

**FINAL SCREENING REPORT AND FORMAL
SCREENING DECISION**

Habitat Regulations Assessment (HRA)

For

Rugby Borough Council Local Plan

2018



A Report for Rugby Borough Council

December 2018

Produced by

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Non-Technical Summary

A stage 1 screening of the Habitat Regulations Assessment (HRA) process was undertaken of the Rugby Borough Council Local Plan - 2011 to 2031 (hereafter referred to as the Rugby Local Plan) by Ecological Services at Warwickshire County Council (WCC) on behalf of Rugby Borough Council (RBC) in August and September 2016. The screening exercise was updated following minor and main modifications made to the local plan following the independent examination made by the planning inspector as to if the plan *'is sound and complies with all the legal requirements'* (Rugby Borough Council's website accessed in July 2018). The screening exercise is required under Article 6 (3) of the European Commission's Habitats Directive (92/43/EEC). The exercise was undertaken following best practice guidance, principally using the Habitat Regulations Assessment Handbook (2018) produced by David Tyldesley Associates (DTA).

Rugby Borough forms part of Warwickshire and covers an area of 138 square miles on the eastern edge of the West Midlands, bordering the counties of Northamptonshire and Leicestershire to the east which are considered to form part of the East Midlands (see Figure 1).

The Rugby Local Plan sets out *'The Council's policies and proposals to support the development of the Borough through to 2031'* setting the framework *'that will manage change and growth until 2031'* (RBC 2018). This Local Plan will replace the Core Strategy June 2011 and aims to *'meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities,'* in this case Coventry City Council (RBC 2018).

Two European Sites were selected for consideration as part of this study: Ensor's Pool Special Area of Conservation (SAC) and the River Mease SAC with associated Natural England River Mease Catchment Risk Zone. Both lie within 20km buffer zone around Rugby Borough (see Figure 2).

A further three European Sites that lie close to the boundary of Warwickshire, but outside of the 20km buffer zone around Rugby Borough were considered and screened out of this HRA. Justification is provided in this report.

The potential for any impact of the Rugby Local Plan on hydrologically dependant Welsh SACs (should water to supply development in Rugby be sourced from Wales) was raised by Natural England to Warwickshire County Council in 2012 in relation to a previous HRA for neighbouring Coventry. Further consultation on this issue was also undertaken with Severn Trent Water in July 2016, who confirmed that water for the development in Rugby would be from a local source at Draycote within the borough and not from Wales. Hence any impact to Welsh SACs as a result of the Rugby Local Plan have also been screened out of this HRA.

Ensor's Pool lies in Nuneaton, Warwickshire, approximately 3.9km to the west of Rugby Borough at its nearest point. The SAC is designated for its population of white-clawed crayfish (*Austropotamobius pallipes*). The key potential vulnerabilities from the plan are considered to be: pollution from surface water flooding, an increase in water levels and potential to introduce non-native species.

The River Mease SAC comprises a small tributary of the River Trent and lies in the counties of Derbyshire, Leicestershire and Staffordshire. A small part of its associated Natural England River Mease Catchment Risk Zone lies in Warwickshire and within a 20km buffer of Rugby Borough (see Figure 2). The River Mease SAC comprises an important habitat for the spined loach (*Cobitis taenia*), bullhead (*Cottus gobio*), white-clawed crayfish and otter (*Lutra lutra*). It has also been selected as a

SAC due to it being an example of the qualifying habitat: water courses of plain to montane levels with the habitat community *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation.

The 2016 publication draft of the Rugby Local Plan was subject to a screening assessment using the screening categories in the Habitat Regulations Handbook (DTA 2016). All of the policies in and contents of the plan were screened out. Given no Likely Significant Effects (LSE) of the plan were anticipated, it was not considered necessary to undertake an In-combination Assessment as no cumulative effects are predicted (Foster and Langton High Court Judgment 2015¹).

An initial consultation exercise was undertaken with Natural England, the Environment Agency and Severn Trent Water in July and August 2016. Their initial consultation responses ahead of the publication of version 1 of the draft HRA report are provided in [Appendix 1](#).

A public consultation on the Rugby Borough Council Local Plan 2011 to 2031 Publication Draft dated September 2016 and the Draft HRA Screening Report (dated September 2016) was undertaken between 26 September 2016 to 11 November 2016. A subsequent additional consultation was held between 30 November 2016 and 11 January 2017. Natural England were specifically contacted for their comments on the draft HRA report on 26.09.16, as were the Environment Agency and Severn Trent Water.

Natural England provided a response to the draft HRA report following the first consultation period dated 11.11.16. In this response they confirmed they were happy with the conclusions of the HRA that the plan can be screened out of any further requirements for HRA. Natural England did not provide any further comments following the second period of consultation and the Environment Agency and Severn Trent Water did not provide any further comments specifically on the HRA following either consultation. The final report dated April 2017 incorporated the responses from the statutory and public consultation. On the basis that Natural England are satisfied with the conclusions for the 2017 HRA, it was recommended that the Rugby Borough Council Local Plan could be adopted from an HRA perspective.

Between June and July 2018 a series of minor and main modifications were made to the local plan. The 'Rugby Borough Council Local Plan – 2011 -2031 June 2018' (RBC 2018) including all the minor and main modifications was re-screened by Ecological Services at WCC and a draft version of this report was produced in August 2018. The re-screen confirmed that the plan can be screened out of any further requirements for HRA or Appropriate Assessment. On the recommendation of Ecological Services at Warwickshire County Council and Natural England (see [Appendix 1](#)), Rugby Borough Council in July 2018 agreed to add in additional wording into Policy NE1 in the Rugby Borough Council Local Plan with respect to International and European Sites.

A public consultation on the post-examination hearing of the main modifications ran from 14 August to 5 October 2018. Responses were received from the Environment Agency and Natural England that did not raise any objections to the contents of the HRA report. This report comprises the final updated HRA report incorporating these statutory responses as per best practice.

Acknowledgements

We appreciate the pre-submission advice on this HRA provided to us by Natural England, the Environment Agency and Severn Trent Water.

¹ Foster and Langton v Forest of Dean District Council [2015] EWHC 2648

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Glossary of Acronyms and Abbreviations

AA	Appropriate Assessment
AFW	Amec Foster Wheeler
APIS	Air Pollution Information System
BAU	Business As Usual
CEcol	Chartered Ecologist
CIEEM	Chartered Institute of Ecology and Environmental Management
CJEU	Court of Justice of the European Union
DMRB	Design Manual for Roads and Bridges
DTA	David Tyldesley Associates (Publishing)
EA	Environment Agency
ECJ	European Court Judgement
GIS	Geographical Information Systems
HCI/ HF	Halogens
HRA	Habitat Regulations Assessment
IROIT	Imperative Reasons of Overriding Interest Test
JNCC	Joint Nature Conservancy Council
LSE	Likely Significant Effect
MCIEEM	Full Member of the Chartered Institute of Ecology and Environmental Management
N2K	Natura 2000 / European Sites
N	Nitrogen
NH ₃	Ammonia
NO _x	Nitrogen Oxides
NPPF	National Planning Policy Framework
OLDSIS	Operations Likely to Damage the Special Interest of the Site
QGIS	Quantum Geographic Information System
P	Phosphorus
PAH	Polycyclic Aromatic Hydrocarbons
PINS	The Planning Inspectorate
PM	Particulates
RBC	Rugby Borough Council
SACs	Special Areas of Conservation
SIP	Site Improvement Plan
SO ₂	Sulphur Dioxides
SPAs	Special Protection Areas
SNH	Scottish Natural Heritage
SSSI	Site of Special Scientific Interest
STW	Sewerage Treatment Works
TBC	To be Confirmed
UEA	UE Associates
UHCW	University Hospitals Coventry & Warwickshire
VOC	Volatile Organic Compounds
WCC	Warwickshire County Council

1. Introduction

1.1. Background and Report Aim

Ecological Services at Warwickshire County Council were commissioned by Victoria Chapman at Rugby Borough Council in April 2016 to undertake a 'Habitat Regulations Assessment' of the Publication Draft of the Rugby Borough Council Local Plan – 2011 -2031, Full Council Version dated 19th July 2016 (provided to Ecological Services on 11.07.16 and 01.09.16). A public consultation of the Rugby Local Plan (Publication Draft September 2016) along with the Draft HRA Screening Report (dated September 2016) was undertaken between 26 September 2016 and 11 November 2016. A subsequent additional consultation was held between 30 November 2016 and 11 January 2017.

A public and statutory consultation of the main modifications to the Rugby Borough Council Local Plan 2011 to 2031 including this updated HRA report, took place from the 14th August to the 8th October 2018. This consultation is now complete, consultee responses have been received and hence this HRA report has been finalised.

The Rugby Local Plan sets out *'The Council's policies and proposals to support the development of the Borough through to 2031'* setting the framework *'that will manage change and growth until 2031'* (RBC 2018). This local plan will replace the Core Strategy June 2011 and aims to *'meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities'* in this case Coventry City Council (RBC 2018).

The borough itself covers an area of 138 square miles on the eastern edge of the West Midlands Region but borders Northamptonshire and Leicestershire, both of which are in the East Midlands Region. The remit of the plan in the context of adjacent counties can be found in Figure 1. The largest population centre in the borough is Rugby which currently has 102,500 residents. Villages throughout the borough *'range in size from 20 to 3000 people'* (RBC 2018).

Rugby Borough had a steady population between 1980 and 2001, but was noted to increase by 14.8% between 2001 and 2011. The local plan confirms *'the projected population increase between 2010 and 2035 is expected to be 30%, which would bring the population in excess of 130 000'*. The highest rates of projected population growth are in the groups aged 65 and over, with those aged 85 and over projected to increase by 190% by 2035.

The primary focus of new residential and employment development will be around Rugby town centre. The local plan states that *'it will be through extensions to the urban area that the vast majority of housing and jobs will be delivered up to 2031'* (RBC 2018). It is considered in the plan that *'there is insufficient capacity at Rugby town or its urban edge to deliver the entire housing target within the plan period. The Settlement Hierarchy informed the selection of further sites'* (RBC 2018).

Policy DS1 outlines that the plan will aim to deliver (between 2011 and 2031):

- a) 12,400 additional homes including 2800 dwellings to meet Coventry's unmet needs, and with the following phased annual requirement:
 - a. Phase 1: 2011 - 540 dwellings per annum;
 - b. Phase 2: 2018- 2031 – 663 dwellings per annum and
- b) 208ha of employment land including 98ha to meet Coventry's unmet needs.

Rugby's Objectively Assessed Housing need is 9600 dwellings over the plan period with the additional 2800 seeking to help neighbouring Coventry meet its housing needs (under the legal duty

to cooperate as per the Localism Act 2011). The housing will be delivered in two phases: Phase 1 (2011 to 2017) 540 dwellings per annum and Phase 2 (2017 to 2031) 663 dwellings per annum.

Table 1 below is an extract from paragraph 4.12 of the plan showing precisely how the housing requirement will be met.

Dwellings constructed between 1st April 2011 and 31st March 2017	2577
Numbers of permitted dwellings anticipated to be completed between 1st April 2017 and 31st March 2031	6505
Allowance for windfall sites in this plan between 1st April 2017 and March 31st 2031	630
Number of dwellings required to be allocated in this plan	2688
Number of allocated dwellings anticipated to be completed within the plan period	4855
Total anticipated provision in the plan period	14567

Table 1: Extract from the Rugby Local Plan 2018 illustrating how Rugby intends to deliver housing requirements.

Figure 1 shows the location of all the proposed sites highlighted in this plan. The figure also includes those which are in the process of being built out; some of this development will contribute to the housing proposed in the local plan hence its inclusion. All these sites are relevant as the plan covers the period from 2011.

Completions to date are 2577. This means that the council needs to find another 2688 dwellings within the plan period. However the plan identifies sites for a potential 6290 dwellings with 4855 of these allocated dwellings anticipated in the plan period. The provision outlined in Table 1 is greater than the figure quoted in Policy DS 1 to allow some flexibility in the plan in line with recommendations made in the National Planning Policy Framework (NPPF). This flexibility is required *'in the event that some sites fail to come forward or are delivered with reduced capacities than allowed for in the plan'* (RBC 2018).

The Rugby Local Plan comprises a total of 11 Chapters as follows:

- Chapter 1: Introduction
- Chapter 2: Context, Vision and Objectives
- Chapter 3: General Principles
- Chapter 4: Development Strategy
- Chapter 5: Housing
- Chapter 6: Economic Development
- Chapter 7: Retail and Town Centre
- Chapter 8: Healthy, Safe and Inclusive Communities
- Chapter 9: Natural Environment
- Chapter 10: Sustainable Design and Construction
- Chapter 11: Delivery

