

North Hertfordshire District Council

Habitat Regulation Assessment

Screening Report

September 2016

Report Prepared by North Hertfordshire District Council

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Screening Determination on need for Appropriate Assessment of the North Hertfordshire Local Plan under the Habitats Directive

1.0 Introduction

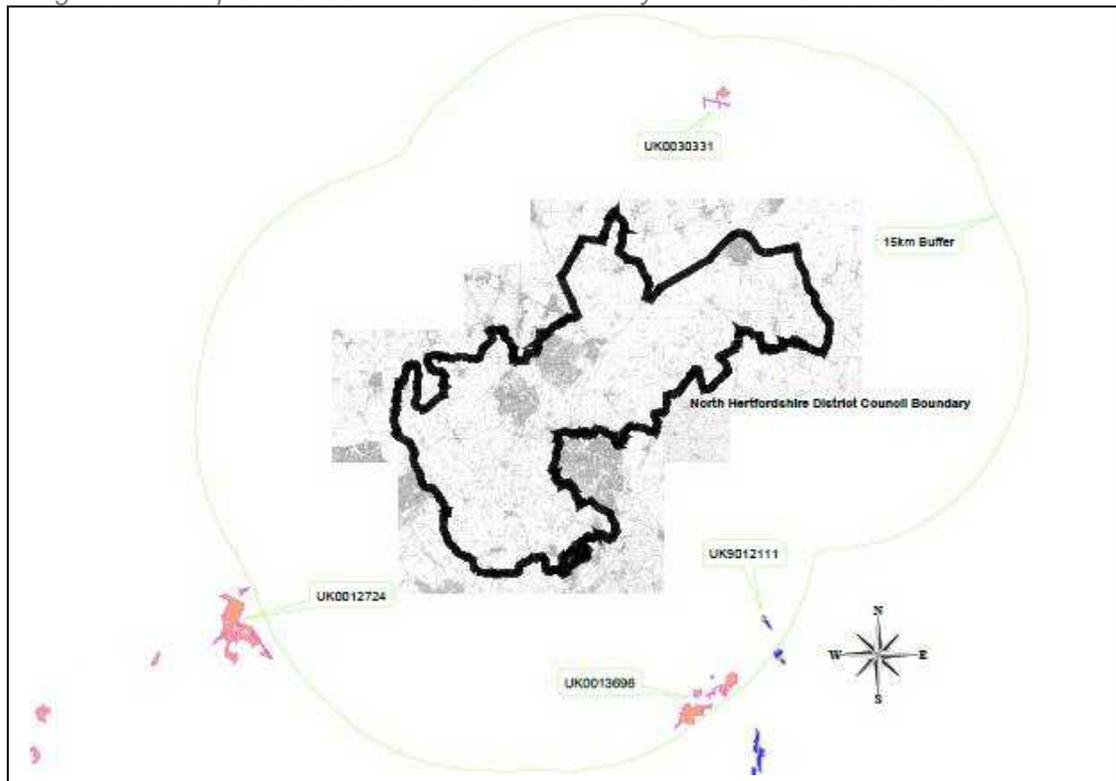
- 1.1 This screening determination has been carried out by North Hertfordshire District Council to assess whether a full Appropriate Assessment is required under the Habitats Directive for the North Hertfordshire Local Plan being prepared by the Council. This screening takes place in two stages:
1. evidence gathering about sites which may be affected by the plans; and
 2. screening to establish whether any effects will trigger a requirement for Appropriate Assessment.

2.0 Evidence gathering

- 2.1 There are no European Sites within North Hertfordshire District.
- 2.2 Whilst there is no specific guidance in relation to the distance to be used in undertaking a screening assessment beyond which it can generally be assumed that there is unlikely to be a significant effect on a European site¹, 15km seems to be an accepted distance. It was also the distance used for work undertaken on the Habitats Directive Assessment of the East of England Plan and has been used by many local planning authorities in screening assessments. A 15km boundary is drawn around the district in Figure 1 below to capture potential European Sites to screen.

¹ This threshold is based on guidance provided by the Environment Agency in *Integrated Pollution Prevention and Control (IPPC) – Environmental Assessment and Appraisal of BAT* (Environment Agency 2002) for major emitters such as large power stations, refineries or iron and steelworks.

