

**SR4: Suggested Alternative Policy Wording for the Panel**  
**12<sup>th</sup> May 2009**

## **Safeguarding the Integrity of European Sites**

The West Midlands, neighbouring regions and Wales contain a number of sites designated for their international importance for nature conservation (see the Quality of the Environment – Assets map and Annex F). Enabling the West Midlands to grow sustainably without adversely affecting the integrity of European sites is of primary concern to the WMRSS.

A Habitats Regulations Assessment (HRA) has been carried out on the WMRSS Phase Two Revision to comply with the provisions of the Habitats Directive, including an Appropriate Assessment of the implications of the WMRSS Phase 2 Revision for European sites. Where relevant, this HRA's recommendations are referred to and appropriate mitigation measures included in this and other chapters of the WMRSS.

Policy SR4 sets out a policy approach to ensure the conservation and the enhancement of European sites. SR4 provides the highest level of protection for European sites and takes the precautionary approach, in accordance with the Habitats Directive and Regulations.

### **Land Use Change**

Populations of mobile species are not necessarily restricted to European sites and can rely on considerable supporting habitat outside of the site in order to meet their needs. Supporting habitat may be located adjacent to a site or some distance away from it. Changes in land use and hydrology, even considerable distances away from European sites, can affect the quality of this supporting habitat because of changes to water cycles, levels of disturbance and pollution. Bats, for example, may range over a considerable distance to forage for food. It is therefore important in order to maintain the bat population that habitats outside of the designated roost sites are able to sustain sufficient food to support the bats.

Changes in land use can also cause habitat fragmentation. Fragmentation of wildlife habitat caused by human activity is a major contributor to the loss of biodiversity across the country. It reduces the total habitat area available and isolates species populations. The WMRSS Phase Two Revision HRA identified specific concerns in relation to changes in land use from new development that could potentially impact on the supporting habitat required by bats resident at the Wye Valley Woodland SAC and the Wye Valley and Forest of Dean Bat Site SAC.

### **Improving Air Quality**

Despite air quality in the region improving over recent years, future trends in oxides of nitrogen (NOx) emissions and other air pollutants are uncertain. Within and beyond the region, there are existing issues in relation to air

quality and its impact upon people's health and natural habitats. Together with climate change, diffuse air pollution can cause significant and long term changes to ecosystems.

The HRA identified a risk that current levels of diffuse air pollution could be having an adverse impact on thirteen European sites. These sites have reached thresholds beyond which further pollution could damage their integrity and their ability to support the features for which they are designated. Future development and increases in associated traffic movements would exacerbate the problem.

In accordance with the objectives of the National Air Quality Strategy, which sets out the long term vision for improving air quality in the UK, further national objectives are to be developed to strengthen the protection of environmental ecosystems of high conservation value. In accordance with this the WMRSS seeks to improve air quality, minimise the emissions of key pollutants and address the key ecosystem impacts through the planning process.

In addition to the risks from diffuse air pollution, the HRA has identified a specific local air pollution issue for Cannock Chase SAC due to increases in road traffic. The relevant LPAs should work together to consider the local air quality impacts from increased road traffic in order to ensure that new development does not exacerbate the risk to the integrity of the Cannock Chase SAC.

### **Securing a Sustainable Supply of Water**

Ensuring appropriate water levels and/or flows are important factors in maintaining the integrity of many European sites. Abstractions from rivers, lakes and ground waters have the potential to reduce both water inputs and flows in European sites. Reduced flows may have an adverse impact on the interest features for which the sites are designated with possible implications for the integrity of sites and the Natura 2000 network as a whole.

The HRA identified uncertainties in relation to water supply for the River Wye SAC and the Severn Estuary European sites and therefore recommended that a precautionary approach should be adopted. The uncertainty arises mainly from ongoing work in relation to the Environment Agency's Catchment Management Abstraction Strategies, Restoring Sustainable Abstraction programme, the Review of Consents under the Habitat Regulations and future requirements under the Water Framework Directive. Conclusions arising from this work may result in changes to assumptions made by water companies in their Water Resource Management Plans. Local authorities should undertake Water Cycle Studies and seek early advice from relevant water companies, the Environment Agency and the HRA statutory consultation bodies in order to inform options for development.

Local authorities should encourage the best practicable water efficiency and management measures to be used within new developments as these can

help to reduce pressure on natural resources and help to minimise impacts on European sites.

