting the options which will form the basis for SPDs. Guidance states that it would be inadvisable to pursue an option that is likely to have significant adverse effects on a Natura2000 site.

Two options were selected for the assessment of the AHSPD:

- Option 1: No SPD
- Option 2: Produce SPD to guide the implementation of Policy CP5 and CP6

4.2 As the soon to be adopted³ Policies CP5 and CP6 to which the AHSPD relates can be considered to not have any significant effects on the integrity of the Natura2000 sites, subject to the mitigation measures included, it can be concluded that not producing an SPD (Option 1) would also not have any significant effects.

4.3 An assessment of Option 2 is set out below. It is important to remember that the AHSPD only considers the implementation of affordable housing negotiations, and not the location nor principle of affordable housing.

Assessment of Option 2: Produce SPD to guide the implementation of Policy CP5 and CP6

Management of the Site	
Is the proposal directly connected with or necessary to the site management for nature conservation?	No. An assessment must therefore be undertaken to establish whether the plan is likely to have significant effects on Natura2000 sites.
Description of the Proposed Plan	
Location	The AHSPD relates to any negotiations regarding affordable housing as part of planning applications in Selby District
Distance from designated site boundary to plan proposal	Five sites lie within the District Boundary, and three further sites are within 10 miles of the boundary.
Site area (ha)	The area of Selby District is around 60,000ha but the AHSPD will only relate to directly to housing sites coming forward for development, the area of which is not known at this stage
Brief description of proposal	The purpose of this AHSPD is to set out the Council's approach to delivering affordable housing in accordance with the Core Strategy and national policy. It includes the range of approaches, standards and mechanisms required to deliver affordable housing which meets local needs and contributes towards attaining mixed sustainable

² Planning for the Protection of European Sites: Appropriate Assessment (Draft, DCLG, 2006)

³ The EIP has closed and the Inspector has found the Core Strategy legally compliant and sound.

	communities and a balanced housing market. It provides a clear and consistent approach to assist development management officers, the Planning Committee, landowners, developers, applicants, Registered Providers, Parish and Town Council and members of the public in understanding the requirements for the provision of affordable housing on all residential and mixed use development sites in the District.
Projects / plans which might act in combination	Selby District Core Strategy Policy CP5 and Policy CP6
Characteristics of the sites	
Details of the sites' features, vulnerabilities and conservation objectives.	As set out in the tables in Annex 1.
Screening Assessment	
Description of the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the designated sites.	<p>The AHSPD sets out the mechanics of negotiation for affordable housing on planning applications. It will not influence the principle, location, nature or extent of development and is therefore unlikely to have any significant effects on the Natura2000 sites.</p> <p>Any issues of principle/location, nature, scale etc will be established within the context of other policy mechanisms (eg other LDF/Core Strategy policies) <i>before</i> affordable housing negotiations are entered in to. Therefore these cannot be considered <i>in combination</i>.</p> <p>As no significant effects are predicted from the AHSPD in any event, there will therefore be no 'in combination' effects with Policies CP5 or CP6. It is therefore not necessary to examine the possible effects arising from other plans and projects.</p>
<p>Description of any likely direct, indirect or secondary impacts of the plan (either alone or in combination with other plans/projects) on the designated sites:</p> <ul style="list-style-type: none"> • Size and scale; • Land-take; • Distance from the Natura2000 site or key features of the site; • Resource requirements (water extraction etc); • Emissions (disposal to land, water or air); • Excavation requirements; • Transportation requirements; • Duration of construction, operation, decommissioning; • Other. 	<p>The AHSPD sets out the mechanics of negotiation for affordable housing on planning applications. It will not influence the principle, location, nature or extent of development and is therefore unlikely to have any significant effects on the Natura2000 sites.</p> <p>As no significant effects are predicted from the AHSPD in any event, there will therefore be no 'in combination' effects with Policies CP5 or CP6. It is therefore not necessary to examine the possible effects arising from other plans and projects.</p>

<p>Description of any likely changes to the site arising as a result of:</p> <ul style="list-style-type: none"> • Reduction of habitat area; • Disturbance to key species; • Habitat or species fragmentation; • Reduction in species density; • Changes in key indicators of conservation value (water quality etc); • Climate change. 	<p>The AHSPD sets out the mechanics of negotiation for affordable housing on planning applications. It will not influence the principle, location, nature or extent of development and will not therefore lead to any changes to the sites.</p>
<p>Description of any likely impacts on the Natura2000 sites as a whole in terms of:</p> <ul style="list-style-type: none"> • Interference with the key relationships that define the structure of the site; • Interference with the key relationships that define the function of the site. 	<p>The AHSPD sets out the mechanics of negotiation for affordable housing on planning applications. It will not influence the principle, location, nature or extent of development and will not therefore lead to any changes to the sites.</p>
<p>Assessment of significance</p>	
<p>Description (from the screening assessment) of those elements of the plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</p>	<p>There are not predicted to be any significant effects on the integrity of the Natura2000 sites.</p>

5. Conclusion

- 5.1 The AHSPD sets out the mechanics of negotiation for affordable housing on planning applications. It will not influence the principle, location, nature or extent of development. **It is concluded the Affordable Housing Supplementary Planning Document is not likely to lead to significant effects to Natura2000 sites within or close to the Plan area.** It is therefore not necessary to proceed to an Appropriate Assessment of the Affordable Housing SPD.