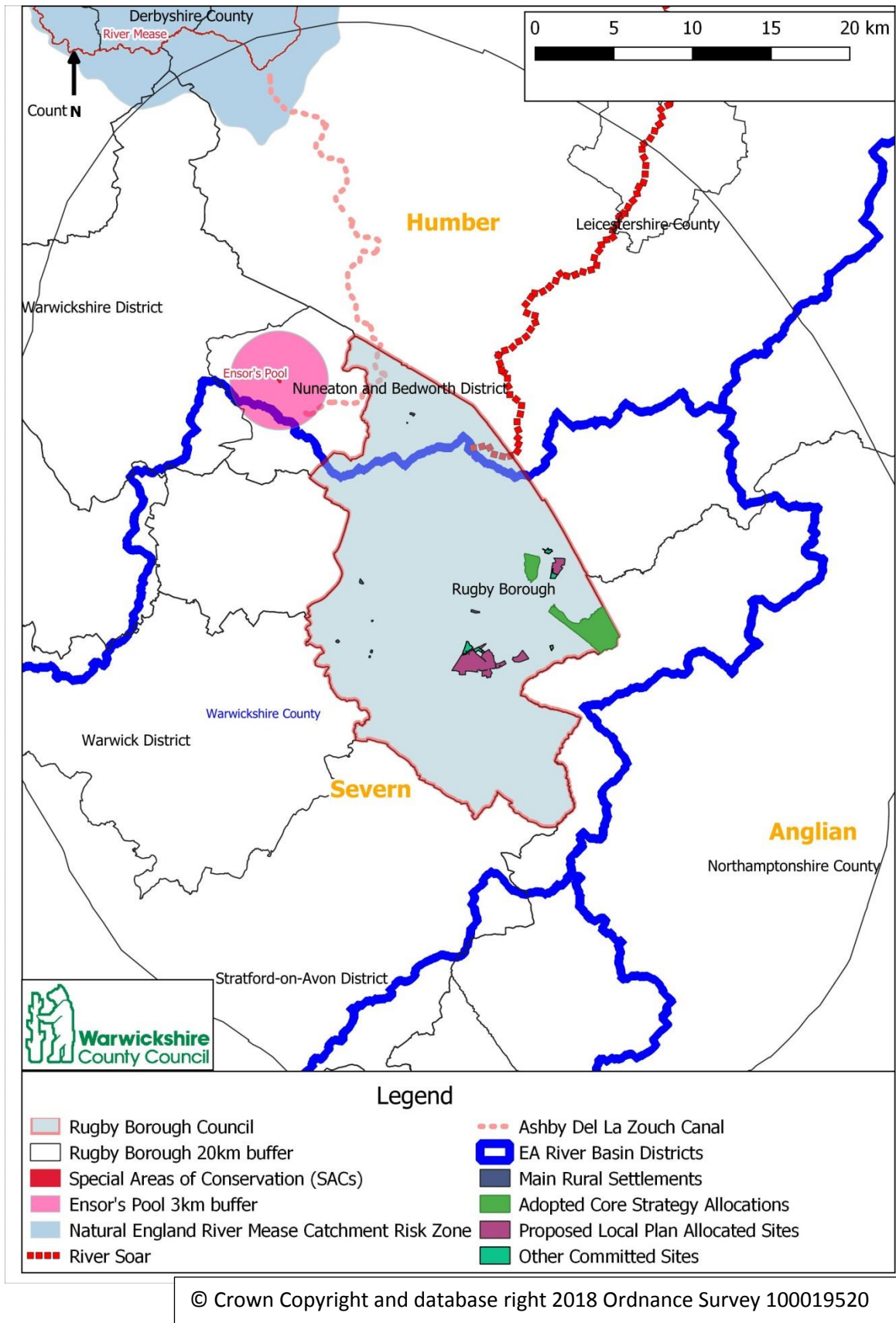


Figure 1: Rugby Borough Council Local Plan showing allocations

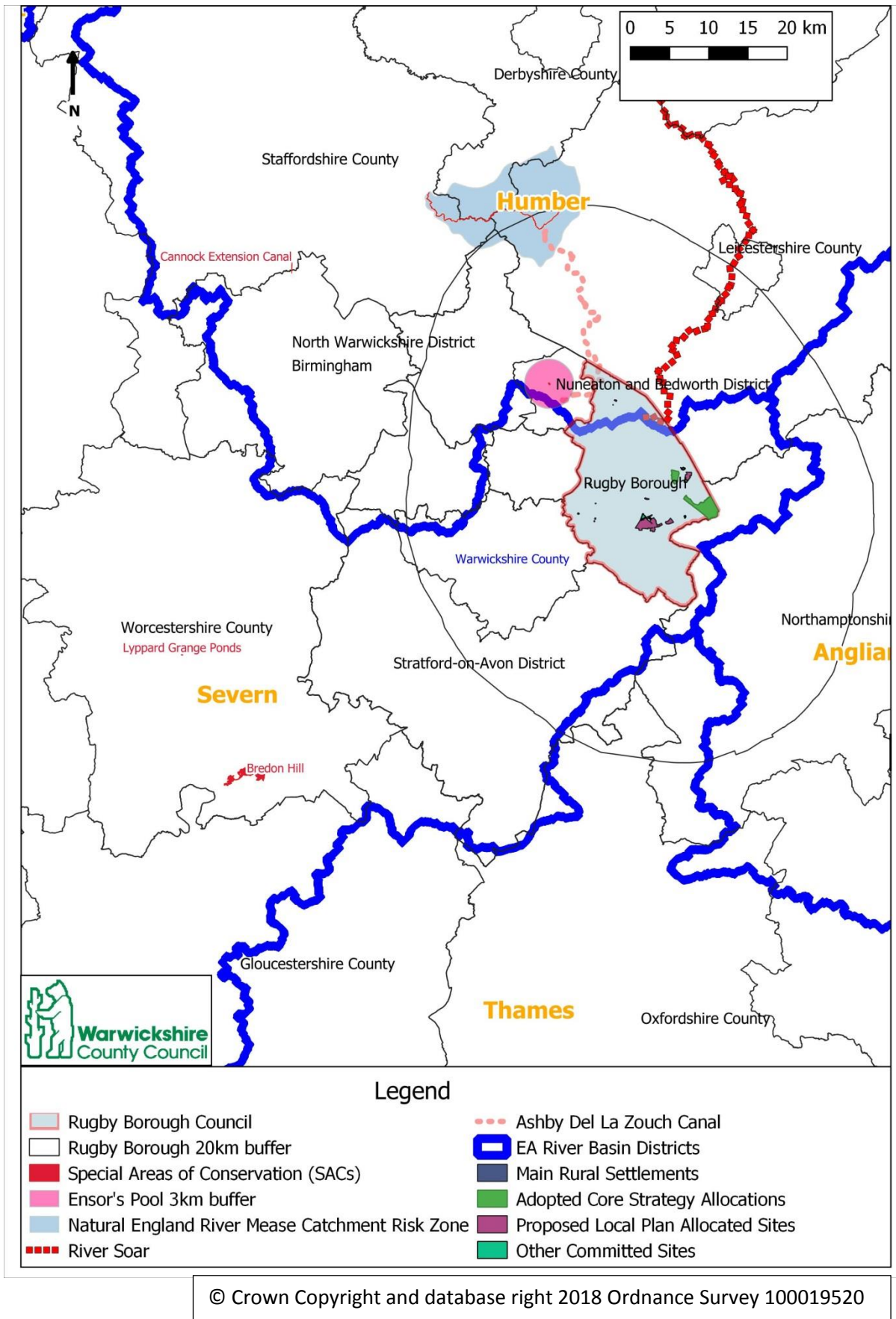


Figure 2: Location of SACs within a 20km buffer zone around Rugby

This HRA also makes reference to a previous HRA undertaken by UE Associates (UEA 2009) of the July 2009 Submission Version of the Core Strategy (RBC 2009). This Core Strategy replaced the 2006 Local Plan that covered the period of 2009 to 2026. The 2009 Core Strategy allocated 10800 dwellings and 108 ha of employment land (RBC 2009). The HRA of the 2009 Core Strategy was accepted by Natural England (see correspondence in [Appendix 1](#)).

An initial screening assessment was undertaken between July and August 2016 of the policies in the Rugby Borough Council Local Plan 2011-2031, Publication Draft dated 19.07.16. Following minor and main modifications made to the local plan in 2018, the Rugby Borough Council Local Plan 2011-2031 dated June 2018 was re-screened by Ecological Services in July 2018. This exercise allowed the consideration of if the plans, or policies within the plan could have a 'likely significant effect' (LSE) (as defined in Article 6(3) of the Habitats Directive and subsequent case law), '*either individually or in combination with other plans and projects*' on the integrity of any European Sites of nature conservation importance (i.e. Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites).

Version 1 of this HRA screening report (dated September 2016) went out for public consultation alongside the Rugby Borough Council Local Plan- 2011 -2031 Publication Draft dated September 2016, between 26 September 2016 and 11 November 2016. A subsequent additional consultation was held between 30 November 2016 and 11 January 2017. The September 2016 Draft HRA report and Rugby Local Plan Publication Draft 2016 were specifically sent to Natural England on 26.09.16 and the Environment Agency and Severn Trent Water for comment. The report was also made available on Rugby Borough Council's website https://www.rugby.gov.uk/directory_record/935/local_plan as part of the public consultation.

The August 2018 version 4 of the HRA report was specifically sent out for consultation to Natural England, the Environment Agency and Severn Trent Water as part of the public consultation from the 14th August 2018 to the 5th October 2018. The updated Habitat Regulations Assessment was also made publically available on Rugby Borough Council's website https://www.rugby.gov.uk/info/20004/planning_strategy/400/public_consultation_on_the_local_plan_post-examination_hearing_main_modifications.

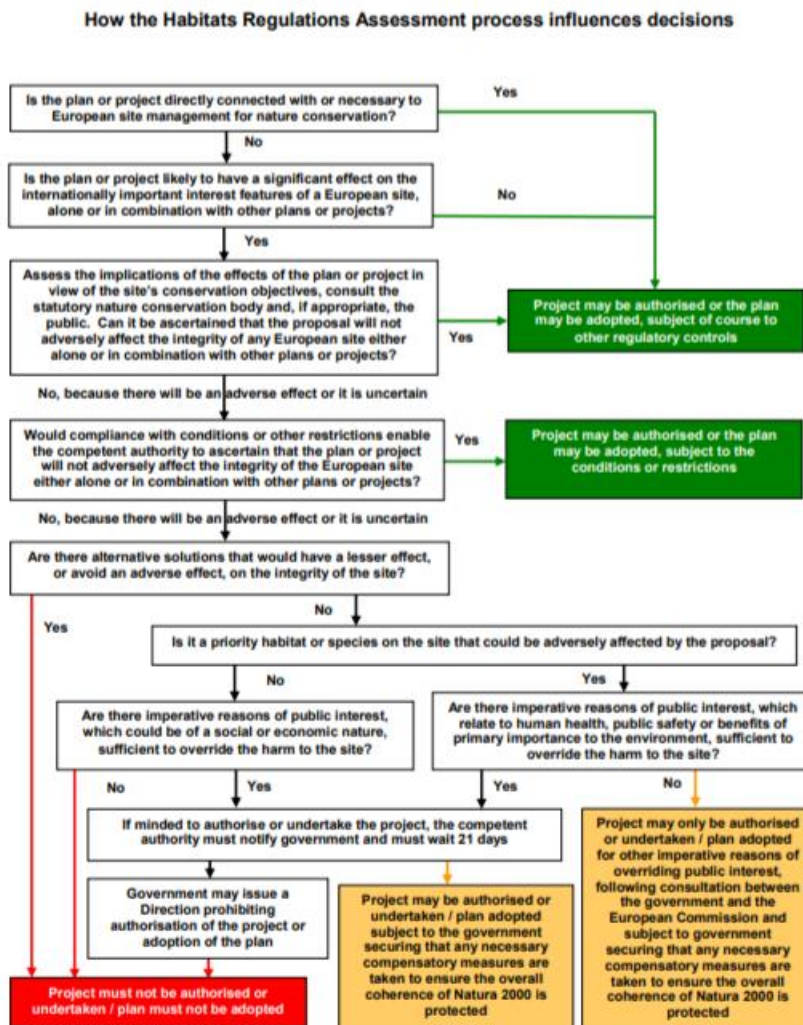
As highlighted in the Planning Inspectorate's Guidance Note on HRA (August 2013), '*HRA is an iterative process and the emphasis should be on avoiding likely significant effects (LSE)*' (hereafter known as the PINS Advice Note 10).

The interpretation of a LSE is set out in case law and guidance. The Habitats Directive highlights that an Appropriate Assessment should be triggered if any plan or project could have a LSE either '*individually or in combination with other plans or projects*'. In the European Court Judgement (ECJ) Ruling C-127/02, Waddenzee, the Habitat Regulations Assessment Handbook (DTA 2018, hereafter known as the HRA Handbook 2018), states that '*irrespective of the normal English meaning of 'likely', in this statutory context 'a likely significant effect' is a 'possible significant effect'; one whose occurrence cannot be excluded on the basis of objective information*'. The HRA Handbook 2018 continues that '*However, to be excluded on the basis of objective information, the probability of a significant effect does not necessarily have to be zero. An effect could be excluded from assessment if the risk of it occurring would be an extremely low probability indeed for example, a risk of 1 in 0.5 million per year.*' '*A significant effect is any effect that would undermine the conservation objectives for a European site. **There must be a***

causal connection or link between the subject plan or project and the qualifying features of the site which could result in possible significant effects on the site. These effects may be direct or indirect and the existence and scope of possible effects must be judged on a case-by-case basis'.

If a LSE is anticipated from any aspect of the plan or in-combination with other plans and projects, then a more detailed Appropriate Assessment (AA) will be required to be undertaken with the appropriate consideration of mitigation measures and alternative solutions prior to any decision to adopt the plan. This further work if required will be *'carried forward in a focussed and tightly scoped AA'* (PINS Advice Note 10).

Figure 3 below from the HRA Handbook outlines *'How the Habitats Regulations Assessment process influences decisions'*.



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Figure 3: How the HRA process influences decisions (HRA Handbook 2018)

1.2. Habitats Regulation Assessments

HRAs are required under Article 6 of the European Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora). Article 6 also covers the requirements for HRA under the Birds Directive (on conservation of wild birds 79/409/EC, now codified directive 2009/147/EC) to the effect that only one assessment is required for all European Sites (also known as Natura 2000 sites or N2K sites) covered by both directives.

Article 6 (1) and 6 (2) of the Habitats Directive 92/43/EEC sets out the obligations of Member States on European Sites:

Article 6 (1)

'For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites'.

Article 6 (2)

'Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive'.

Article 6 (3) outlines when an HRA should be undertaken:

'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 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 obtained the opinion of the general public'.

Article 6 (4) discusses alternative solutions and the Imperative Reasons of Overriding Interest Test (IROIT)

'If, in spite of a negative assessment of the implications for the site in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

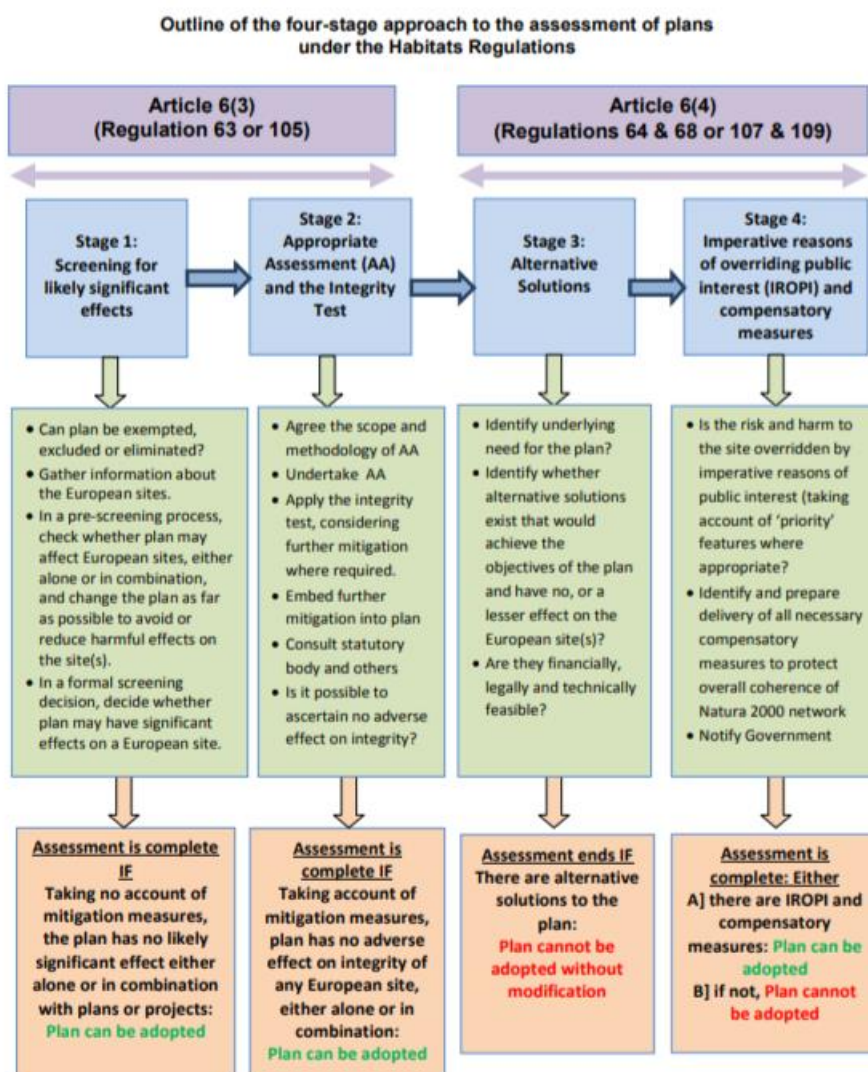
Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest'.

In England, all European Sites are designated by Defra and will have at least one 'qualifying feature' (a habitat, species or both) to be designated as European Sites. These designations are underpinned by the national level designation of Sites of Special Scientific Interest (SSSI). SSSI designations cover broader conservation issues than just the qualifying features of a European Site and can have different site boundaries.

A HRA deals only with negative effects on the qualifying features of European Sites. This HRA deals only with Special Areas of Conservation (SACs), as there are no Special Protection Areas (SPAs) or Ramsars within a reasonable proximity (20km, see Figure 2) to Rugby Borough that could be impacted by the Rugby Local Plan. The SSSI data for the European Sites selected, in addition to direct consultation with Natural England has been used in order to determine the current conservation status and condition assessment of the selected European Sites.