### **Maintaining Water Quality**

Many European sites are already adversely affected by poor water quality. In the West Midlands, increasing urbanisation and the development of land are significant factors affecting water quality. Key regional pressures on water quality include nutrient loading (eutrophication) associated with sewage discharges and agricultural sources, contaminants from surface water run-off, concentration of pollutants in rivers due to low flows and occasionally pollution associated with flooding.

The HRA identified the potential for water quality issues from development for the River Mease SAC, River Wye SAC and the Severn Estuary European sites. This related to the conclusions of the Review of Consents process in combination with the lack of clarity over the specific capacity constraints at individual waste water treatment works, drainage area networks and also a lack of understanding of the capacity of sewage treatment works in relation to the Severn Estuary sites.

In addition, in many areas, excessive surface water flowing to drains can create most of the significant flooding and water quality incidents. Local authorities should promote the use of sustainable drainage systems (SuDS) to reduce any adverse effects from surface water run-off on European sites.

### **Disturbance from Recreation and Tourism**

The Region contains numerous sites of great value to tourism and recreation, with some open areas, such as Cannock Chase, attracting more than 1 million visitors per year. Recreational activities can cause disturbance to wildlife. In some cases physical damage to the habitat at European sites contributes further to impacts on breeding bird populations, as in the South Pennine Moors.

The HRA identified a potential issue in relation to the impact of increased recreation on Cannock Chase SAC. Cannock Chase District Council and Stafford Borough Council together with other relevant authorities should work closely together to ensure a co-ordinated approach, and work with Natural England and the AONB partnership to identify and implement appropriate mitigation measures.

### **Additional Mitigation Measures**

The HRA of the WMRSS Phase Two Revision concluded that if mitigation measures were implemented correctly and the precautionary approach applied, there would be no adverse effects on European sites. However, much of the WMRSS' implementation (including the more locationally specific distribution of housing allocations) will be determined through local plans and

projects. It is vital therefore that the requirements of the Habitats Directive and Regulations are met in relation to such plans and projects.

Local authorities and other plan makers should avoid in the first instance and mitigate, where necessary, all potential or identified adverse effects on European sites, both within and outwith their Plan area. Local authorities will need to demonstrate at a DPD examination that they have attempted to avoid or mitigate for any adverse effects through the testing of alternative development distributions or other approaches. If adverse effects cannot be prevented then this will require flexibility in the allocation and quantum of development.

#### **Policy SR4: Safeguarding the Integrity of European Sites**

**A. All plans and programmes prepared by local authorities, and other relevant agencies, should give the highest level of protection to sites of international nature conservation importance (European sites<sup>1</sup>). Local authorities and other plan makers should therefore ensure that they:**

- (i) test plan alternatives as part of the process of preparing LDDs. In particular, when deciding on how to distribute housing allocations under policy CF3 Table 1, a local authority should consider alternative distributions within its area or appropriate adjacent areas;**
- (ii) demonstrate at examination that they have avoided adverse effects through testing distribution and phasing options. If adverse effects cannot be prevented, the local authority will need to show it has mitigated any impacts so that no adverse effect on the integrity of any European site will occur (alone or in combination with other plans and projects). In exceptional circumstances, if it is concluded that the only means of avoiding an adverse impact on the integrity of a European site is to reduce the housing allocation to a lower level than that set out in Policy CF3 Table 1, then the figure agreed by an Inspector at a DPD examination should be treated as the housing allocation.**

**B. In relation to Land Use Change issues identified by the HRA, local authorities and other plan makers should:**

- (i) require that any proposal which is likely to cause land use change to potential supporting habitat within 10 Kilometres of the Wye Valley Woodland SAC and Wye Valley and Forest of Dean Bay Sites SAC and other**

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<sup>1</sup> 'European sites' is a term used to encompass sites that have the highest level of protection in the UK either through legislation or policy. These include Special Areas of Conservation (SAC), candidate (cSAC), Special Protection Areas (SPA), proposed (pSPA), European Offshore Marine Sites and Ramsar sites.

