



DRAFT
HABITATS REGULATIONS
ASSESSMENT
SCREENING REPORT



Swindon Borough Council
Draft Supplementary Planning
Documents:
Swindon Sustainable Design and
Construction
Backland and Infill
Development



June 2007



HABITATS REGULATIONS ASSESSMENT SCREENING REPORT

Swindon Borough Council Draft Supplementary Planning Documents: Swindon Sustainable Design and Construction Backland and Infill Development

Prepared for: Swindon Borough Council

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1.0 INTRODUCTION

- 1.1 Enfusion was appointed by Swindon Borough Council to undertake Habitats Regulations Assessment (HRA) screening of two Supplementary Planning Documents (SPD): Swindon Sustainable Building Design and Construction; Backland and Infill Development.
- 1.2 Habitats Regulations Assessment is also commonly referred to as Appropriate Assessment (AA) although the requirement for AA is first determined by an initial 'screening' stage undertaken at part of the HRA. This report details the process and finding of the screening stage.

Requirement for Habitats Regulations Assessment

- 1.3 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).
- 1.4 Articles 6 (3) and 6 (4) of the Habitats Directive require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more Natura 2000 sites either individually, or in combination with other plans and projects.¹ In 2007, this requirement will be transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations will require the application of AA to all land use plans – including Supplementary Planning Documents that form part of the Local Development Document suite.
- 1.5 The purpose of AA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity² of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. The scope of the AA is dependent on the location, size and significance of the proposed plan or project.

¹ Determining whether an effect is 'significant' is undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 sites. If an impact on any conservation objective is assessed as being adverse then it should be treated as significant. Where information is limited the precautionary principle applies and significant effects should be assumed until evidence exists to the contrary.

² Integrity is described as the sites' coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

Guidance for Habitats Regulations Assessment [Appropriate Assessment (AA)]

- 1.6 Draft guidance for AA ‘Planning for the Protection of European Sites: Appropriate Assessment’, has been produced by the Department for Communities and Local Government (DCLG, August 2006). The final DCLG guidance is expected spring (2007). A partnership of consultants³ has also prepared guidance (Appropriate Assessment of Plans, August 2007) to assist planning bodies in complying with the Habitats Directive.
- 1.7 Based on the available guidance and emergent practice, HRA is approached in three main stages. This report addresses the first screening stage [1] of the HRA.

Habitats Regulations Assessment: Key Stages	
Stage 1	
Screening	<ul style="list-style-type: none"> ■ Identify international sites in and around the plan/strategy area ■ Examine conservation objectives ■ Identify potential effects on Natura 2000 sites ■ Examine other plans and programmes that could contribute to ‘in combination’ effects
	<ul style="list-style-type: none"> ■ <i>If no effects likely – report that no significant effect.</i> ■ <i>If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to stage 2</i>
Stage 2	
Appropriate Assessment	<ul style="list-style-type: none"> ■ Collate information on sites and evaluate impact in light of conservation objectives ■ Consider how plan ‘in combination’ with other plans and programmes will interact when implemented (the Appropriate Assessment) ■ Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives ■ Develop mitigation measures (including timescale and mechanisms)
	<ul style="list-style-type: none"> ■ <i>Report outcomes of AA and develop monitoring strategies</i> ■ <i>If effects remain following the consideration of alternatives and development of mitigations proceed to stage 3</i>
Stage 3	
Assessment where no alternatives and adverse impacts remain	<ul style="list-style-type: none"> ■ Identify ‘imperative reasons of overriding public interest’ (IROPI) ■ Identify/ develop potential compensatory measures
	<i>Difficult test to pass, requirements are onerous and untested to date</i>

³ Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants.

Consultation

- 1.8 The Habitats Regulations require the plan making/competent authority [Swindon Borough Council] to consult the appropriate nature conservation statutory body [Natural England (NE)]. **NE has been consulted on the findings of this screening report.**

2.0 METHOD

- 2.1 In accordance with the official guidance and current practice, conducting the screening stage of the HRA for Swindon Borough Council's two SPDs involved the following tasks.

HRA Screening Stage: Key Tasks	
<p>Task 1</p> <p>Identification of Natura 2000 sites & characterisation</p>	<ul style="list-style-type: none"> ▪ Identification of European sites both within Wiltshire and in a buffer zone of 15km around the Borough boundary. ▪ Information was obtained for each European site, based on publicly available information and consultation with Natural England where appropriate. ▪ This included information relating to the sites' qualifying features; conservation objectives; vulnerabilities/ sensitivities and geographical boundaries.
<p>Task 2</p> <p>Strategy review and identification of likely impacts</p>	<ul style="list-style-type: none"> ▪ A review of the aims and objectives of the SPDs, and their potential impacts.
<p>Task 3</p> <p>Consideration of other plans and programmes</p>	<ul style="list-style-type: none"> ▪ Consideration, where appropriate of other plans and programmes that may have in-combination effects with the SPDs.
<p>Task 4</p> <p>Screening Assessment</p>	<ul style="list-style-type: none"> ▪ Summary of screening outcomes and recommendations.

- 2.2 As part of this screening process consideration was also given to related HRA work and Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) work being undertaken within Swindon, in neighbouring counties and in the wider region. For example, this included the HRA Screening of the Wiltshire and Swindon Minerals and Waste Development Framework; and the Habitats Regulations Assessment of the Draft Regional Spatial Strategy for the South West (Land Use Consultants, February 2007).