The HRA for the Rugby Local Plan comes under the remit of Regulations 105 to 109 of the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012).

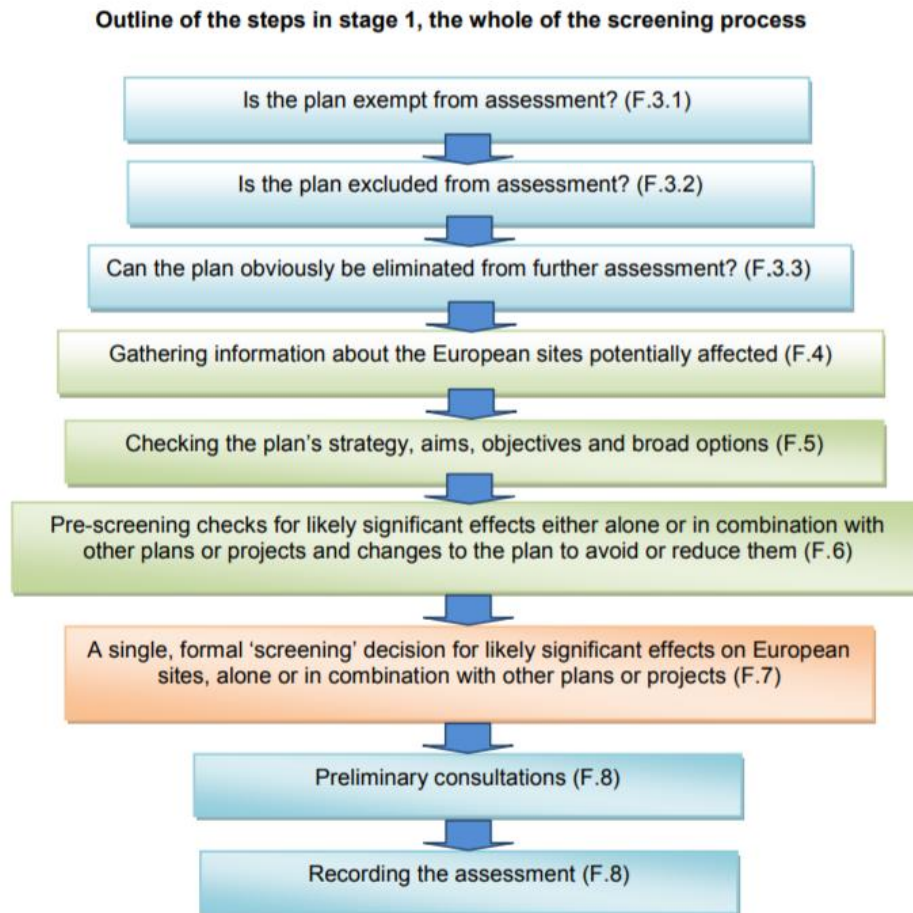
The HRA Handbook 2018 and other guidance, divides the HRA process into four distinct stages. This is illustrated in Figure 4 below.



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Figure 4: Outline of the four-stage approach to HRA (HRA Handbook 2018)

This report relates only to Stage 1 of the process which involves the screening for any LSE to ascertain if an AA will be triggered. Figure 5 below highlights the steps in Stage 1 screening for LSE covered in this report.

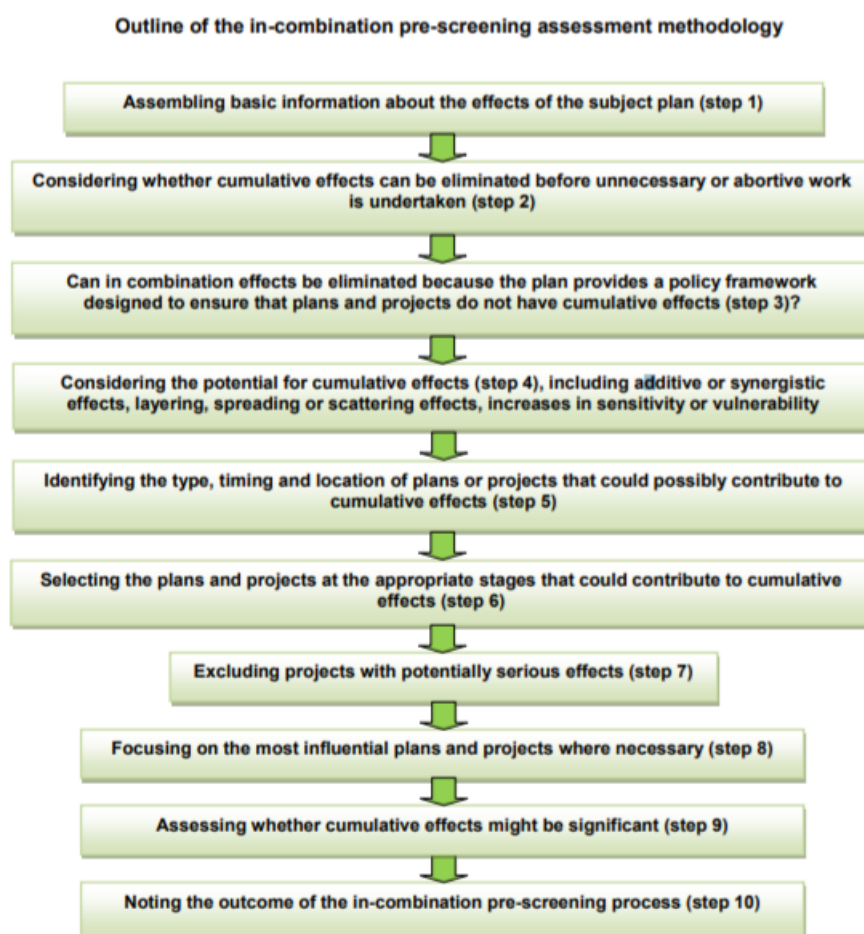


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Figure 5: Outline of the steps in stage 1, the whole screening process (from HRA Handbook 2018)

An In-combination Assessment of other plans and projects in the area is also required as part of the HRA process at both the screening and AA stage. As stated in the draft 2013 Habitat Regulations Assessment Guidance produced by Defra and highlighted in the HRA handbook 2018 *'the effects of a plan or project must be considered both individually and in-combination with other relevant plans and projects. This is a requirement of the Habitats Directive which helps ensure that European Sites are not damaged by the additive effects of multiple plans or projects'*. As with the screening of the Rugby Local Plan, the HRA also needs to ensure that any potential impacts from other plans or projects in the area on a European Site (that could increase the impacts already identified for the Rugby Local Plan on a cumulative basis) are identified and measures are put in place to protect European Sites from these cumulative effects.

Figure 6 below outlines the In-combination Pre-Screening Assessment methodology as stated in the HRA handbook 2018.



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Figure 6: Outline for the in-combination pre-screening assessment methodology (from HRA Handbook 2018)

Following the screening exercise undertaken, it was considered that an In-combination Assessment was not required, as cumulative effects were eliminated. This follows advice in the HRA handbook (see step 3 in Figure 6 above). Further details are provided in [Section 4](#).

2. Methodology

2.1. HRA Screening Guidance

The methodology used for the screening of the Rugby Borough Council Local Plan: 2011 to 2031 June 2018, is primarily based on the recommendations outlined in *The Habitat Regulations Assessment Handbook 2018* by DTA publishing. Key guidance used in this screening assessment is highlighted below and in [Section 7](#).

- The HRA Handbook 2018 to which Warwickshire County Council is a current subscriber. The pre-screening categories used in Table 2, [Section 2.3](#) are directly from the handbook;
- The PINS Advice Note 10 in August 2013 (Version 5); and
- Scottish Natural Heritage (SNH) Habitats Regulations Appraisal of Plans. Guidance for Plan-Making Bodies in Scotland (Version 2.0) August 2012 (hereafter, known as the SNH guidance).

Reference is also made to Warwickshire's HRA Screening Report of the Coventry Local Plan and City Centre Area Action Plan 2016; the Screening HRA Report for Warwickshire Minerals Plan dated October 2018; the HRA for the Warwickshire Local Flood Risk Management Strategy and the updated version of the HRA for the Warwickshire Minerals Plan (WCC 2016a; 2016b; 2018).

Throughout October and November 2018 the HRA Handbook was revised to reflect changes made by the People over Wind Judgment. Version 5 of this report reflects these minor changes in methodology.

The HRA handbook now recommends separating the Pre-Screening stage, from the later more formal Screening Decision for the plan. This report has been adapted to reflect this new methodology and approach.

2.2. Selection of European Sites

Table 3 in Section 3.1 (from the HRA Handbook), was used to help select which European Sites to consider. Information required for assessment on each European Site selected was obtained from Natural England's website and through direct consultation.

Initial consultation was also undertaken with the Environment Agency (14.07.16, 27.07.16 & 02.08.16), Natural England (14.07.16, 28.07.16 & 03.08.16) and Severn Trent Water (14.07.16 & 28.07.16) by email and telephone. These authorities were consulted on the scope of the assessment and the nature of any other plans and projects that would need to be considered as part of any In-combination Assessment. Further information on the current situation regarding the conservation status of Ensor's Pool SAC was also obtained. Natural England and the Environment Agency also provided a response to the 2018 consultation on the main and minor modifications and had no objection and no comment on the HRA respectively.

All consultation responses from Natural England, Environment Agency and Severn Trent Water are provided in [Appendix 1](#).

A Quantum Geographical Information Systems (QGIS) project has been developed to help scope and refine the screening exercise for this HRA and enabled the production of all maps within this report (see Figures 1, 2, 7, 8 & 9).

A copy of the Draft HRA Report dated September 2016 was sent to Natural England on 26.09.16 (see [Appendix 1](#)) as well as to the Environment Agency and Severn Trent Water. A response from Natural England to the Draft HRA was provided on 11.11.16 (see [Appendix 1](#)). A response to the Local Plan was provided by the Environment Agency on 10.11.16 but did not specifically mention the HRA. Severn Trent Water were also specifically consulted on the Draft HRA and Local Plan Consultation draft, but did not provide a response.

Statutory consultee comments on version 4 of this report are provided in Appendix 1.

2.3. Pre-Screening Assessment Categories

The pre-screening of the Rugby Local Plan has been undertaken following guidance and specific ‘pre-screening categories’ provided in the HRA Handbook 2018, listed in Table 2 below. A summary of the results for policies only is provided in [Section 3.5](#) with full details of pre-screening of the whole plan with full justification is provided in [Appendix 4](#).

Category	Justification	Screened In or Screened Out?
	Administrative Text – introductory text about the plan	Screened out
	The plan makers ‘vision’ or ‘general aspiration’	Screened out
	General Statements of overall goals	Screened out
	General Statements of broad objectives (implications are assessed under policy xx below)	Screened out
A	General Statement of policy / general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability / sustainability of proposals	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection / site safeguarding / threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects)	Screened out
I	Policy or proposal with a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in combination	Re-allocate to Category K or L
K	Policy or proposal unlikely to have a significant effect either alone or in combination	Screened out after in-combination test
L	Policy or proposal likely to have significant effect in combination	Screened in after the in-combination effect
M	Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on a European site	Screened In

Table 2: The HRA Handbook 2018 pre-screening categories

2.4. Limitations and Assumptions

This HRA is based on the latest available information on the European Sites selected, provided by Natural England at the time of writing. It is likely that in the future, the conservation status, objectives and condition of European Sites may change.

In March 2015, the Ribble case in the UK courts² has suggested the need to consider older more detailed Conservation Objectives for European Sites which are currently not published on Natural England's website. We have obtained the 2008 Conservation Objectives for Ensor's Pool SSSI and the 2012 Conservation Objectives for the River Mease SSSI from Natural England. These are summarised in [Appendix 2](#) of this report.

In a previous HRA undertaken for WCC for the Warwickshire Minerals Plan, we received correspondence from Natural England on 24 August 2015 (extract provided in [Appendix 1](#)). This stated that our 'primary focus' should be on the European Site Conservation Objectives for the relevant European Site these are all provided in Table 4 of this report.

It should also be noted that in September 2014, surveys for the population of white-clawed crayfish at the only European Site in Warwickshire (Ensor's Pool SAC), did not locate any white-clawed crayfish. The surveyor's report, published by Natural England in October 2015 states the survey in September 2014 indicates the *'once abundant population of white-clawed crayfish appears to have disappeared. The pool still appears to provide suitable habitat for crayfish and there is no indication that any other animal or plant species has been affected.'* The report goes on to suggest that crayfish plague *'seems likely to be the cause of mortality'* and recommends further surveys *'to verify the absence of white-clawed crayfish and determine whether signal crayfish are present'* (Natural England 2015).

Subsequent further surveys were undertaken in 2015, comprising a bioassay between June and September and a trapping survey in September. Natural England confirmed to Ecological Services at Warwickshire County Council on 02.12.15 that *'We conclude that the population of native white-clawed crayfish is no longer present at Ensor's Pool. Natural England is now considering these results and their implications in conjunction with our national specialists and the ecologists who undertook the surveys'* (see correspondence in Section 1.1, [Appendix 1](#)).

Ecological Services at Warwickshire County Council also received correspondence from Natural England on 28.07.16 regarding the current designation and status of Ensor's Pool SAC / SSSI given the results of the above surveys. Natural England's response was as follows:

'The current status of Ensor's Pool as a Special Area of Conservation (SAC) remains and Natural England's continues to advise competent authorities and those undertaking assessment under the habitat regulations to continue on a business as usual basis (BAU).'

Natural England continued to confirm the following:

'Actions underway, including survey effort have led to a decision to amend the Site of Special Scientific Interest (SSSI) condition assessment based on fair and robust evidence base. HOWEVER, until there is agreement on the role of the site in the wider picture of the White-Clawed Crayfish population we must still operate on this BAU basis. Conversations with Defra are on-going'

Following the above advice, this HRA has been undertaken on the basis that a population of white-clawed crayfish is still present at Ensor's Pool at the levels last recorded in 2012 (when the species were considered to be 'favourable' at the site level).

On 26.03.18 in response to a consultation response relating to the Warwickshire Minerals Plan, requesting an update on the current status of Ensor's Pool for HRA purposes, Natural England

² RSPB v Secretary of State for the Environment Food and Rural Affairs, BAE Systems (Operations) Ltd and Natural England, 18th March 2015, [2015] EWHC Civ 227, referred to as the *Ribble* Case.

confirmed ‘based on the survey evidence, Natural England has concluded that the population of native white-clawed crayfish is no longer present. Natural England is now working with Defra on the way forward’ (see [Appendix 1](#)).

The European Site selection for this HRA is based on the most recent GIS data available at Warwickshire County Council, and provided by Rugby Borough Council and Natural England at the time of writing.

3. The Pre-Screening Assessment

3.1. Scanning and Selection of European Sites for Consideration

Two European Sites: Ensor’s Pool SAC (in Nuneaton, Warwickshire) and the River Mease SAC (in Leicestershire, Derbyshire and Staffordshire) are within a 20km buffer zone of the administrative area of Rugby Borough Council (see Figure 2).

A further three European Sites lie outside the 20km buffer zone around Rugby but within 20km of Warwickshire. These are: Bredon Hill, Worcestershire; Cannock Extension Canal, Staffordshire; and Lyppard Grange Ponds, Worcestershire. Further details of why these SACs have been scoped out are provided in Table 7 in [Section 3.4.2](#).

During consultation with Natural England in 2012 in relation to a former draft of the Coventry Core Strategy that forms part of the western border of Rugby District (see Figure 1), the potential sourcing of water from Wales to supply new development in Coventry was highlighted as having a potential negative impact on hydrologically sensitive Welsh SACs (e.g. rivers etc.) (WCC 2012). Given the proximity of Coventry to Rugby, details of more recent consultations with Severn Trent Water and why these European Sites have now been screened out of this HRA are provided in [Section 3.4.2.3](#) and [Appendix 1.2](#).