**relevant European sites should be subject to a HRA in order to protect the integrity of these sites.**

**C. In relation to Air Quality issues identified by the HRA, local authorities and other plan makers should:**

- (i) secure the fullest possible use of sustainable transport choices (T1), reduce the need to travel (T2) and encourage the development of sustainable communities (SR2);**
- (ii) include policies to improve air quality and reduce the levels of emissions as set out in air quality strategies so as to take account of the risks to European sites;**
- (iii) ensure that both the diffuse and local air pollution effects of proposed development on European sites are considered;**
- (iv) ensure that development is only permitted where it is clearly demonstrated by the HRA that it will not significantly contribute to adverse effects caused by diffuse air pollution at European sites, alone or in combination with other plans and projects. Where development would result in such increases it should include measures to secure an equivalent improvement in air quality or reduction in emissions from other sources;**
- (v) avoid the siting of new sources of emissions or development that would increase traffic levels on roads near to sensitive European sites;**
- (vi) consider the local air pollution impacts of increased road traffic within 200 metres of a sensitive European site, including impacts from dust;**
- (vii) require a pollution-neutral strategy for major development based on the results of local air quality assessments, especially for potentially polluting development near to European sites.**

**D. In relation to Water Supply issues identified by the HRA, local authorities and other plan makers should:**

- (i) engage in early consultation with water companies, the Environment Agency and the HRA statutory consultation bodies on site allocations to ensure development is located and appropriately phased in Water Resource Zones where a sustainable water supply is available and**

**where water supply can be secured without adverse effects upon a European site;**

- (ii) avoid development within the Pilleth Water Resource Zone (affecting a small part of rural Herefordshire) unless it can be demonstrated that water supply can be secured without adverse effects on a European site;**
- (iii) ensure Water Cycle studies are undertaken for all areas where significant effects on a European site are possible, to inform the evidence base for LDDs<sup>2</sup>.**

**E. In relation to Water Quality issues identified by the HRA, local authorities and other plan makers should:**

- (i) engage in early consultation with water companies, the Environment Agency and the HRA statutory consultation bodies in relation to site allocations to ensure that development is located and appropriately phased and that there is capacity available in the sewage network in order to ensure there will be no adverse effects on a European site;**
- (ii) ensure Water Cycle studies (including a surface water management plan) are undertaken for all areas where significant effects on a European site are possible, to inform the evidence for LDDs<sup>2</sup>.**

**F. In relation to Disturbance from Recreation and Tourism issues identified by the HRA, local authorities and other plan makers should:**

- (i) ensure that additional development does not result in an increase in recreational pressure that would result in an adverse effect on the integrity of European sites. The relevant local authorities must, in undertaking HRAs of their LDDs, ensure that increases in visitor numbers can be accommodated before giving effect to any such plan, with the provision of appropriate counteracting measures where necessary.**

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<sup>2</sup> Should the Panel recommend the inclusion of the water environment policy wording with regards to water cycle studies proposed by the Environment Agency we suggest replacement of E iii and F ii with:- ensure that Water Cycle Studies are used to inform the evidence for LDDs where significant effects on a European site are possible

## Annex F

List of the European sites assessed within the HRA for the West Midlands RSS. Those in bold are those which have been identified in this current HRA as being at risk from diffuse air pollution. This list is not definitive and when undertaking screening for likely significant effects in relation to plans/projects subordinate to or derived from the WMRSS, additional European sites may need to be considered.

### **Berwyn and South Clwyd Mountains SAC**

Bredon Hill SAC

Brown Moss SAC

### **Cannock Chase SAC**

Cannock Extension Canal SAC

Dixton Woods SAC

### **Downton Gorge SAC**

Elan Valley Woodlands SAC

Elenydd Mallaen SPA

Elenydd SAC

Ensor's Pool SAC

Fen's Pools SAC

### **Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses SAC**

Humber Estuary SAC/SPA/Ramsar

Humber Flats, Marshes and Coast (Phase II) SPA

Lyppard Grange Ponds SAC

### **Midlands Meres and Mosses Phase I Ramsar**

### **Midlands Meres and Mosses Phase II Ramsar**

Mottey Meadows SAC

Pasturefields Salt Marsh SAC

### **Peak District Dales SAC**

### **Peak District Moors (South Pennine Moors Phase I) SPA**

Rhos Goch SAC

River Clun SAC

River Dee and Bala Lake SAC

River Mease SAC

River Usk SAC

River Wye SAC

Severn Estuary SAC/SPA/Ramsar

### **South Pennine Moors Phase II SPA**

### **South Pennine Moors SAC**

### **The Stiperstones and the Hollies SAC**

Walmore Common SPA/Ramsar

### **West Midlands Mosses SAC**

Wye Valley and Forest of Dean Bat Sites SAC

### **Wye Valley Woodland**