3.0 SCREENING

Task 1: Identification of Natura 2000 sites & characterisation

- 3.1 There are no Natura 2000 sites within Swindon Borough Council boundaries. There are five European sites within a 15km buffer of Swindon's administrative boundary. Detailed information for each designated site is provided in **Appendix 1**.

European Sites within a 15 buffer zone	Designation
North Meadow & Clattinger Farm	SAC
Kennet and Lambourne Floodplain	SAC
Hackpen Hill	SAC
River Lambourn	SAC
Pewsey Downs	SAC

Task 2: Supplementary Planning Document review and identification of likely impacts

- 3.2 A review of the intent of each SPD and the likely impacts of their respective implementation is provided at **Appendix 1**.
- 3.3 The Swindon Sustainable Design and Construction SPD provides guidance for both residential and non-residential development within the Borough, and is characterised by strong environmental protection commitments.
- 3.4 The Backland and Infill Development SPD provides a framework for individual/small scale developments within the envelope of existing settlements. This SPD also directs development to take account of biodiversity interest.

Task 3: Consideration of other plans and programmes

- 3.17 The plans and programmes considered as part of the 'in combination' requirement are outlined in **Appendix 3**. In this context, where the SPDs under consideration are alone considered unlikely to generate significant impacts, and the plans reviewed have strong environmental protection intent, the likelihood of 'in-combination' impacts is significantly reduced.

Task 4: Screening Assessment of Supplementary Planning Documents

- 3.20 In line with the screening requirement of the Habitats Regulations an assessment has been undertaken to identify potential significant impacts of the **Swindon Borough Councils SPDs on Sustainable Design and Construction and Backland and Infill Development** on the integrity of the five Natura 2000 sites which lie within a 15km buffer zone of the Borough's boundaries. This analysis is set out in the **Screening Tables 1 & 2** below. This process was based on:
- The review of the SPDs and their likely impacts;
 - The information gathered on the Natura 2000 sites – **Appendix 1**;
 - An analysis of the potential environmental impacts associated with design, construction, backland and infill development; and
 - The review of other relevant plans – **Appendix 2**.

Effects	plans. In particular, implementation of the SPD should improve the environmental performance of Swindon's major planned housing and industrial developments, lessening the potential for impacts on vulnerable sites.
Significant Effects?	<ul style="list-style-type: none"> ▪ The impacts associated with this SPD should be predominantly positive in environmental terms and support sustainable development targets/ conservation objectives. The requirements of this SPD should also act to mitigate the potential impacts of other plans (e.g. Housing strategy) thereby reducing the likelihood of significant impacts on Natura sites.
AA required?	<ul style="list-style-type: none"> ▪ No AA required.

Habitat Regulations Assessment Screening: Table 2 Backland and Infill – Supplementary Planning Document	
European Sites*	<ul style="list-style-type: none"> ▪ North Meadow and Clattinger Farm SAC ▪ Hackpen Hill SAC ▪ Kennet and Lambourn Floodplain SAC ▪ River Lambourn SAC ▪ Pewsey Downs SAC
* Site characteristics Appendix 2	
Plan Document Description	<ul style="list-style-type: none"> ▪ SPD provides guidance to ensure that backland and infill developments protect and enhance the appearance and amenity of existing residential areas. ▪ Guidance within the SPD expands on Policy DS6 of the Swindon Borough Local Plan (which includes a commitment to environmental sustainability in new development) and the Swindon Design Guide 2006.
Scale/ Duration	<ul style="list-style-type: none"> ▪ By definition SPD deals with development within settlements and their existing boundaries. ▪ Applies to all proposed backland and infill development. Extant until further notice.
Potential Impacts from SPD	<ul style="list-style-type: none"> ▪ This SPD directs the nature and location of development within existing settlements in the Swindon Borough. ▪ Given the relatively limited and piecemeal nature of backland and infill development there is no likelihood that individual and/or cumulative impacts will arise from these developments and impact (e.g. through increases in recreation or potential pollution) on the vulnerabilities of the distant identified Natura 2000 sites. There are no Natura 2000 sites within the Swindon Borough Council area to which this SPD applies.
Risk of Significant Effect?	<ul style="list-style-type: none"> ▪ No risk of significant effect.
Potential Impacts – Other Plans and Programmes*	Key Plans and Programmes: <ul style="list-style-type: none"> ▪ Swindon Borough Local Plan 2006 ▪ Housing Strategy for Swindon 2003-2008 ▪ Swindon Borough Council Local Transport Plan 2006-2011 ▪ Swindon Municipal Waste Strategy 2006-2020 ▪ The Draft Regional Spatial Strategy for the South West 2006-2026
* Details Appendix 3	

Risk from In-combination Effects	<ul style="list-style-type: none"> ■ The key plans relevant to in-combination issues with the SPD (housing, transport, waste) seek to ensure that development occurs in a manner that avoids or reduce risks to the environment and provides mitigation. Overarching policies also provide a strong basis for the protection of European sites within the Borough’s sphere of influence.
Significant Effects?	<ul style="list-style-type: none"> ■ No risk of significant effect.
AA required?	<ul style="list-style-type: none"> ■ No AA required.

4.0 CONCLUSIONS

- 4.1 Extant guidance advises that plans do not require Appropriate Assessment where they clearly would not have a significant effect on European sites. Good examples of plans not requiring AA are those that apply to areas which do not have European sites within or near their boundaries – as at Swindon Borough Council.
- 4.2 In this instance it is also apparent, in particular for the SPD with wider spatial planning and development implications [Sustainable Design and Construction SPD], that the potential impacts arising are largely positive for environmental protection and biodiversity, and effective implementation of this SPD should lead to improved environmental quality in the area.