Annex 1

List of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) sites in Selby District and within 10 miles of Selby District

Maps of all Natura2000 sites can be found at:

<http://www.jncc.gov.uk/page-1458> for SACs, and

<http://www.jncc.gov.uk/page-1400> for SPAs

Site	Broad nature of qualifying Habitat types	Qualifying features	Operations	Potential ecological impacts
Humber Estuary SPA and RAMSAR (flats, marshes and coast) (also possible SAC with no listed qualifying features (EMS)) 15202.5 ha	Estuary	SPA Breeding Little tern, marsh harrier. Wintering Bar-tailed godwit, bittern, golden plover, hen harrier Passage migratory Redshank, sanderling Migratory wintering Gadwall, dunlin, knot, redshank, shelduck, teal RAMSAR Internationally important wetland assemblage: - breeding grey seal - passage, breeding and wintering birds - - internationally important assemblage of approx. 156,000 waterfowl annually	Coastal development (housing, commercial, industry)	Loss and degradation of habitat, (toxic and nontoxic contamination, erosion, fragmentation, sedimentation, etc) impacts on integrity of breeding and wintering population via disturbance (noise, trampling, presence)
			Flood defence	Loss and degradation of habitat, fragmentation, barrier effects, changes in hydrology (flow rate and water level)
			Sewage discharge (domestic and industrial)	Eutrophication, sedimentation changes in turbidity and pH, salinity, indirect effects of reduced water quality on food resources
			Recreation pressure	Impacts on integrity of breeding and wintering population via disturbance (noise, trampling, presence)

Kirk Deighton SAC 4.0 ha	Great crested newt	Great crested newt	Heavy livestock poaching	Physical damage (erosion, habitat fragmentation, siltation)
			Introduction of predatory fish	Biological disturbance
			Agricultural, transport and industrial runoff/discharge water quality)	Non-toxic contamination (nutrient enrichment), physical damage (siltation, fragmentation of habitat), toxic contamination
			Water abstraction	Physical damage (fragmentation of habitat), hydrological change (water level and flow rate)
			Transport industry	Atmospheric pollution and Deposition
Lower Derwent Valley SAC, SPA and Ramsar 915 ha	Lowland meadows, Woodlands and fresh water	<p>SAC Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) (*priority feature) Otter</p> <p>SPA Breeding Corncrake, ruff, spotted crane Wintering Bewick's swan, bittern, golden plover, ruff Migratory wintering Teal</p> <p>RAMSAR Internationally important wetland assemblage: - plants</p>	Coal extraction	Physical loss (removal and smothering), hydrological change (water level and flow rate)
			Flood management and tidal barrage	hydrological change (water level and flow rate), physical damage (barrier effects and habitat fragmentation)
			Domestic and industrial sewage outflow	Non-toxic contamination (phosphorous enrichment)
			Intensive agriculture	Physical loss (removal), physical damage (erosion, habitat fragmentation, siltation from agricultural runoff), toxic contamination of groundwater (sheep dipping), non-toxic contamination (nutrient enrichment)
			Process industry	Non toxic contamination (acidification from sulphur deposition)

		- invertebrates	Alteration of channel structure (canalisation, artificial barriers, etc)	Physical loss and damage (removal of and damage to riverside woodlands, barrier effects and habitat fragmentation), hydrological change (water level and flow rate)
			Water abstraction	Hydrological change (water level and flow rate), physical damage (drying and habitat fragmentation)
			Waste management (landfill)	Physical loss (removal and smothering), nutrient deposition and acidification, hydrological change (water level and flow rate)
			Coal mining	Physical loss (removal and smothering), hydrological change (water level and flow rate)
			Housing development (recreation pressure)	Physical damage (erosion and fragmentation, accidental fires); disturbance of nesting and/or over-wintering birds
River Derwent SAC 411.2 ha	Meadows, Woodlands and freshwater	Watercourses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation. River lamprey, sea lamprey, Bullhead Otter	Flood management	hydrological change (water level and flow rate), physical damage (barrier effects and habitat fragmentation)
			Nutrient enrichment (sewage)	Habitat loss (smothering)
			Siltation (agricultural runoff)	Physical damage (barrier effects, habitat fragmentation), physical loss (smothering)
			Agricultural and industrial outflow (incl. sheep dip)	toxic contamination of water, physical loss damage (barrier effects)
			Alteration of channel	Hydrological change (flow

			structure	rate), physical loss and damage (erosion of silt beds)
			Artificial barriers	Physical damage (barrier effects, habitat fragmentation)
			Water abstraction	Hydrological change (water level and flow rate)
			Waste management	Physical loss (removal and smothering), nutrient deposition and acidification, hydrological change (water level and flow rate)
Skipwith Common SAC 295.2 ha	Moorland and bog	Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths	Scrub invasion	Physical loss (smothering by scrub encroachment)
			Deep coal mining	Physical loss (removal and smothering), hydrological change (water level and flow rate)
			Recreational pressure	Physical damage (erosion and fragmentation, accidental fires)
Strensall Common SAC 569.6 ha	Moorland and bog	Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths	Poor muirburn management	Physical loss (removal), damage (habitat fragmentation), accidental fires
			Lack of scrub management	Physical loss (smothering by scrub encroachment)
			Overgrazing by sheep	Physical loss (removal), physical damage (erosion, habitat fragmentation, nontoxic contamination (nutrient enrichment))
			Recreational pressure	Physical damage (erosion and fragmentation, accidental fires)
			Golf course management	Toxic contamination (herbicides)
Thorne Moor SAC, and Thorn and	Moorland and bog	SAC Degraded raised bogs still capable of natural	Peat cutting	Physical damage (loss), hydrological change (groundwater level and flow

Hatfield Moors SPA SAC: 1909.4 ha SPA: 2449.2 ha		regeneration		rate)
		SPA	Water abstraction	hydrological change (groundwater level and flow rate)
		Breeding Nightjar	Lack of scrub management	Physical loss (smothering by scrub encroachment)
			Recreational pressure	Physical damage (erosion and fragmentation, accidental fires), disturbance (noise, trampling, presence)