Figure 1: European Sites within 15km Boundary of North Hertfordshire



2.3 There are three sites within 15km of North Hertfordshire and one just outside:

- UK0030331: Eversden and Wimpole Woods Special Area of Conservation
- UK0013696: Wormley-Hoddesdonpark Woods Special Area of Conservation
- UK9012111: Lee Valley Special Protection Area
- UK0012724: Chilterns Beechwoods Special Area of Conservation

2.4 For the purposes of this screening assessment only the first 3 sites are considered. Each is discussed in turn.

Eversden and Wimpole Woods Special Area of Conservation

2.5 This site straddles the parishes of Wimpole, Great Eversden and Kingston, Cambridgeshire. At its closest point, the site is located 9.6km north of the North Hertfordshire boundary at Royston.

2.6 The primary reason for the selection of the site is due to the presence of an Annex II species, namely the Barbastelle bat, *Barbastella barbastellus*. Further information on the designation of the site²:

“The site comprises a mixture of ancient coppice woodland (Eversden Wood) and high forest woods likely to be of more recent origin (Wimpole Woods). A colony of barbastelle *Barbastella barbastellus* is associated with the trees in Wimpole Woods. These trees are used as a summer maternity roost where the female bats gather to give birth and rear their young. Most of the roost sites are within tree crevices. The bats also use the site as a foraging area. Some of the woodland is also used as a flight path when bats forage outside the site.”

² From <http://www.jncc.gov.uk/protectedsites/sacselection/SAC.asp?EUCode=UK0030331> accessed 17 Jan 2008.

- 2.7 No Annex I habitats are cited in the designation of this site, nor are there any other Annex II species cited as qualifying but non-primary reasons for site selection.

Wormley-Hoddesdonpark Woods Special Area of Conservation

- 2.8 This site straddles the parishes of Bayford, Brickendon Liberty, Hatfield and the unparished area of Broxbourne, Hertfordshire. At its closest point, the site is located 12.9km south-east of the North Hertfordshire boundary at Codicote.
- 2.9 The primary reason for the selection of the site is due to the presence of an Annex I habitat, Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinus betuli*. Further information on the designation of the site³
- “Wormley Hoddesdonpark Woods in south-east England has large stands of almost pure hornbeam *Carpinus betulus* (former coppice), with sessile oak *Quercus petraea* standards. Areas dominated by bluebell *Hyacinthoides non-scripta* do occur, but elsewhere there are stands of great wood-rush *Luzula sylvatica* with carpets of the mosses *Dicranum majus* and *Leucobryum glaucum*. Locally, a bryophyte community more typical of continental Europe occurs, including the mosses *Dicranum montanum*, *D. flagellare* and *D. tauricum*.”
- 2.10 No Annex II species are cited in the designation of this site, nor are there any other Annex I habitats cited as qualifying but non-primary reasons for site selection.

Lee Valley Special Protection Area

- 2.11 This site comprises several non-contiguous areas along the River Lee or Lea between Ware and east London. At its closest point, the site is located 12.6km approximately east-south-east of the North Hertfordshire boundary at Knebworth.
- 2.12 The site is designated for its importance for migratory birds, notably the Bittern *botaurus stellaris* (an Annex I species) and Gadwall *Anas sterpera* and Shoveler *Anas clypeata* (both Annex II species)⁴.

3.0 Screening

- 3.1 Under Article 6(3) of the Habitats Directive, Appropriate Assessment is required for “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects...”.
- 3.2 Clearly, the document being screened here is neither connected with nor necessary to the management of the sites. The main question therefore is

³ From <http://www.jncc.gov.uk/protectedsites/sacselection/sac.asp?EUCODE=UK0013696> accessed 18 Jan 2008.

⁴ From <http://www.jncc.gov.uk/default.aspx?page=2047> accessed 18 Jan 2008.

whether a 'significant effect' is likely to be caused by the local plan, either individually or in combination with other plans or projects.