Table 3 below from the HRA Handbook 2018 has also been used to aid the selection process.

Scanning and site selection list for sites that could potentially be affected by the plan

Types of plan	Sites to scan for and check	Names of sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan.	Sites within 20km zone of Rugby Borough: Ensor’s Pool SAC and River Mease SAC
2. Plans that could affect the aquatic environment	Sites upstream or downstream of the plan area in the case of river or estuary sites	River Mease SAC has no direct connection to Rugby Borough (Figure 7 and Table 7) Welsh SACs
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	None
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species	N/A
4. Plans that could affect the coast	Sites in the same coastal ‘cell’, or part of the same coastal ecosystem, or where there are interrelationships with or between different physical	N/A

	coastal processes	
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	River Mease SAC Ensor's Pool SAC
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	Such European sites in the plan area	N/A
	Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	N/A Ensor's Pool SAC is not considered to be a 'tourist attraction' and the River Mease SAC is too far from Rugby Borough to be included in this category
	Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	N/A (see above)
7. Plans that would increase the amount of development	Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	Ensor's Pool SAC – yes plan has potential to cause water abstraction but site is over the EA 3km trigger threshold for hydrological impacts (see Figure 1 and Appendix 1.3), hence not considered an issue for the Rugby Local Plan River Mease SAC has potential to be impacted by abstraction but is considered to be too far from Rugby Borough and the key development areas to be affected (see Table 6 and Figure 1)
	Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Ensor's Pool SAC
	Sites that could be affected by the provision of new or extended transport or other infrastructure	N/A – no transport proposed outside of Rugby Borough so this is screened out
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Ensor's Pool SAC – potentially yes but considered too far away

		(See Table 8). River Mease SAC – distance considered too great, see Table 8
8. Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	N/A no European Sites within Rugby Borough.
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	N/A
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	N/A
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	Ensor's Pool SAC River Mease SAC
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	N/A
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	N/A
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	N/A – No European Sites located in Rugby Borough.
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	N/A – No European Sites located in Rugby Borough
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	Ensor's Pool – changes in hydrology could impact this site but development lies outside the 3km buffer zone around Ensor's Pool provided by the

		<p>Environment Agency for consideration of ground water impacts (see Appendix 1.3).</p> <p>River Mease SAC – not considered likely given distance from Rugby, see Table 8</p>
<p style="text-align: center;">Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (October 2018) all rights reserved <small>This work is registered with the UK Copyright Service</small></p>		

Table 3: Table used for scanning and site selection from HRA Handbook 2018

There are no European Sites within Rugby Borough itself. The nearest site is Ensor’s Pool SAC that lies approximately 3.9 km to the west of Rugby Borough at its nearest point (see Figure 1).

3.2. Site Descriptions

The following section provides a description of Ensor’s Pool SAC and the River Mease SAC using information sourced from Natural England, Joint Nature Conservancy Council (JNCC), WCC 2010, WCC 2016a, 2016b & 2018. Table 4 provides the following key information for each SAC:

- Qualifying features;
- Latest Conservation Objectives;
- Favourable conservation status; and
- Condition of features.

3.2.1. Ensor’s Pool SAC

Ensor's Pool was formed from an abandoned clay pit around fifty years ago. It was notified as a SSSI in 1995, designated a Local Nature Reserve in 1997 and a SAC in April 2005. It is located on the south-west fringe of Nuneaton's urban area (National Grid Reference SP348903) and covers an area of approximately 3.8ha. It comprises an elongated (220m by 50m) isolated water body with an average depth of 8m. The pool is lined by an impervious layer of clay and therefore it is assumed that it is reliant on rainwater as the main supply of water. A dye tracing exercise of the pool by the Environment Agency has confirmed Ensor’s Pool is groundwater fed and is not hydraulically linked to nearby ordinary watercourses (see Environment Agency email dated 02.08.16 in [Appendix 1.3](#)).

Ensor's Pool is designated a European Site since it once provided the habitat to one of the largest populations of healthy white-clawed crayfish in England. Estimated at supporting approximately 50 000 individuals at one point. The white-clawed crayfish flourished in both Britain and Europe until the commercial introduction of the signal crayfish (*Pacifastacus leniusculus*) from America in the 1970s. As well as preying on its smaller cousin, the signal crayfish carries the crayfish plague (*Aphanomyces astaci*) to which the white-clawed crayfish has no immunity. Unfortunately, the signal crayfish and other non-native crayfish have since escaped the confines of the fisheries and entered the river systems of Britain and Europe, causing the dramatic decline of the white-clawed crayfish. The isolation of Ensor's Pool from rivers created a former refuge for the white-clawed crayfish to flourish and that is why it is still of both national and European importance.

In November 2014, Natural England reported that ‘two recent surveys of Ensor’s Pool in Warwickshire, noted for its populations of native white-clawed crayfish, have found no sign of the aquatic invertebrates’ (Natural England 2014a, press release 08.11.14, Natural England 2015). A Natural England Site Improvement Plan (SIP) for Ensor’s Pool where a key action is to ‘further investigate the cause of the apparent collapse of the white-clawed crayfish population’ (See Table 5,

Natural England 2014b). Given this finding, Ecological Services at WCC contacted Natural England for an official view on how Ensor's Pool should be considered for the purposes of this HRA.

Despite the current lack of white-clawed crayfish in Ensor's Pool and the change in the condition assessment of the SSSI in 2016 to '*unfavourable-declining*' with a '*high condition threat risk*', the European level SAC designation still remains. Natural England have confirmed the following: '*The current status of Ensor's Pool as a Special Area of Conservation (SAC) remains and Natural England continues to advise competent authorities and those undertaking assessment under the habitat regulations to continue on a business as usual basis (BAU)*' (Natural England 2016, See [Section 2.4](#) and Appendix 1 for further details).

On 28 March 2018 Natural England again clarified the latest situation with Ensor's Pool as follows:

'Surveys of Ensor's Pool in Nuneaton (most recently September 2015) have failed to find the white clawed crayfish for which the site is designated as a Special Area of Conservation (SAC).

A survey in September 2012 caught 262 crayfish however surveys for white clawed crayfish carried out in September 2014 (trapping survey), October 2014 (Dive survey), June – September 2015 (Bioassay) and September 2015 (trapping survey) caught no crayfish. Based on the survey evidence Natural England is now working with Defra on the way forward.

Whilst this work is on-going, Natural England has produced tailored Conservation Objectives, which take into account the current situation for this site. These objectives ensure that the integrity of the site is maintained, whilst recognising the current absence of the interest feature' (Natural England 2018, see full response in [Appendix 1](#)).

This HRA therefore considered these latest if draft Conservation Objectives as published on 7 February 2018 (see Table 4 below) and the targets for Ensor's Pool as per the Draft Supplementary Advice for the site (see [Appendix 6](#)).

The Environment Agency in their initial consultation response on 02.08.16 also confirmed '*We understand that Ensor's Pool SAC no longer has white claw crayfish*' (see [Appendix 1.3](#)).



3.2.2. River Mease SAC

The River Mease is a small tributary of the River Trent. It is a relatively unmodified clay lowland river and supports nationally significant populations of spined loach (*Cobitis taenia*) and bullhead (*Cottus gobio*). White-clawed crayfish and otter (*Lutra lutra*) are also interest features. The River Mease has retained a reasonable degree of channel diversity compared to other similar rivers containing spined loach populations. It has extensive beds of submerged plants along much of its length which,

together with its relatively sandy sediments (as opposed to cohesive mud) provide good habitat opportunities for the species.

The spined loach is a small bottom-living fish that has a restricted microhabitat associated with a specialised feeding mechanism. They use a complex branchial apparatus to filter-feed in fine but well-oxygenated sediments. Optimal habitat comprises a patchy cover of submerged (and possibly emergent) macrophytes, which are important for spawning, and a sandy (also silty) substrate, into which juvenile fish tend to bury themselves.

The River Mease is an example of bullhead populations in the rivers of central England. Bed sediments are generally not as coarse as other sites selected for the species, reflecting the nature of many rivers in this geographical area, but are suitable in patches due to the rivers retained sinuosity. The patchy cover from submerged macrophytes is also important for the species. The bullhead is a small bottom-living fish that inhabits a variety of rivers, streams and stony lakes. It appears to favour fast-flowing, clear shallow water with a hard substrate (gravel/cobble/pebble) and is frequently found in the headwaters of upland streams. However, it also occurs in lowland situations on softer substrates so long as the water is well-oxygenated and there is sufficient cover. It is not found in badly polluted rivers.

As well as its importance for species, the River Mease has also been selected as a SAC on the presence of the qualifying habitat: water courses of plain to montane levels with the habitat community *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation (rivers with floating vegetation often dominated by water-crowfoot).

3.3. Key Information on European Sites for the HRA

Table 4 below provides the latest information that is available via Natural England's website (as of December 2018) on the current Conservation Objectives, favourable conservation status and condition of features of Ensor's Pool SAC. [Appendix 1](#) also provides consultation responses received from Natural England to date. The key vulnerability of Ensor's Pool SAC has been taken directly from the citation for the SAC. The relevant '*Operations Likely to Damage the Special Interest of the Site*' (OLDSIS) considered relevant to the Rugby Local Plan are listed in Table 4. Further details of new draft targets for Ensor's Pool set in February 2018 following the discovery that white-clawed crayfish are absent from the pool are provided in [Appendix 6](#). Table 5 also highlights the current issues and threats to Ensor's Pool SAC as per the latest Natural England Site Improvement Plan (Natural England 2014b).

In addition to the current Conservation Objectives published by Natural England on their website, Ecological Services at Warwickshire County Council have also obtained the previous more detailed Conservation Objectives for Ensor's Pool SAC and the River Mease SAC (dated 2008 & 2012 respectively), which are also considered as part of this initial screening in line with HRA case law³. A summary of these more detailed Conservation Objectives and Targets are provided in [Appendix 2](#) (Natural England 2008; 2012).

³ RSPB v Secretary of State for the Environment Food and Rural Affairs, BAE Systems (Operations) Ltd and Natural England, 18th March 2015, [2015] EWHC Civ 227, referred to as the *Ribble* Case.

Name, site reference and location	Designation status, area and date of designation	Qualifying features	Conservation objectives published by Natural England	General site character ⁴	Conservation status	Condition assessment	Key vulnerability / Operations Likely to Damage the Special Interest of the Site (OLDSIS) potentially relevant to the Rugby Local Plan (see Table 11 in Appendix 5 for details)
<p>Ensor's Pool, Warwickshire</p> <p>Grid reference: SP348903</p> <p>EU code: UK0012646</p> <p>Further information provided by Natural England via letter and emails dated 28.07.16, 02.12.15 & 24.08.15 (Appendix)</p>	<p>SAC (Ensor's Pool SSSI)</p> <p>3.72 ha</p> <p>01.04.05</p>	<p>S1092: White-clawed crayfish <i>Austropotamobius pallipes</i></p>	<p>Natural England has the following Conservation Objectives for Ensor's Pool SAC. <i>'Ensure the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i></p> <ul style="list-style-type: none"> <i>The extent and distribution of the habitats of qualifying species;</i> <i>The structure and function of the habitats of qualifying species,</i> <i>The supporting</i> 	<p>Habitat Class N10 (Humid grassland, Mesophile grassland) 30% and N06 (Inland water bodies (Standing water, Running water) 70%. Total Habitat Cover 100%</p>	<p>An updated assessment made on 29.04.16 noted the results of recent surveys of the pool since 2014 and concluded that <i>'The results of these surveys indicate that it is unlikely that crayfish remain present in Ensor's Pool,</i></p>	<p>2017 Condition Assessment of the single unit of the SSSI is described as <i>'unfavourable-declining'</i>. With a <i>'High condition threat risk'</i></p>	<p>Need to protect the site's water quality from direct or diffuse pollution.</p> <p>Avoid changing the amount of water in the pool (by abstracting water from inflowing streams or raising the water level).</p> <p>Avoid increasing the sediment.</p> <p>Avoid introduction of non-native species, especially non-native</p>

⁴ General Habitat Classification codes as per Eionet European Topic Centre on Biological Diversity http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal accessed on 21.03.16

<p>1 & Appendix 2) and Natural England October 2015 and 2018</p>			<p><i>processes on which the habitats of qualifying species rely'</i></p> <ul style="list-style-type: none"> • <i>The populations of qualifying species and,</i> • <i>The distribution of qualifying species within the site'</i> (Natural England 27.11.18 version3, Natural England 2018b2) <p>Further details of Targets within recent supplementary advice for the site are provided in Appendix 6 and Natural England 2018a.</p>		<p><i>although there is no agreed level of trapping effort to demonstrate complete absence'</i> Natural England consultation responses are in Appendix 1</p>		<p>crayfish species.</p> <p>Avoid control or removal of natural aquatic vegetation</p> <p>Avoid intentional or accidental introduction of species such as bottom feeding coarse fish</p> <p>OLDSIS: 14a</p>
<p>River Mease, Derbyshire, Leicestershire, Staffordshire</p> <p>Grid reference: SK260114</p> <p>EU code: UK0030258</p> <p>Supplementary advice on this European Site's Conservation</p>	<p>SAC (River Mease SSSI)</p> <p>23.03 ha</p> <p>01.04.05</p>	<p>H3260: Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>S1092: White-clawed crayfish <i>Austropotamobius pallipes</i></p>	<p>Natural England has the following Conservation Objectives for River Mease SAC. <i>'Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i></p> <ul style="list-style-type: none"> • <i>The extent and distribution of qualifying natural habitats and habitats of</i> 	<p>General site character: Habitat Class N06 Inland waterbodies (Standing water, Running water) 100%. Total Habitat Cover 100%</p>	<p>In 2010 the whole site was considered to be <i>'Unfavourable – no change'</i> because of drainage, inappropriate weirs dams and other structures, invasive freshwater</p>	<p>Latest 2010 condition assessment all four SSSI units considered to be unfavourable – no change.</p> <p>Key reasons for unfavourable condition due to point source and</p>	<p>Need to avoid any deterioration in water quality and quantity Diffuse pollution and excessive sedimentation are catchment-wide and have the potential to affect the site.</p> <p>Avoid introduction of non-native species and reduce and manage the impact of invasive species</p>

<p>Objectives including a number of new targets was published on 29.05.16 (Natural England 2016).</p>		<p>S1149: Spined loach <i>Cobitis taenia</i></p> <p>S1163: Bullhead <i>Cottus gobio</i></p> <p>S1355: Otter <i>Lutra lutra</i></p>	<p><i>qualifying species</i></p> <ul style="list-style-type: none"> • <i>The structure and function (including typical species) of qualifying natural habitats</i> • <i>The structure and function of the habitats of qualifying species</i> • <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i> • <i>The populations of qualifying species, and,</i> • <i>The distribution of qualifying species within the site.’</i> Natural England 2018c 		<p>species, siltation, water abstraction, freshwater pollution and pollution from agriculture / run off</p>	<p>diffuse phosphorus pollution, physical modifications via over dredging, weir, other impoundment s. None native species, lack of river bank vegetation, lack of macrophyte species density and composition. Over abstraction lack of fresh water entering the river, density of designated fish species</p> <p>All units have a ‘High’ Condition Threat Risk</p>	<p>Minimise pollution of river from point and diffuse sources, including discharges of domestic and industrial effluent, run-off from agriculture, forestry and urban land and accidental pollution from industry and agriculture.</p> <p>Avoid / reduce siltation of river bed.</p> <p>Riparian areas and the wider catchment need to be managed sensitively to avoid excessive run-off of soil particles and nutrients into the river.</p> <p>Effluents entering the river....should be treated to reduce the levels of phosphorus contained within them...</p>
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							<p>Improve understanding of ecological impact of abstractions and drainage discharges.</p> <p>OLDSIS: 7, 9, 14b, 16a</p>
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Table 4: Information required to undertake a HRA

In addition to the above key vulnerabilities the currently available SIP for Ensor’s Pool SAC and the River Mease SAC outline the ‘*prioritised issues that are currently impacting or threatening the conditions of the features and the actions required to address them*’ (Natural England 2014b & 2014c). Further more detailed Supplementary Advice on Conserving and Restoring Site Features of the River Mease SAC was also published on 31 May 2016 outlining key targets for restoring and maintaining the five qualifying habitats and species for which the SAC is designated, given its current conservation status is ‘*Unfavourable – no change*’ (Natural England 2016).