Distances for assessment

3.3 Given that there are no sites within North Hertfordshire, assumptions need to be made about the nature of any effects that may be had on the sites identified. In Natural England's opinion there are no agreed thresholds beyond which impacts can be assumed to be insignificant. Impacts on each European site should be assessed on a site-by-site basis, but for the purpose of this assessment, referring back to the methodology used for the Draft Revision to the East of England Plan is a useful starting point. At paragraph 2.3 of that report⁵ the following thresholds were set out:

“200m for road schemes (Highways Agency, 2007)
5km for increases in recreational use as a result of new residential developments (English Nature, 2005); and
10km for IPPC processes other than major emitters referred to above (Environment Agency, 2002)”

3.4 For the Eversden and Wimpole Woods and Wormley-Hoddesdonpark Woods Special Areas of Conservation, the local plan is not proposing any development of the sites nor likely to cause development sufficient close to the sites to have a direct bearing on them. The main effect likely is therefore increased recreational use. Given that both these sites are over 5km from the district boundary, using the methodology above, this is beyond the normal limit for recreational use. Further, North Hertfordshire is well-provided with opportunities for informal outdoor recreation such that there are alternative locations that any increased population may be able to use. Further mitigation will also be achieved through provision of additional greenspace within and as a result of new development in accordance with greenspace standards as set out in the Local Plan. These requirements will be translated into policy in the local plan and serve the existing and additional local population over the plan period and beyond.

3.5 The site at Eversden and Wimpole Woods is just within the 10km threshold for IPPC processes. A 10km buffer from this site covers a thin slice of northern Royston, approximately defined as the area north of a line from the Tesco shop on Old North Road to where the railway crosses the A505. The Local Plan does include some possible allocations of land for development within this area, but these are all for housing development, which does not give rise to an IPPC process. Neither Eversden and Wimpole Woods nor Wormley-Hoddesdonpark Woods were identified as potentially affected sites by the Appropriate Assessment for the East of England Plan.

Lee Valley SPA

3.6 The Lee Valley Special Protection Area is beyond the 5km for recreational use and the 10km for non-major emitting IPPC processes, but adjoins the Rye Meads Waste water Treatment Works (WwTW), which may give a more direct functional relationship with development within the Lea Basin.

East of England Plan and Local Plan Process

⁵ Viewed at <http://goe-consult.limehouse.co.uk/portal/rss/rhda> 18 Jan 2008

- 3.7 Under the requirements of the East of England Plan, development was pre-determined in the Stevenage area. With revocation of the East of England Plan⁶ this requirement no longer existed. As a result of this change and the subsequent decentralisation of the planning system the North Hertfordshire Local Plan is no longer bounded by the East of England Plan and so there is a greater degree of flexibility associated with the spatial strategy and where the council can allocate development.
- 3.8 The Proposed Submission Local Plan identifies strategic and non-strategic sites across the North Hertfordshire administrative area. However, the sites around Stevenage and a small number of sites around Knebworth and Codicote are the only sites that drain into the Rye Meads catchment.
- 3.9 The Appropriate Assessment produced for the East of England Plan is still relevant even if the Plan has been revoked. If anything, it identifies a worst case scenario for the Rye Meads STW and Lee Valley Special Protection Area. The sites around Stevenage (and Knebworth) identified in the Local Plan are of a smaller extent than was previously considered through the East of England Planning process and the associated SNAP document. Therefore any impacts associated with the development of these sites can be viewed as having a lesser impact than has already been considered.

Water Cycle Study (2008)

- 3.10 A Water Cycle Strategy (WCS) was produced to assess the issues of the expansion of Stevenage in greater detail and provide potential solutions and mitigation to support the growth identified in the East of England Plan. Stevenage Borough Council (SBC), in association with other project partners, appointed Hyder Consulting (UK) in April 2008 to produce a WCS for the Rye Meads area. This included the Rye Meads Wastewater Treatment Works (WwTW) catchment and any surrounding areas that could potentially be pumped to it. There was a concern that existing water infrastructure in the area may not have the capacity to handle (or that current investment plans do not make provision for) the increased demands from new development proposed in the East of England Plan.
- 3.11 The WCS set out clear recommendations for the provision of new waste water infrastructure. The study determined that there was sufficient capacity at Rye Meads WwTW to develop up to the 16,000 homes around Stevenage required by the East of England Plan without breaching its current capacity. However, new infrastructure would need to be provided to connect development at Stevenage and further technical work would be required as part of an ongoing process to inform what form this provision should take and where it should be to prevent a negative effect on the SPA.
- 3.12 In conclusion, a series of measures were recommended in Sections 8, 9 and 10 of the WCS, which take the form of generic and stakeholder-specific tasks. This forms a key part of the mitigation which will be important to take forward in the future if these sites are developed. The recommendations include the need for developers, water companies and local authorities to use the WCS report (and associated guidance) as a tool to inform their existing and future decisions and policies, to ensure that new development and major water infrastructure upgrades are in accordance with the strategy.

⁶ From the 3rd January 2013

- 3.13 Also identified was the need for appropriate phasing of development across operational boundaries with water network upgrades being an ongoing process to take into account for future developments. It is suggested that partnership working from the outset will deliver sustainable growth in this area.
- 3.14 As the sewerage network is close to capacity in certain areas of the Rye Meads WwTW catchment, this increases the risk of flooding from sewers during storm events. Thames Water Utilities (TWU) is already proposing upgrades to alleviate capacity issues. It was concluded that the network could be upgraded to create the capacity for all the additional development expected within the catchment past 2021.
- 3.15 It was also reported that there was sufficient land available for the local authorities within the catchment to steer development away from areas of flood risk although the study recommends Surface Water Management Plans are needed in some areas to further understand and mitigate against flood risk from surface water (although not North Hertfordshire).
- 3.16 The WCS identified the possible solutions to the in-combination impacts of the figures in the East of England Plan in combination with implementation of the Water Framework Directive, River Basin Management Plans, Catchment Abstraction Management Strategies and Biodiversity Action Plans. However, following revocation of the East of England Plan, further consideration was needed of in-combination impacts of relevant plans and programmes to ascertain whether this position was still relevant.

Water Cycle Study Update 2016

- 3.17 Accordingly Stevenage Borough Council updated the WCS work for the Stevenage catchment as part of their emerging Local Plan⁷. This was largely based on the fact that the assumptions for the 2009 WCS were viewed as obsolete as a result of the decentralisation of the planning process and revocation of the East of England Plan.
- 3.18 The update recognises that the levels of development anticipated in the 2009 study had not been realised in the intervening period and furthermore, planned levels of future development were also likely to be significantly reduced (as referred to above). The document makes a series of updated development calculations which takes these matters into account with the resulting conclusion that Rye Meads WwTW should have capacity to treat all wastewater arising from within its catchment over the period to 2026 with a reasonable prospect of being able to accommodate demand to 2031
- 3.19 This has significant implications for the local plans of Stevenage and North Hertfordshire. The 2009 study identified that a number of substantial interventions, including new solutions for the treatment of wastewater, would be required. The update demonstrates that the reduction in the scale of development, both locally and across the broader catchment, means that neither the demand nor the economies of scale necessary to support or justify such a significant infrastructure intervention now exist.
- 3.20 Whilst major expansion plans of Rye Meads would have had to accord with HRA requirements, the potential impact of expansion is no longer a key

⁷ Rye Meads Water Cycle Study Review (2015) SBC

consideration going forward and so the potential impact is considered to be less.

- 3.21 This work and the findings of the report were developed in consultation with and endorsed by both the Environment Agency and Thames Water.

Adjoining Local Plans

- 3.22 There are seven districts lying either entirely or partly within the catchment of Rye Meads Waste Water Treatment Works in addition to North Herts, they include Stevenage, East Hertfordshire, Harlow, Welwyn Hatfield, Broxbourne and Epping Forest. Development identified in these authority's local plans could have an effect on both the Rye Meads WwTW and the Lea Valley SPA. It is important that we consider the cumulative effects of development across the whole area, even if we are not responsible for mitigating the effects at the site. The in-combination effects of emerging Local Plans are contained in Appendix 1.

- 3.23 Some districts have not yet decided how much, or where exactly this growth will be located but we can reasonably assume that the plans could have some effect on the Lee Valley SPA. Additionally, development in these other districts may be closer to the WwTW and therefore would require further work on the environmental management of the SPA. There may be future development sites located near to the SPA that might contribute to increased traffic generation, climate change, air pollution or noise nuisance. However, North Hertfordshire is not located near enough to the SPA to contribute directly to such negative effects.

Minerals and Waste Plans

- 3.24 The minerals plan produced by Hertfordshire County Council in 2006 previously identified some necessary mitigation measures as part of the draft consultation and relevant appropriate assessment. However, it is considered unlikely that proposals in the plan will have significant effects on the integrity of the SPA in isolation. Moreover, the plan identified pressures from proposed development, which is already explored. The plan is currently being updated, although the County Council has yet to prepare a draft plan, only options and site assessment methodology.
- 3.25 The minerals plan produced by Essex County Council in 2009 identifies a number of options for mineral extraction. The plan identifies broad search locations which will require further investigation. Appropriate assessment for the plan will need to be developed in detail if the options considered lie to the west of the County, within the reach of the Lee Valley SPA.
- 3.26 Hertfordshire County Council has produced Waste Core Strategy and Site Allocations documents. These documents concluded that works to improve waste management at Rye Meads Sewage Treatment Works or the North East Hoddesdon Industrial Area could lead to changes in water levels and/or a reduction in water quality at the SPA site. The summary assessment outlines mitigation measures but ultimately states that sites with a negative impact (or in combination impact) on the SPA would need to be removed from the selection process.