Ensor’s Pool – Current Issues and Actions

Changes in species distributions - Historically Ensor’s Pool was a stronghold for the native white-clawed crayfish with a population estimate of around 50,000 animals. Surveys in September and October 2014 found no crayfish in the pool. Natural England now consider the population of white-clawed crayfish is no longer present (see Natural England correspondence dated 28.03.18 in [Appendix 1](#)).

A number of targets for the SAC are provided in [Appendix 6](#) (Natural England 2018a) and summarised below:

PROPOSED ACTIONS / TARGETS:

- Maintain: management measures for the structure, functions and supporting processes for the habitats that support white-clawed crayfish; the current extent of supporting habitat; current distribution and continuity of the supporting habitat; ability of the features supporting habitat to adapt or evolve to wider environmental change; ensure human activities to no pose a significant risk of plague transfer; absence of non-native crayfish; current extent and diversity of refuges, supporting habitat at ‘Good’ biological status; pH levels within 6.5 to 9; ammonia levels at or less than 0.6mg NH³-l-1; nitrogen levels at or below 0.2mg/l-1; that the pool in a well oxygenated state; calcium levels at or above 5mg/l; the pool’s water temperature at naturally occurring levels; fish populations low enough to avoid significant predation of juvenile crayfish. **Ensure supporting habitat is not at risk of effluent discharges from within the site’s wider catchment.**

River Mease - Issues, Actions and Supplementary advice

The SIP for the site (dated 10.10.14) outlines current issues and actions in relation to the River Mease (Natural England 2014c). Five Issues with Actions are identified in the SIP and further targets are provided in the Supplementary Advice (e.g. details of maximum phosphorus concentrations as these elevated nutrient levels are a key conservation issue for the River Mease. Further more detailed targets are also provided in Natural England 2014d, 2016 and [Appendix 7](#).

PROPOSED ISSUES / ACTIONS IN THE SIP

- Actions to tackle phosphate levels (including improving technologies at (Sewerage Treatment Works (STWs), landowner training, considering road run-off.
- Actions to address current drainage issues including the currently impacted naturalised flow pattern and the river appears more ‘flashy’ with water levels rising and falling rapidly.
- Actions to tackle inappropriate weirs and dams.
- Actions to tackle increasing levels of non-native species including Himalayan Balsam (*Impatiens glandulifera*), Japanese knotweed (*Fallopia japonica*) and signal crayfish.
- Actions to reduce levels of siltation that can smother gravel beds needed for spawning bullhead and fine sand used for spawning by the spined loach.
- Actions to investigate the impacts of water abstraction on the flow pattern and ecology of the River Mease.

Table 5: Current issues and threats to Ensor’s Pool and as per Natural England’s latest SIPs and Supplementary Advice

3.4. Implications of Case Law

3.4.1. Moorburg

The Moorburg Case from the CJEU (Court of Justice of the European Union) (Case C-142/16, dated March 2016) has highlighted the importance of considering ‘*how existing plants that may be having on-going effects on sites should be included appropriately in the assessment of a project, irrespective of whether there are other plans and projects that may lead to the need for an in-combination assessment*’ (DTA 2018).

The DTA handbook describes these effects as ‘*unregulated activities*’ and ‘*operational consents*’ and should be considered before the In-combination Assessment. Hence potential impacts to Ensor’s Pool or the River Mease Natural England River Mease Catchment Risk Zone that lie within Warwickshire could be affected by these on-going operations.

Given that the Rugby Borough Plan relates not only to future proposed development in the borough but also retrospective development from 2011, it is considered that this HRA already considers in adequate depth any existing operations and this judgment is not considered further.

3.4.1. People over Wind

The HRA case known as People over Wind dated 12.04.18 (reference C323/17) suggests that contrary to previous case law it may not be appropriate to use ‘incorporated mitigation’ in order to screen out LSE at stage one of the HRA process (see Figure 4) meaning that in some circumstances an Appropriate Assessment or stage 2 could be required. However given that this HRA does not identify any LSE from the Rugby Local Plan 2018, no mitigation is deemed necessary hence this piece of case law is deemed not relevant to this HRA. This final version 5 of the HRA report has incorporated the updated methodology and terminology used within the HRA Handbook 2018 in response to this legal judgment.

3.5. Screening of SACs

3.5.1. Current Housing Figures

An overview of the Rugby Local Plan is provided in [Section 1](#). Figure 1 illustrates the current proposed strategic sites associated with the Rugby Local Plan including known housing, employment and mixed use allocations.

The current figures for housing as provided in Policy DS3: Residential the Rugby Local Plan 2018 for each site are provided below under category headings as per Figure 1.

Reference	Site Name	Number of Dwellings	Category as per Figure 1.
Rugby Urban Edge			
DS3.1	Coton Park East (See Policy DS7)	Around 800	Proposed Local Plan Allocated Site
DS3.2	Rugby Gateway	Around 1300	Adopted Core Strategy Allocation
DS3.3	Rugby Radio Station	Around 6200	Adopted Core Strategy Allocation
DS3.4	South West Rugby (See Policies DS8 and DS9)	Around 5000	Proposed Local Plan Allocated Site
Main Rural Settlements			
DS3.5	Land at Sherwood Farm, Binley	Around 75	Main Rural

	Woods		Settlements / Proposed Local Plan Allocated Sites.
DS3.6	Land North of Coventry Road, Long Lawford	Around 150	
DS3.7	Leamington Road, Ryton on Dunsmore	Around 75	
DS3.8	The Old Orchard, Plott Lane, Stretton on Dunsmore	Around 25	
DS3.9	Land Off Squires Road, Stretton on Dunsmore 2	Around 50	
DS3.10	Linden Tree Bungalow, Wolston Lane, Wolston	Around 15	
DS3.11	Land at Coventry Road, Wolvey	Around 15	
DS3.12	Wolvey Campus, Leicester Road, Wolvey	Around 85	

Table 6: Residential Allocations as per Policy DS3 of Rugby Local Plan 2018

3.5.2. Scoping of SACs with potential to be impacted by the Rugby Local Plan

The SACs for consideration as part of this HRA have been further scoped and refined by an assessment exercise that has identified if there could be any causal connection or link between the different proposals and policies set out in the Rugby Local Plan (see [Section 1.1](#)).

3.5.2.1. Ensor's Pool SAC

This site has been screened in for further consideration in this HRA. The site is vulnerable to:

- Direct or diffuse pollution that could impact the water quality of the pool (particularly increases in sediment that not only change the water quality but also have a direct physical effect on white-clawed crayfish);
- Any change in water levels. Figure 10 in [Appendix 3](#) shows that Ensor's Pool lies within the surface water flooding zone for both 30 year and 200 year events;
- Introduction of non-native species, particularly non-native crayfish species;
- Introduction of bottom feeding coarse fish;
- Removal or control of natural aquatic vegetation; and
- Physical disturbance to Ensor's Pool that could impact: the crayfish bankside refuges, the amount of bankside and marginal vegetation around the pool; the appropriate percentage of submerged macrophytes; and appropriate diversity of substrates within the pool.

Any proposed development under the Rugby Local Plan that could lead to any of the above impacts on Ensor's Pool SAC would lead to the plan having a LSE on Ensor's Pool and trigger the need for a full AA of the Rugby Local Plan to be undertaken (see Stage 2 on Figure 4).

Any hydrogeological impacts to the pool from development within 2-3km of Ensor's Pool should be considered as recommended by the Environment Agency (see letter dated 16.09.15, in [Appendix 1, Section 1.3](#)). The Environment Agency in their initial consultation response to this HRA dated 02.08.16 specifically stated that a dye tracing exercise of Ensor's Pool confirmed that the pool is groundwater fed and is 'not hydraulically linked to nearby ordinary watercourses' (see [Appendix 1, Section 1.3](#)).

3.5.2.2 River Mease SAC

Given that the River Mease lies within the 20km buffer zone around Rugby Borough and the northern section of the borough lies within the Humber River Basin District which also contains the River Mease and its associated Natural England River Mease Catchment Risk Zone, this site has been screened in for further assessment as part of this HRA.

There is potential that any ordinary water course flooding within the Natural England River Mease Catchment Risk Zone (see Figure 7) to impact the River Mease SAC. The Natural England River Mease Catchment Risk Zone has been used in this HRA, as recommended by Natural England during a telephone conversation on 03.08.16. Potential impacts include: pollution (especially from increased nutrient levels, particularly phosphorus), sedimentation and the introduction of non-native species.

3.5.2.3 Other English and Welsh SACs

All other European Sites outside the 20km buffer zone have been screened out as it has been concluded that the Rugby Local Plan will not impact these sites. Justification is provided in Table 6.

Figure 8 illustrates the proximity of other European Sites within the adjacent Severn, Humber, Thames and Anglia River Basin Districts.

In an email from Severn Trent Water dated 28.07.16, they confirmed that '*the local source supply for Rugby is Draycote*', hence not from Wales. Correspondence with Severn Trent Water is provided in [Appendix 1, Section 1.2](#). Figure 9 shows the location of Draycote Water within Rugby Borough, to the south west of Rugby.

SAC	Screen In or Out?	Justification / Notes
Ensor's Pool	SCREENED OUT	<p>The pool lies approximately 3.9 km to the west of Rugby Borough's boundary at its nearest point. It will therefore not be directly impacted by any proposals in the Rugby Local Plan.</p> <p>Previous correspondence with the Environment Agency in relation to the Warwickshire Minerals Plan confirmed that any planning applications within 3km of Ensor's Pool should be considered for a project level HRA in relation to potential hydrogeological impacts. Given Rugby's boundary is beyond the 3km buffer around Ensor's Pool (see Figure 1), this site is screened out of this HRA on this basis. Correspondence with the Environment Agency on 02.08.16 in relation to Ensor's Pool confirmed that '<i>At present we do not consider a HRA assessment would be required to support the Rugby Local Plan</i>' due to the fact the pool appears to no longer support white-clawed crayfish, is fed by groundwater and is not hydraulically linked to nearby ordinary watercourses (see Appendix 1.3).</p> <p>During a telephone conversation with Natural England on 03.08.16, they were in broad agreement (subject to reviewing the full first draft of the HRA dated 08.09.16) that no clear functional pathway exist between Ensor's Pool and Rugby Borough. Their written response to the Draft HRA dated 11.11.16 agrees with the conclusions of the HRA.</p>
Bredon Hill	SCREENED OUT	The site is on a hill outside of Rugby Borough and beyond the 20km buffer around Rugby hence is not considered at risk from the Rugby Local Plan 2018.
Cannock Extension Canal	SCREENED OUT	The site is outside of Rugby and beyond the 20km buffer around Rugby Borough; not connected by any water courses flowing out of Rugby. On this basis the site is screened out.
Lyppard Grange Ponds	SCREENED OUT	The site is outside of Rugby Borough and it is considered too far to be impacted by the plan and there is no direct connection to water courses flowing from Rugby and this site.
River Mease	SCREENED OUT	<p>Whilst the Natural England River Mease Catchment Risk Zone (as per Figure 7) lies approximately 13.5 km to the north of the nearest part of Rugby Borough, there are no rivers that run from or through Rugby Borough into the Natural England River Mease Catchment Risk Zone either directly or indirectly. As Figure 7 illustrates, the only river that flows out of Rugby Borough northwards is the River Soar. The River Soar flows into the River Trent downstream of the River Mease. The only water body that connects Rugby Borough to the Natural England River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal. On this basis there does not appear to be any clear functional pathway between Rugby Borough and the Natural England River Mease Catchment Risk Zone. The Environment Agency on 02.08.16 stated that '<i>We do not consider the River Mease SAC to require assessment because of its distance from Rugby and lack of hydrogeological connection. The majority of Ruby lies outside of the Humber Basin... a very small % lies within the Tame, Anker and Mease management area, with some of the very north of Rugby draining towards the River Soar.</i>' (see Appendix 1.3).</p> <p>On 03.08.16 Natural England broadly agreed (subject to a detailed assessment of this report) that no clear functional pathways between Rugby Borough and the Natural England River Mease Catchment Risk Zone are present. Their written response to the Draft HRA dated 11.11.16 agrees with this conclusion.</p>

Welsh SACs	SCREENED OUT	<p>During the 2012 HRA for the adjacent authority Coventry, for the former Coventry Core Strategy (WCC 2012), Natural England had raised concerns of possible LSE on hydrologically dependant SACs in Wales. Their query related to where the proposed water supply for new development (in particular residential schemes) was to be sourced. Natural England highlighted that if Severn Trent Water were anticipating extracting or utilising water from Wales to growing Midland conurbations, including those within Rugby Borough, this could have a potential LSE on hydrologically dependant SACs in Wales (see Figure 8). Given the proximity of Coventry to Rugby which is also considered to be part of the West Midlands (see Section 1.1), Severn Trent Water were specifically consulted on if they had any concerns over this issue in relation to the proposed development as set out in the Rugby Local Plan.</p> <p>On the 28.07.16 Severn Trent Water confirmed that the local source supply for Rugby is Draycote Water within Rugby Borough, just to the south of Rugby (see Figure 9 and Appendix 1.3). For this reason no impact to Welsh SACs is anticipated by the Rugby Local Plan and hence these SACs are screened out.</p>
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Table 7: Further scoping of European Sites to consider in the HRA of the Rugby Local Plan

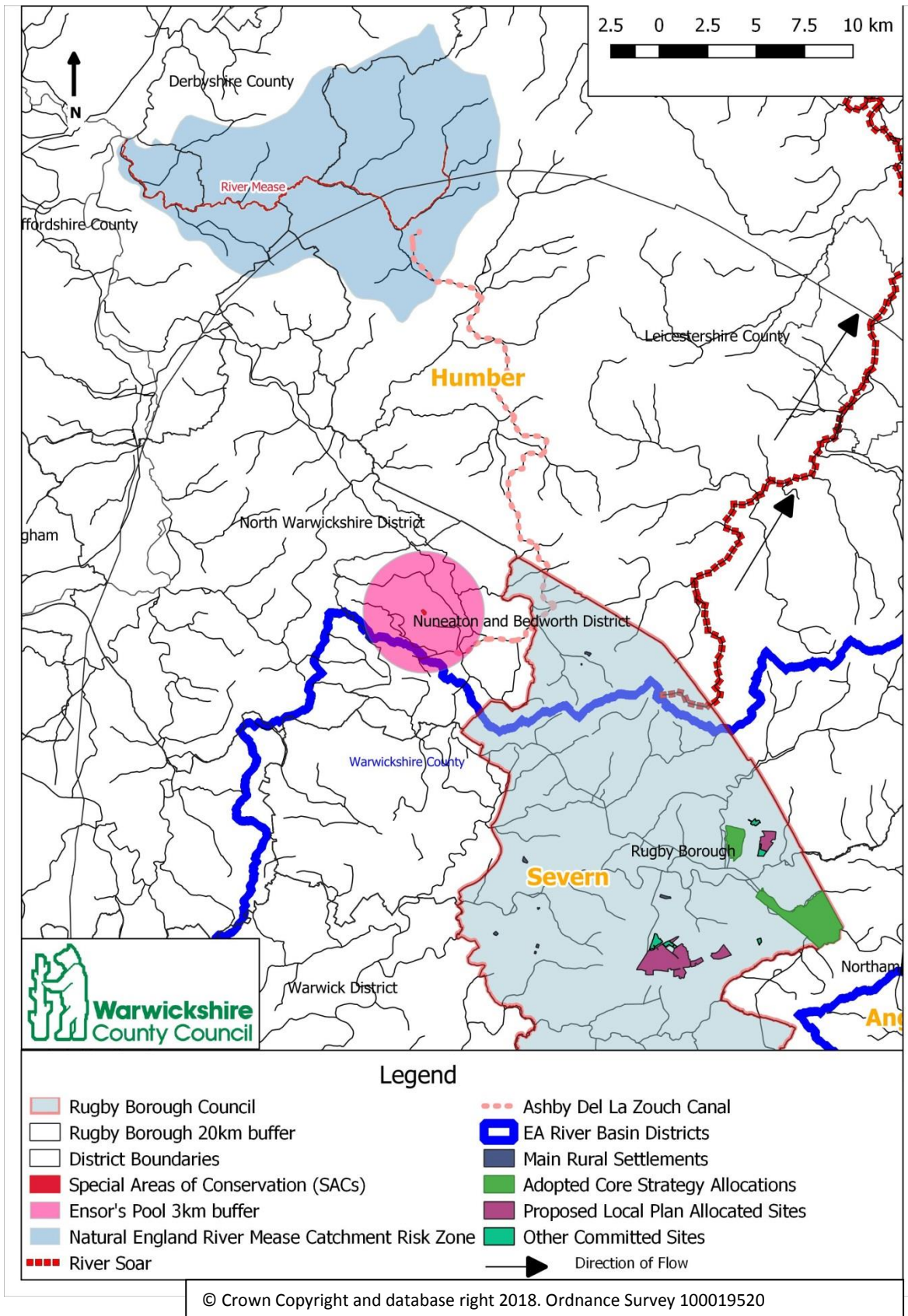


Figure 7: Proximity of the Natural England River Mease Catchment Risk Zone to Rugby Borough, the Ashby-de-la-Zouch canal and the River Soar.

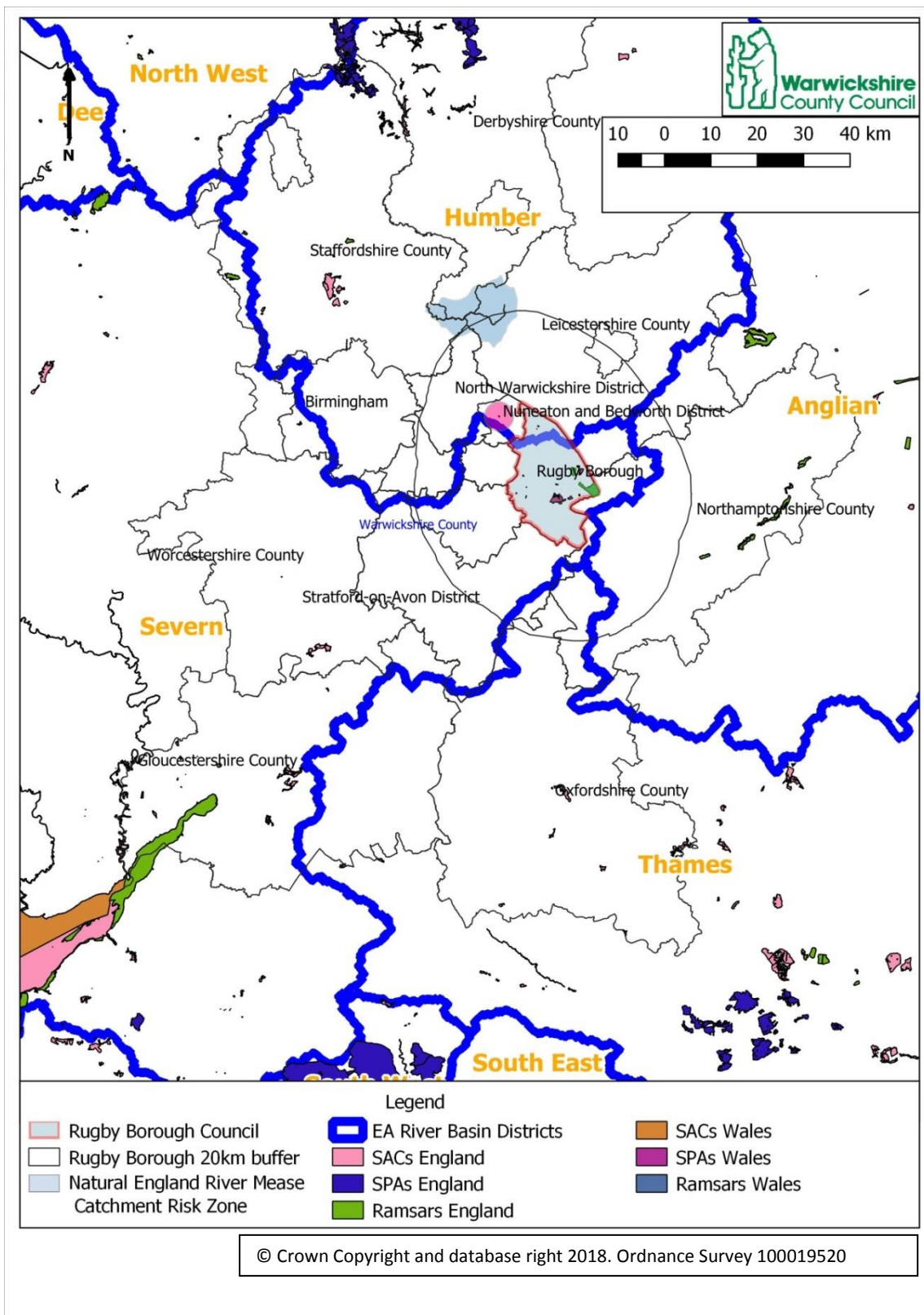


Figure 8: Proximity of European Sites within the wider area around Rugby.

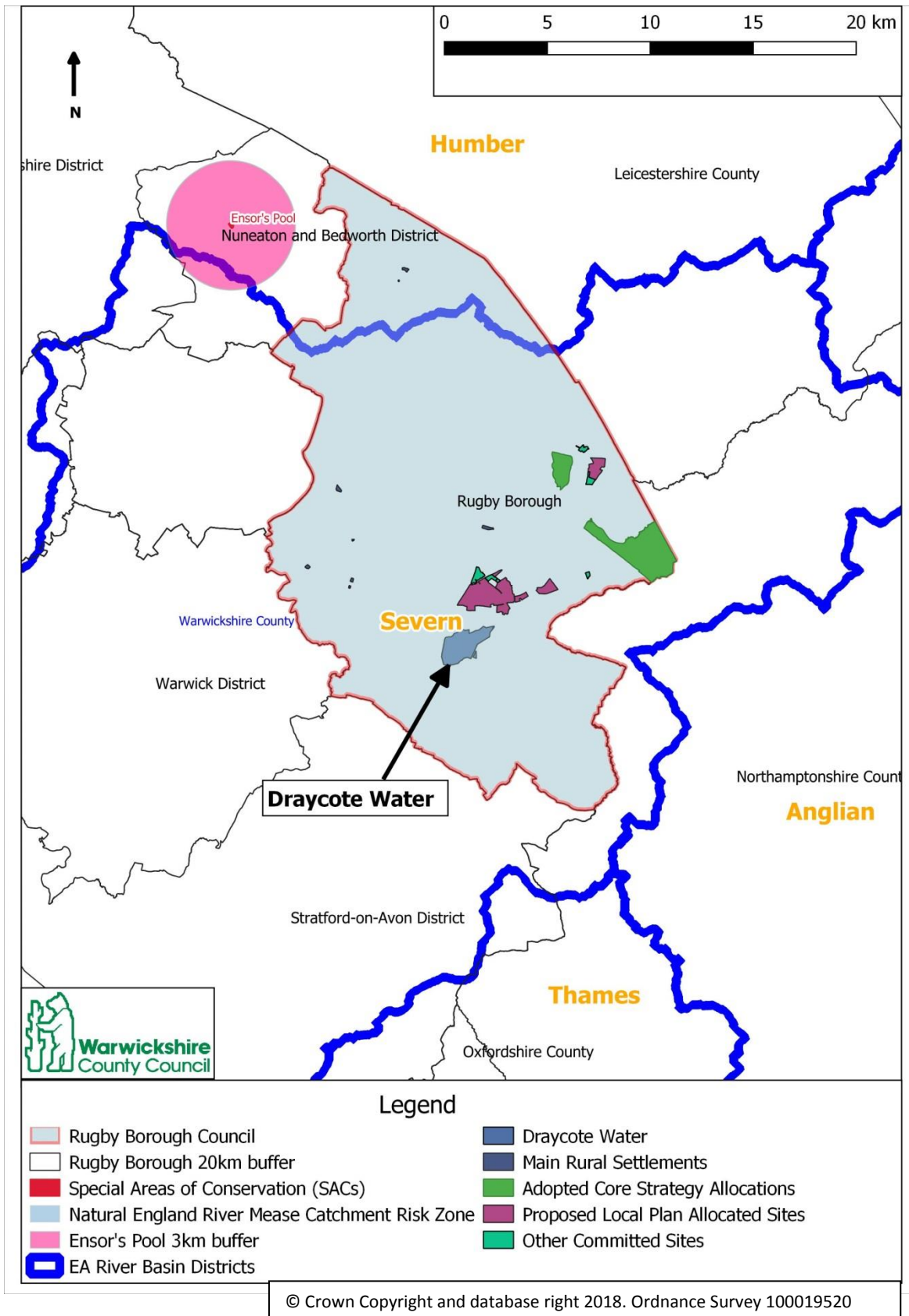


Figure 9: Location of Draycote Water within Rugby Borough

3.4.3. Potential Functional Pathways

Table 8 below highlights the key identified potential functional pathways between any likely generic impacts of development as a result of the Rugby Local Plan 2018 and the identified specific vulnerabilities and issues of concern relating to Ensor’s Pool SAC and the River Mease SAC (as per Table 4&5, [Section 3.2](#) and [Appendix 2](#)). This table draws on a similar approach used by Staffordshire County Council when undertaking their screening of allocated Sites of their new Minerals Local Plan in June 2015 (Staffordshire County Council 2015).

Potential Environmental Impact / Threat	Comment
ENSOR’S POOL	
<p>Water quality: Direct Pollution</p> <p>Pollutants could be potentially discharged from the proposed development sites either directly into an adjacent water course (as waste water run-off) or during surface water flooding events. These pollutants could increase the existing nutrient levels already present within a watercourse / catchment as well as increasing the level of sedimentation that could be detrimental to the SAC and its qualifying features.</p> <p>There is also a risk from minor fuel and oil leaks and spills during proposed development operations; this could be direct or indirect through surface or ground water pollution.</p>	<p>The Surface Water Flooding zone around Ensor’s Pool is illustrated in Figure 10 in Appendix 3. This zone only lies locally around the Ensor’s Pool which lies 3.9 km from the nearest part of Rugby Borough. Hence any impacts via unanticipated pollution incidents via surface water flooding from the Rugby Local Plan can be screened out.</p> <p>The Environment Agency have confirmed that recent studies have shown that Ensor’s Pool is ground water fed, and hence have recommended that any proposals within 3km of Ensor’s Pools should be flagged for consideration by their ground water team. The nearest part of Rugby Borough Council lies outside this 3km buffer at 3.9 km at its nearest point from Ensor’s Pool. Hence no LSE is anticipated from development as part of Rugby Local Plan from ground water or surface water pollution to Ensor’s Pool; hence this impact can be screened out.</p>
RIVER MEASE SAC	

<p>Water quality: Direct Pollution</p> <p>Pollutants could be potentially discharged from the proposed development sites either directly into an adjacent water course (as waste water run-off) or during surface water flooding events. These pollutants could increase the existing nutrient levels already present within a watercourse especially phosphorous known to be of particular concern in the River Mease SAC and associated Natural England River Mease Catchment Risk Zone as well as increasing the level of sedimentation that could be detrimental to the SAC and its qualifying features.</p> <p>There is also a risk from minor fuel and oil leaks and spills during proposed development operations; this could be direct or indirect through surface or ground water pollution.</p>	<p>The Environment Agency agreed during a telephone conversation on 27.07.16 that the River Mease SAC is only at low risk from any theoretical pollution events occurring as a result of the Rugby Local Plan as the only water body that connects the borough to the Natural England River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal (see Figure 7). The proposed local plan allocations in the northern section of Rugby in the Humber River District are also small and low risk. Should any large developments be proposed near the Ashby-de-la-Zouch canal the EA may have concerns on any pollution event potentially travelling up the canal. However for the purposes of this HRA impacts from the Rugby Local Plan can be screened out.</p>
ENSOR'S POOL SAC & RIVER MEASE SAC	
<p>Water quality: Indirect Pollution from Air Pollution</p> <p>Sedimentation impacts through air pollution via wet deposition (where pollutants are removed from the atmosphere by precipitation) or dry deposition (deposition of gases and</p>	<p>The Air Pollution Information System (APIS) website⁵ provides guidance on the main air pollutant releases associated with '<i>Road transport</i>' and '<i>Domestic combustion</i>'. These are considered to be the two most likely causes of air pollution as a result of the Rugby Local Plan. Air pollutants listed include: Nitrogen oxides (NO_x), Sulphur Dioxides (SO₂), Ammonia (NH₃), Particulates (PM), Heavy Metals, Halogens (HCl, HF), Volatile Organic Compounds (VOC) and Polycyclic Aromatic Hydrocarbons (PAH).</p> <p>APIS confirm that deposition of '<i>ammonia, nitrate and other forms of nitrogen from the atmosphere could be</i>' a significant cause of nitrogen pollution where there is limited agricultural activity such as upland areas, however this is</p>

⁵ <http://www.apis.ac.uk/> accessed August 2016

aerosols directly to the Earth's surface⁵.

not considered to be relevant to rural Warwickshire including Rugby Borough.

APIS also confirms the acidification of rivers and streams impacts 'aquatic biota at all levels of the food chain' including 'aquatic algae and macrophytes to macroinvertebrate (e.g. white-clawed crayfish), fish (e.g. spined loach and bullhead) and even water birds'. Acidification can reduce species biodiversity and lead to 'Aquatic animals (invertebrates and fish)' being vulnerable to increased aluminium, hydrogen ion and heavy metal toxicity'.

The APIS also provides a 'Site Relevant Critical Loads' tool that provides critical loads of acidity and nitrogen for every SAC in the UK. Some pollutants require consideration at the site specific level. A summary of the site relevant critical loads of each qualifying feature of both Ensor's Pool SAC and the River Mease SAC are provided below.