Transport Plans

- 3.27 There is also a potential need to consider other transport plans and programmes. Major road widening works by the Highways Agency include schemes to widen the M11 and M25. These routes fall within the catchment for Rye Meads, although not at the SPA. The effects that these schemes could have on the catchment could affect flows into the SPA. The area could be affected through reduced air quality but as our plan will not contribute to these negative effects we do not need to consider the in combination effect of these impacts.
- 3.28 Impacts of other plans and programmes are summarised in the table 1 below:

Table 1: Impacts of other Plans and Programmes

| Environmental management of the site | Possible impacts |
|---|--|
| No direct loss of habitat | New development within all of the local authorities may require development of additional capacity at Rye Meads that could result in harm to the SPA. |
| No increase air pollution | |
| No change to structural diversity | Increased recreational access to the SPA might increase wave action or displace slope integrity. Increase to Rye Meads capacity will cause sewer flooding during storm events. An increase in atmospheric pollution and links to climate change could affect the structural diversity of the SPA in the long term. |
| No harm to water quality | Waste from new development may result in Environmental limits / existing Environment Agency consents being exceeded at the Rye Meads STW. |
| No adverse impact on water levels | Development in areas close to the SPA could increase water run off speeds and abstraction and alter drainage patterns. Increased traffic generation locally could lead to atmospheric pollution Increased traffic generation and road building increase water run off speeds and alter drainage patterns. The improvement of waste management at the Rye Meads Sewage Treatment Works could affect water quality and levels |
| No change to sediment levels | Faster drainage into the SPA could alter sediment levels. |
| Management of recreational activities to minimise disturbance | Additional recreational activities due to higher demand and improved access could have an adverse impact. Noise nuisance to breeding species and habitat disturbance could affect the SPA |

- 3.29 The key issues for the sites in North Hertfordshire that drain into the Rye Meads catchment is their potential contribution to habitat reduction, reduction in water levels and reduction in water quality as set out in Table 2 below.

- 3.30 The quantity of development in North Hertfordshire adjoining Stevenage has not increased from what was identified in the East of England Plan as major development to the North and North East and West of Stevenage has been discounted.
- 3.31 As a result it would appear that the potential expansion of the Rye Meads WwTW to meet increased demand is no longer a potential indirect impact of the North Herts Plan. The Water Cycle Study and subsequent update has identified solutions that can mitigate the issues associated with the scenarios they tested as identified in Table 2 below.

Table 2: In combination effects of relevant plans

| Possible in combination impacts | Explanation | Proposed Mitigation |
|--|--|---|
| Habitat reduction and disturbance | Development of homes and employment within catchment is unlikely to require extensions to the Rye Meads WwTW up to 2026 and a reasonable prospect of accommodating growth up to 2031 | <p><i>Local Plan mitigation</i> Development areas are split between 2 catchments</p> <p>Development within Rye Meads catchment to be phased allowing incremental, planned off site changes for supply and waste services (infrastructure capacity issues)</p> <p>Alternative supply and waste sites to be considered for post 2021 period.</p> <p><i>External mitigation</i> Onsite management of SPA</p> |
| Water quality | Nutrient balance could be affected if abstraction occurs during periods of low flow. Higher quality standards in the future could affect water courses which presently only just meet quality Directives | <p><i>Local Plan mitigation</i> Ensure development only occurs where sufficient water levels / supply is available.</p> <p><i>External mitigation</i> Ongoing monitoring for WFD and resultant series of RBMP's will ensure that developers monitor quality</p> |
| Water levels | Over abstraction for new supplies will lower into SPA. Breach of capacity limits at Rye Meads will cause sewer flooding during storm events. | <p><i>Local Plan mitigation</i> Ensure development only occurs where sufficient water levels / supply is available. Ensure that alternative waste water treatment solutions are adopted for post 2021 period.</p> <p><i>External mitigation</i> Retaining water through periods of high flow will compensate for periods of low flow and support water supply for new homes.</p> |

- 3.32 The identified solutions will mean Rye Meads STW can operate within the current footprint and environmental limits and without harm to the SPA. The WCS and update recommended that development within the catchment will not have a significant impact on the European Site if the recommendations are followed and the update identifies that capacity within consents exists up to 2026 and beyond.