Feature and relevant SAC Pollutant to which habitat / species is sensitive	S1092: White Clawed Crayfish / Ensor's Pool and River Mease	S1149: Spined Loach River Mease	S1163: Bullhead River Mease	S1355: Otter River Mease	H3260: Water courses of plain to montane levels with <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation
Nutrient Nitrogen	No critical load, decision needs to be made at the site level since habitat sensitivity depends on N (Nitrogen) or P (Phosphorus) limitation. Need to consider other sources of N such as discharges to water, diffuse agricultural pollution etc.				No critical load, decision needs to be made at the site level since habitat sensitivity depends on N or P limitation
Acidity	There is insufficient knowledge to make a judgment of the impacts on this species. Decision should be made at a site specific level	Potential negative impact on species due to impacts on the species' broad habitat.			Increase Al ³⁺ conc associated with freshwater acidification, impact on invertebrate populations, toxicity to fish.
NH ₃	Critical Level is 3 (2-4 µg NH ₃ m ⁻³) (set for Higher Plants) Decision to be taken at a site specific level since habitat sensitivity depends on N or P limitation				Site specific advice should be sought
NO _x	NO _x Critical Level 30 µg NO _x /m ³ annual mean and 75 µg NO _x /m ³ 24 h- hour mean Decision to be taken at a site specific level since habitat sensitivity depends on N or P limitation				NO _x Critical Level 30 µg NO _x /m ³ annual mean and 75 µg NO _x /m ³ 24 h- hour mean
SO ₂	No critical level has been assigned for this feature, please seek site specific advice				Site specific advise should be sought Critical Level for all vegetation is 10-20 µg SO ₂ /m ³ annual mean
Nitrogen Deposition	<i>River Mease SAC</i> Kg N/ha/yr max = 12.6, min = 11.34 & average = 11.75				
	<i>Ensor's Pool SAC</i> Kg N/ha/yr max, min & average = 14.28				
Acid Deposition Nitrogen	<i>River Mease SAC</i> Keq/ha/yr max, (0.9 0.4) min (0.81 0.3) and average = (0.84 0.32)				

	<table border="1"> <tr> <td></td> <td><i>Ensor's Pool SAC</i> Keq/ha/yr max, min & average = 1.02 0.38</td> </tr> <tr> <td rowspan="2">Ammonia Concentration</td> <td><i>River Mease SAC</i> µg/m3 max (2.65), min (2.08) and average (2.38)</td> </tr> <tr> <td><i>Ensor's Pool SAC</i> µg/m3 max, min & average = 1.95</td> </tr> <tr> <td rowspan="2">NOx Concentration</td> <td><i>River Mease SAC</i> µg/m3 max (22.78), min (17.11) and average (18.69)</td> </tr> <tr> <td><i>Ensor's Pool SAC</i> µg/m3 max, min & average = 23.04</td> </tr> <tr> <td rowspan="2">SO2 Concentration</td> <td><i>River Mease SAC</i> µg/m3 max (3.54), min (2.06) and average (2.33)</td> </tr> <tr> <td><i>Ensor's Pool SAC</i> µg/m3 max, min & average = 2.84</td> </tr> </table>		<i>Ensor's Pool SAC</i> Keq/ha/yr max, min & average = 1.02 0.38	Ammonia Concentration	<i>River Mease SAC</i> µg/m3 max (2.65), min (2.08) and average (2.38)	<i>Ensor's Pool SAC</i> µg/m3 max, min & average = 1.95	NOx Concentration	<i>River Mease SAC</i> µg/m3 max (22.78), min (17.11) and average (18.69)	<i>Ensor's Pool SAC</i> µg/m3 max, min & average = 23.04	SO2 Concentration	<i>River Mease SAC</i> µg/m3 max (3.54), min (2.06) and average (2.33)	<i>Ensor's Pool SAC</i> µg/m3 max, min & average = 2.84
	<i>Ensor's Pool SAC</i> Keq/ha/yr max, min & average = 1.02 0.38											
Ammonia Concentration	<i>River Mease SAC</i> µg/m3 max (2.65), min (2.08) and average (2.38)											
	<i>Ensor's Pool SAC</i> µg/m3 max, min & average = 1.95											
NOx Concentration	<i>River Mease SAC</i> µg/m3 max (22.78), min (17.11) and average (18.69)											
	<i>Ensor's Pool SAC</i> µg/m3 max, min & average = 23.04											
SO2 Concentration	<i>River Mease SAC</i> µg/m3 max (3.54), min (2.06) and average (2.33)											
	<i>Ensor's Pool SAC</i> µg/m3 max, min & average = 2.84											
	<p>No LSE anticipated. There is little information on the zone of influence of air pollutants. The Design Manual for Roads and Bridges (DMRB) considered a 2km buffer around a SAC to trigger the requirement of an HRA. Cornwall County Council cite 200m as a buffer for significant effects from the air quality impacts of increased traffic generated emissions (Parsons Brinckerhoff 2012). Given that Rugby lies approximately 3.9 km from Ensor's Pool and 13.5 km from the River Mease Natural England River Mease Catchment Risk Zone at its nearest point, any indirect impacts to Ensor's Pool SAC or the River Mease SAC via air pollution are screened out of this assessment.</p>											
ENSOR'S POOL												
Water quantity / changes in water levels / drainage	<p>River flows can be impacted by water abstraction (could reduce flow) required to supply new residential and other new development under the Rugby Local Plan. Neither Severn Trent Water nor the Environment Agency have highlighted any concerns regarding Ensor's Pool or hydrologically dependant Welsh SACs and water abstraction.</p> <p>The Environment Agency's Groundwater Team have also highlighted that any development within 2-3km of Ensor's Pool could have a hydrogeological connection to Ensor's Pool, so would require further investigation on potential impacts to the SAC including water level changes. Given Ensor's Pool lies over 3.9 km from Rugby Borough any hydrogeological impacts can be screened out.</p> <p>No proposed development within the surface water flooding zone around Ensor's Pool (see Figure 10 in Appendix 3) is anticipated as part of the Rugby Local Plan.</p>											
ENSOR'S POOL AND RIVER MEASE SAC												
Introduction of invasive non-native	It is considered that the introduction of invasive non-native species into Ensor's Pool is not a LSE of the Rugby Local											

<p>species, particularly non-native crayfish species but also bottom feeding coarse fish</p>	<p>Plan to Ensor's Pool, given the distance from Rugby and the fact that Ensor's Pool is not a destination likely to attract tourists for recreation.</p> <p>Given the only connection between Rugby Borough and the Natural England River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal and there are no rivers that run into the Natural England River Mease Catchment Risk Zone directly from Rugby Borough Council the risk of the introduction of non-native species to the River Mease SAC as a result of the Rugby Local Plan can be screened out.</p> <p>Hence direct introduction of non-native species is not considered further for either SAC.</p>
<p>ENSOR'S POOL</p>	
<p>Direct disturbance: e.g. removal of natural aquatic vegetation and direct physical disturbance of Ensor's Pool</p>	<p>No LSE anticipated, Rugby Borough is at least 3.9km from Ensor's Pool SAC.</p>
<p>Indirect disturbance: e.g. from light and noise</p>	<p>No LSE anticipated, Rugby Borough is at least 3.9km from Ensor's Pool SAC</p>

Table 8: Key functional pathways for potential Likely Significant Effects (LSE) from the Rugby Local Plan.

3.5. Pre-Screening Assessment

The pre-screening of the Rugby Local Plan 2018 has been undertaken following guidance and specific ‘pre-screening categories’ provided in the HRA Handbook 2018, listed in Table 2 in [Section 2.3](#).

All the policies and wording within the Rugby Borough Council Local Plan – 2011 -2031 June 2018 were screened out in terms of having any LSE on any European Sites. A summary of the results for each policy are provided in Table 9 below, with the detailed results of the pre-screening of all policies and wording are provided with justification text in Table 10 in [Appendix 4](#).

Content of plan	Screening conclusion	Screening Category
Spatial Vision	Screened out	A
Spatial Objective 1	Screened out	A
Spatial Objective 2	Screened out	A
Spatial Objective 3	Screened out	A
Spatial Objective 4	Screened out	A
Spatial Objective 5	Screened out	A
Spatial Objective 6	Screened out	A
Spatial Objective 7	Screened out	A
Spatial Objective 8	Screened out	D
Spatial Objective 9	Screened out	D
Policy GP1: Securing Sustainable Development	Screened out	B
Policy GP2: Settlement Hierarchy	Screened out	H
Policy GP3: Previously Developed Land and Conversions	Screened out	B
Policy GP4: Safeguarding development potential	Screened out	B
Policy GP5: Neighbourhood level documents	Screened out	B
Policy DS1: Overall Development Needs	Screened out	H
Policy DS2: Sites for Gypsy, Travellers and Travelling Showpeople	Screened out	B
Policy DS3: Residential allocations	Screened out	H
Policy DS4: Employment allocations	Screened out	H
Policy DS5: Comprehensive Development of Strategic Sites	Screened out	B
Policy DS6: Rural Allocations	Screened out	B
Policy DS7: Coton Park East	Screened out	B
Policy DS8: South West Rugby	Screened out	H
Policy DS9: South West Rugby Spine Road Network	Screened out	H
Policy H1: Informing Housing Mix	Screened out	B
Policy H2: Affordable Housing Provision	Screened out	H
Policy H3: Housing for rural businesses	Screened out	B
Policy H4: Rural Exceptions Sites	Screened out	B
Policy H5: Replacement Dwellings	Screened out	B
Policy H6: Specialist Housing	Screened out	B
Policy ED1: Protection of Rugby’s Employment Land	Screened out	B
Policy ED2: Employment development within Rugby urban area	Screened out	B
Policy ED3: Employment development outside Rugby urban area	Screened out	B
Policy ED4: The Wider Urban and Rural Economy	Screened out	B
Policy TC1: Development in Rugby Town Centre	Screened out	H
Policy TC2: Rugby Town Centre Comparison and Convenience Floorspace Requirements	Screened out	B
Policy TC3: Primary Shopping Area and Shopping Frontages	Screened out	B
Policy HS1: Healthy, Safe and Inclusive Communities	Screened out	B

Policy HS2: Health Impact Assessments	Screened out	B
Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services	Screened out	B
Policy HS4: Open Space and Recreation	Screened out	B
Policy HS5: Traffic Generation and Air Quality, Noise and Vibration	Screened out	D
Policy NE1: Protecting Designating Biodiversity and Geodiversity Assets	Screened out	D
Policy NE3: Blue and Green Infrastructure Policy	Screened out	D
Policy NE4: Landscape Protection and Enhancement	Screened out	B
Policy SDC1: Sustainable Design	Screened out	B
Policy SDC2: Landscaping	Screened out	D
Policy SDC3: Protecting and enhancing the Historic Environment	Screened out	B
Policy SDC4: Sustainable Buildings	Screened out	H
Policy SDC5: Flood Risk Management	Screened out	B
Policy SDC6: Sustainable Urban Drainage	Screened out	D
Policy SDC7: Protection of the Water Environment and Water Supply	Screened out	D
Policy SDC8: Supporting the provision of renewable energy and low carbon technology	Screened out	B
Policy SDC9: Broadband and mobile Internet	Screened out	H
Policy D1: Transport	Screened out	B
Policy D2: Parking facilities	Screened out	H
Policy D3: Infrastructure and Implementation	Screened out	H
Policy D4: Planning Obligations	Screened out	B
Policy D5: Airport flightpath safeguarding	Screened out	F

Table 9: Summary of Screening Assessment for Rugby Local Plan 2018

4. In-combination Assessment

The requirement for an In-combination Assessment as part of the HRA is outlined under Article 6 (3) of the Habitats Directive. The HRA Handbook 2018 states that *'European Commission guidance and case law establishes that the underlying intention of the in combination provision is to take account of cumulative effects.'*

The ten steps in the In-combination Pre-Screening assessment are provided in Figure 6 in Section 1.2.

Principle 17 in the In-combination Assessment section of the HRA Handbook 2018 states that *'where a plan or project has no adverse effect on a site at all, no 'in combination' test is necessary because it cannot contribute to any cumulative effects.'* This was clarified by the High Court judgment: Foster and Langton⁶.

The results of the Stage 1 pre-screening of the Rugby Local Plan concluded that the plan was not considered to have any Likely Significant Effects on any European Sites either alone or in-combination with other plans or projects. Given this conclusion, it is considered that cumulative effects can be eliminated for these plans and no In-combination Assessment is required (see step 2 of Figure 6).

⁶ Foster and Langton v Forest of Dean District Council [2015] EWHC 2648 22nd September.

5. Formal Screening Decision and Statutory Consultee Responses

The results of the pre-screening assessment have resulted in the formal screening assessment being that the Rugby Borough Local Plan can be eliminated *'from further assessment under the Regulations because it is clear that it does not incorporate any measures intended to avoid or reduce the harmful effects of the plan on a European site, and there would clearly be no likelihood of any significant effects on any European site, either alone or in combination with other plans or projects'* (HRA Handbook 2018).

This equates to Situation A as described in section F.7.2 of the HRA Handbook 2018. It is therefore **not necessary to undertake a Stage 2 appropriate assessment on this plan and it can be adopted.**

A formal record of the screening decision is provided in Section 6.

The updated Draft HRA report (version 4 dated 02.08.18) was sent out for public and statutory consultation along with the main modifications to the Rugby Borough Council Local Plan - 2011-2031 between 14th August 2018 to the 5th October 2018. **Natural England** confirmed in their consultation response to the update Draft HRA report that they **have 'no objections'**. **The Environment Agency's** response to the Draft HRA report on 05.10.18 was **'no comment'**. Details of these consultation responses can be found in Appendix 1).

6. Recording the Formal Screening Decision

OUTLINE OF A RECORD FOR A PLAN WHICH WOULD NOT BE LIKELY TO HAVE A SIGNIFICANT EFFECT ON ANY EUROPEAN SITE, EITHER ALONE OR IN COMBINATION WITH ANY OTHER PLAN OR PROJECT

The outcome could be recorded along the following lines.

Introduction and conclusion of the assessment

Rugby Borough Council Local Plan – 2011 to 2031 was considered in light of the assessment requirements of regulation 63 / 105 of the Conservation of Habitats and Species Regulations 2017 by *Warwickshire County Council* which is the plan-making / competent authority responsible for adopting the plan and any assessment of it required by the Regulations.

Having carried out a 'screening' assessment of the plan, the plan-making / competent authority has concluded that the plan would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

The *Natural England West Midlands Team* was consulted on this conclusion and has **[confirmed they have no objections to the HRA]** with it *see written confirmation in Appendix 1*.

Information used for the assessment

A copy of the list used to scan for and select European sites potentially affected by the plan is given below.

See Table 2 in the HRA report version 5 dated December 2018

A summary of the information gathered for the assessment is presented in the Information Required for Assessment table below.

See Section 3.2 including Table 4 and 5

The formal screening decision

A formal decision as to whether the plan would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, taking no account of the effects of any measures intended to avoid or reduce the harmful effects on a European site.

The formal screening opinion is provided in Section 5 of the HRA Report and concludes 'there would clearly be no likelihood of any significant effects on any European site, either alone or in combination with other plans or projects'

The pre-screening schedules, tables or matrices

The pre-screening schedules, tables, matrices or other outputs of the work which resulted from the pre-screening process described in section F.6, could be attached as supporting evidence to the formal screening decision and record

Assumptions and limitations

The screening conclusion necessarily relies on some assumptions and it was inevitably subject to some limitations. Most of the assumptions and limitations would not affect the conclusion but the following points are recorded in order to ensure that the basis of the assessment is clear.

The limitations and assumptions of this HRA are provided in Section 2.4 of the HRA Report.