4.0 Recommendations for the Local Plan

- 4.1 All new development will be required to satisfactorily demonstrate that it can be delivered within the water resource and water quality constraints identified in the water cycle study (WCS). The WCS makes a number of recommendations for measures which need to be implemented to ensure that growth can be delivered without significant environmental effect, including adverse impacts on designated sites.
- 4.2 The update to the WCS has illustrated that the Rye Meads WwTW would appear to have the potential to achieve sufficient hydraulic treatment capacity across the current plan period. TW have similarly confirmed there would be sufficient volumetric capacity within the current discharge consent for future growth, even well beyond the 2026 growth horizon.
- 4.3 Taking into consideration the findings and recommendations of the WCS and its update , new development will need to demonstrate that the following can be achieved without significant environmental impact, including adverse effects on designated sites:
- additional potable water supply requirements can be met
 - waste water from new developments will not exceed available treatment capacity and any necessary upgrades to WwTW/infrastructure can be achieved and will be implemented ahead of development
- 4.4 In addition, relating to green space there will be a requirement to:
- include a policy which sets out green space standards in accordance with identified evidence to ensure suitable mitigation for possible recreation impact on designated sites.

5.0 Conclusion

- 5.1 Under Article 6(3) of the Habitats Directive, North Hertfordshire District Council believes that either individually or in combination with any other plans or projects, the Local Plan is not likely to have significant effects on any European Sites. As such, the Council believes that no appropriate assessment under the Habitats Directive is required.

Appendix 1: In Combination effects of relevant Local Plans

| Local Authority | East of England Plan Housing Target 2011-2031* | New Housing target | HRA Status | Impact on Lee Valley SPA | Other Comments / Next steps |
|--------------------------------------|--|--------------------|--|--|--|
| North Hertfordshire District Council | 19,200 | 16,550 | Screening opinion | Under Article 6(3) of the Habitats Directive, North Hertfordshire District Council believes that either individually or in combination with any other plans or projects, the Local Plan is not likely to have significant effects on any European Sites. As such, the Council believes that no appropriate assessment under the habitats directive is required. | Proposed Submission consultation October 2016. |
| Stevenage Borough Council | 7,900 | 7,600 | Screening Report accompanying Proposed Submission | The screening opinion concludes that, with the inclusion of the changes in, the Local Plan for Stevenage is not likely to have a significant effect on a European Site, either alone or in combination. | Submission to Government July 2017 |
| East Hertfordshire District Council | 13,900 | 15,000 | Screening Report Undertaken for Issues and Options stage | <p>Clarification should be made as to how waste water and sewerage issues arising from proposed growth will be dealt with; specifically where this will take place, how the infrastructure requirements will be met and how this will be delivered in a timely manner.</p> <p>This is likely to require a commitment to engage with the Environment Agency and Thames Water at the earliest possible opportunity.</p> <p>Clarification as to the ability to meet water resource requirements to support development, so that it can be concluded that adverse impacts on</p> | Proposed Submission consultation October 2016. |

| | | | | | |
|----------------------------------|--------|-----------------------------|---|---|---|
| | | | | the Lee Valley SPA and Ramsar sites will be avoided. | |
| Welwyn Hatfield District Council | 10,300 | 12,500 | Screening Report alongside Emerging Core Strategy options | Development beyond the plan period should not be undertaken unless proven water efficiency savings and/or sufficient water resources are in place to ensure that there are no significant adverse effects on the Lee Valley SPA / Ramsar. | Proposed Submission Consultation September 2016 |
| Broxbourne Borough Council | 5,100 | 6,800 | N/A | N/A | Draft Local Plan being consulted on July 2016 |
| Epping Forest District | 3,200 | Unknown 7000 – 10,400 | N/A | N/A | Consultation on issues and Options took place in July 2012 |
| Harlow District Council | 24,500 | 6,400 | HRA included within Sustainability Appraisal – brief screening report | No impacts identified, too early in the process. | Issues and Options Core Strategy produced 2011 does not offer any alternatives to the 16,000. |
| | | | | | |

* figures taken from draft Revision to the East of England Plan (March 2010)