References and reports

In reaching the conclusion of the assessment the plan-making / competent authority took the following documents into account:

The references used in this HRA report are provided in Section 7 of this HRA Report

Dated 13/12/2018

Copy sent to Natural England / Natural Resources Wales / JNCC date 31/01/2019

7. References

- DMRB (Design Manual for Roads and Bridges). 2009. Highways Agency and partners.
- DTA (David Tyldesley and Associates). 2016. The Habitat Regulations Assessment (HRA) Handbook 2016. Accessed via <http://www.dtapublications.co.uk/handbook/browse> to which WCC are a subscriber.
- DTA (David Tyldesley and Associates). 2018. The Habitat Regulations Assessment (HRA) Handbook 2016. Accessed via <http://www.dtapublications.co.uk/handbook/browse> to which WCC are a subscriber.
- Natural England. 2008. Conservation Objectives for Ensor's Pool SSSI.
- Natural England. 2012. Conservation Objectives for River Mease.
- Natural England. 2014a. Press Release dated 08.11.14.
- Natural England. 2014b. Site Improvement Plan for Ensor's Pool. November 2014 via <file:///C:/Users/leoandlouise/Downloads/SIP141105FINALv1.0%20Ensors%20Pool.pdf>.
- Natural England. 2014c. Site Improvement Plan for River Mease. 10th October 2014.
- Natural England. 2014d. Moving towards common standards monitoring guidance targets for SAC Rivers for the River Mease.
- Natural England. 2015. White-clawed crayfish survey for Ensor's Pool SSSI/SAC (Warwickshire). Ensor's Pool Special Area of Conservation (SAC). Improvement Programme for England's Natura 2000 Sites (IPENS) – Planning for the Future IPENS065. 30 October 2015.
- Natural England. 2016. European Site Conservation Objectives: Supplementary Advice on Conserving and Restoring Site Features for River Mease Special Area of Conservation (SAC) Site Code: UK0030258. 31 May 2016.
- Natural England. 2018a. European Site Conservation Objectives for Ensor's Pool Special Area of Conservation. Site Code: UK0012646. 07 February 2018 version 2.
- Natural England 2018b. European Site Conservation Objectives for Ensor's Pool Special Area of Conservation Site Code: UK00112646. 27 November 2018 (version 3).
- Natural England 2018c. European Site Conservation Objectives for River Mease Special Area of Conservation Site Code: UK0030258. 27 November 2018 (version 3).
- Parsons Brinckerhoff. 2012. Habitat Regulations Screening Assessment. St Austell, St Blazey and China Clay Area Regeneration Plan for Cornwall Council May 2012.
- Planning Inspectorate (PINS). 2013. Habitat Regulations Assessment. Advice note ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects. Version 5 dated August 2013 (known as PINS Advice note 10 in the text).
- Rugby Borough Council (RBC). 2009. Local Development Framework – Proposed Submission Core Strategy. July 2009
- Rugby Borough Council (RBC). 2016. Rugby Borough Council Local Plan – 2011 to 2031. Publication Draft. Full Council Version. 19th July 2016.
- Rugby Borough Council (RBC). 2018. Rugby Borough Council Local plan – 2011 -2031. June 2018.

Scottish Natural Heritage. 2012. Habitats Regulations Appraisal of Plans. Guidance for Plan-Making Bodies in Scotland Version 2.0. August 2012.

Staffordshire County Council. 2015. The new Minerals Local Plan for Staffordshire 2015 to 2030. Habitat Regulations Screening of Allocated Sites. June 2015.

UE Associates (UEA). 2009. Habitats Regulation Assessment for the Rugby Core Strategy. Screening Statement.

Warwickshire County Council. 2010. Local Transport Plan Habitat Regulations Appropriate Assessment.

Warwickshire County Council. 2012. Coventry City Council – Core Strategy Habitat Regulations Appropriate Assessment. Screening Report. July 2012.

Warwickshire County Council 2016a. Screening Report for Habitat Regulations Assessment for Coventry Local Plan & City Centre Area Action Plan 2016. March 2016.

Warwickshire County Council. 2016b. Habitat Regulations Assessment of the Local Flood Risk Management Strategy for Warwickshire County Council. March 2016.

Warwickshire County Council. 2018. Screening Report for Revised Warwickshire Minerals Plan October 2018.

Legislation, Other Policy and websites consulted.

Air Pollution Information System. www.apis.ac.uk

Conservation of Habitats and Species Regulations 2017 (SI 2017/1012)

European Birds Directive 79/409/EC

European Habitats Directive 92/43/EEC

European Codified Birds Directive 2009/147/EC

Joint Nature Conservancy Council (JNCC) Website <http://jncc.defra.gov.uk>

Localism Act 2011

Natural England (NE) website

<http://publications.naturalengland.org.uk/publication/5415467531370496?category=5134123047845888> –

National Planning Policy Framework (NPPF). Ministry of Housing, Communities & Local Government. July 2018

Rugby Borough Council's planning page <https://www.rugby.gov.uk/localplan> accessed 17.07.18

HRA Case Law:

The Ribble Case Reference: RSPB v Secretary of State for Environment Food and Rural Affairs, 'BAE Systems (Operations) Ltd and Natural England' 18th March 2015, [2015] EWHC Cv 227.

The Waddenzee Case: Ruling from the European Court of Justice (ECJ) C-1272/02 Waddenzee (Netherlands).

Foster and Langton. Reference: Foster and Langton v Forest of Dean District Council 22nd September 2015 [2015] EWHC 2648.

The Moorburg Case Judgment Reference: EC v Germany from the European Court of Justice of the European Union (CJEU) C-142/16

The POW Case Ruling Reference: People Over Wind and Sweetman vs Coillte Teoranta from the Court of Justice of the European Union (CJEU) C-323/17

Appendix 1: Key Consultation Responses

1.1. Natural England Correspondence

Dear Sir / Madam

Local Plan Post Hearings Main Modifications Consultation - Addendum to Sustainability Appraisal (SA) and updated Habitat Regulations Assessment (HRA) Draft Screening Report

Natural England confirms it has reviewed the Post Hearing Main Modifications document and updated Sustainability Appraisal and Habitat Regulations Assessment (HRA).

Please take this email as confirmation we have no objections to any the proposed changes and no further comments.

Many thanks

[Redacted]
West Midlands Area Team (East) Urban Planning Lead Adviser
Planning for a Better Environment Team
Natural England

Please visit our Donate campaign to buy and restore [Bergum Woods](#) next to Stiperstones NNR

Follow us on twitter @NE_WestMids

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England is accredited to the Cabinet Office Customer Service Excellence Standard

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Ensor's Pool Special Area of Conservation (SAC)

1 message



26 March 2018 at 17:54

The following advice outlines the current situation regarding Ensor's Pool SAC and related Habitats Regulations Assessment (HRA) of plans and projects:

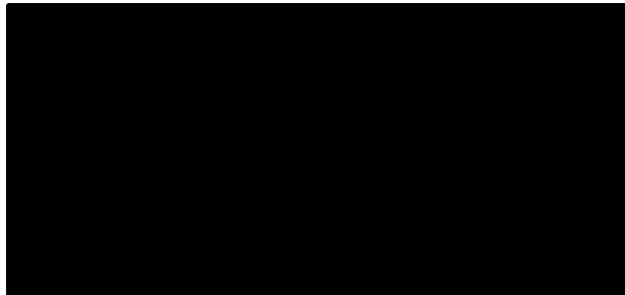
Surveys of Ensor's Pool in Nuneaton (most recently in September 2015) have failed to find the white clawed crayfish for which the site is designated as a Special Area of Conservation (SAC).

A survey in September 2012 caught 262 crayfish however surveys for white clawed crayfish carried out in September 2014 (trapping survey), October 2014 (Dive survey), June – September 2015 (Bioassay) and September 2015 (trapping survey) caught no crayfish. Based on the survey evidence, Natural England has concluded that the population of native white-clawed crayfish is no longer present. Natural England is now working with Defra on the way forward.

Whilst this work is ongoing, Natural England has produced tailored Conservation Objectives, which take into account the current situation for this site. These objectives ensure that the integrity of the site is maintained, whilst recognising the current absence of the interest feature.

Link - <http://publications.naturalengland.org.uk/publication/6577286383927296?category=5134123047845888>

With regard to update information including 'in combination effects' Natural England does not routinely hold details of plans and projects within the meaning of the Habitats Regulations. You will need to consult with the decision makers for the types of plans/projects with scope to impact on this SAC (e.g. including Local Planning Authorities, Environment Agency and/or Local Lead Flood Authority)



Date: 11 November 2016
Our ref: 197172 and 197698
Your ref: No Ref



Development Strategy
Rugby Borough Council

localplan@rugby.gov.uk

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY



Rugby Local Plan – Publication Draft – Sustainability Appraisal and Habitats Regulations Assessment (HRA)

Thank you for your consultation. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Response:

- Response to HRA – Natural England concurs with assessment
- Sustainability Appraisal - Negative impacts to the natural environment and the opportunity to do more through plan policies
- Specific advice on plan policies including green infrastructure policy improvements and a lack of policy on soils

Habitat Regulations Assessment (HRA)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England has reviewed the draft HRA provided for this publication draft of the Rugby Local Plan. The assessment provided concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

Sustainability Appraisal (SA)

Natural England has had discussions with Rugby Borough Council and is aware of the challenges faced in allocating sites from the full mix assessed. As a result of this understanding we acknowledge the reasons for allocating some sites with potentially significant impacts on SA objectives 9 and 16.

The remaining level of uncertainty to the natural environment, resources and the ecosystem services they provide is indicated in paragraph 6.13 of the latest SA document. Natural England acknowledges the balance proposed from assessing all proposed sites and the need to accept what can be reasonably established at this stage. That said the level of potentially negative affects to the natural environment is a concern for this local plan.

We advise that the policies in this local plan provide significant opportunities to address the impacts highlighted under SA objective 16 through mitigation and enhancement of ecological networks at a landscape scale and through quality sub-urban biodiversity habitat provision. We are supportive of the positive approach taken in the natural environment policies, but advice there are opportunities to go further particularly given the strategy Rugby has taken to address the challenges faced. In our

specific comments on the policies proposed we provide detail as to measures that will improve the ability of these policies to further protect and enhance the natural environment.

Local Plan Policies

Soils

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our well-being and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. Natural England is concerned at the lack of policy assurance within this plan to protect soils. It is clear that this has been considered through the SA of the allocation process but this does not seem to have influenced a strong policy within the plan apart from certain types of development. Natural England has provided more detailed guidance in the appendices to this response.

Policy DS3 and DS5 Residential Allocations: Sub-Urban Green Infrastructure

Natural England believes that necessary housing growth should be accommodated with minimum impact on the natural environment and delivers maximum benefits for the natural environment and people together.

Green Infrastructure includes established green spaces and new sites and should thread through and surround the built environment and connect the urban area to its wider rural hinterland. Consequently, it needs to be delivered at all spatial scales, from regional, sub-regional, local and neighbourhood levels, through to smaller scale elements of sub-urban design.

The Natural White Paper¹ (2010), sets out the Government's response to the *Making Space for Nature*² review (2010). A key element of this delivery is through the planning system by encouraging greener design and enabling development to enhance natural networks for the benefit of people and the environment. At the sub-urban and local level this should also help local residents and the wider community to understand the multiple benefits of the natural environment.

We encourage the authority to push for ecologically sensitive design and landscaping within this local plan policies and supporting text. This should support integration of housing within the sites blue and green infrastructure provision (green way linkages and Sustainable Urban Drainage Systems (SUDs)) to provide multi-functional green infrastructure of high value for nature and people. This is particularly relevant to the Rugby Local Plan given the scale of development and the opportunity to contribute to ecological networks through the upfront master planning process. Interventions could include:

- Stepping stone habitat for Farmland Birds and Pollinators
- Green roofs
- Rain water gardens

DS8 South West Rugby

Natural England is in general support of this relatively strongly worded policy. We are pleased to see outline master plans and the intention of a Supplementary Planning Document (SPD) to guide development within this allocation. In addition we are pleased to see the issues outlined in paragraphs 4.28 and 4.42 are specifically dealt with in the policy for this allocation. The multiple ownership alongside the important role of green infrastructure for this site makes these tools extremely important to ensure the natural environment is protected and enhanced in a strategic way. Our comments on Sub-Urban Green Infrastructure are of particular relevance for this allocation.

We are however, concerned at the lack of reference to the proximity of this allocation to Draycote Meadows SSSI, in both the SA and the Local Plan itself. Natural England advised of this in our previous response to the preferred options consultation. There will be a need for proposals coming forward to adequately ensure there are no hydrological impacts to the SSSI as a result of any

development taking place. We are unclear that this has been considered.

DS9 South West Rugby Spine Network

Natural England notes that of the proposals an option appears to cut through an area of ancient – semi-natural woodland central to this proposed allocation. We refer you to our previous response (174443) which provided advice in regards to ancient woodland. It is important that in the planning of this site this area of important habitat is not only protected according to its status as ancient woodland but is connected as part of the retained and enhanced ecological networks, a policy vision set out in the proposed plan.

Policy DS10 – Lodge Farm Garden Village

This allocation represents a departure from the development strategy put forward at the proposed options stage. Natural England is disappointed to see that the Green Infrastructure Proposals Map in the supporting documentation for the plan does not acknowledge this site and its potential role in the connection of existing ecological networks and its proximity through to the Oxford Canal. Our comments on Sub-Urban Green Infrastructure are of particular relevance for this allocation.

We are pleased to see outline master plans and the intention of a Supplementary Planning Document (SPD) to guide development within this allocation and would wish to be consulted on the development of this document.

Natural Environment Policies (NE1 – NE3)

Natural England supports the advice from Warwickshire County Ecology Unit to add 'International and European Sites' to the bullet list of habitats and species of importance. This policy covers all future development over the plan period some of which may not be covered by the HRA assessment of this plan and its allocated sites.

Natural England supports a stand-alone blue and green infrastructure policy. We advise given the large scale development proposed at a number of sites, the issue of multiple ownerships and the relevance of this to delivering functional green infrastructure should be acknowledged in the supporting text of this policy.

We also refer you to earlier comments in regards to sub-urban green infrastructure. Large scale developments, regardless of density offer opportunities to provide stepping stone habitat and bring people closer to the natural environment. Natural England feels strongly this is a unique opportunity for Rugby given the delivery strategy proposed and would be very keen to see this included where possible within the family of Natural Environment Policies.

Sustainable Design and Construction Policies (SDC1-2)

As with the Natural Environment Policies these provide an opportunity to influence functional sub-urban green infrastructure, particularly within the larger scale developments. We would be very keen to see this included to support the fundamentals of the natural environment within sustainable design and landscaping as part of wider green infrastructure and ecological connectivity.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Yours Faithfully



South Mercia Team

Appendix A

Soil and Agricultural Land Quality

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our well-being and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver, for example:

1. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The [Natural Environment White Paper \(NEWP\) 'The Natural Choice: securing the value of nature'](#) (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils, for example:
 - A Vision for Nature: 'We must protect the essentials of life: our air, biodiversity, soils and water, so that they can continue to provide us with the services on which we rely' (paragraph 2.5).
 - Safeguarding our Soils: 'Soil is essential for achieving a range of important ecosystem services and functions, including food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife' (paragraph 2.60).
 - 'Protect 'best and most versatile' agricultural land' (paragraph 2.35).
2. The conservation and sustainable management of soils also is reflected in the [National Planning Policy Framework \(NPPF\)](#), particularly in paragraphs 109 and 112. When planning authorities are considering land use change, the permanency of the impact on soils is an important consideration. Particular care over planned changes to the most potentially productive soil is needed, for the ecosystem services it supports including its role in agriculture and food production. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 17 of the NPPF, for example to:
 - Safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.
 - To avoid development that would disturb or damage other soils of high environmental value (e.g. wetland and other specific soils contributing to ecological connectivity, carbon stores such as peatlands etc) and, where development is proposed.
 - Ensure soil resources are conserved and managed in a sustainable way.
3. To assist in understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 112 of the National Planning Policy Framework, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the www.magic.gov.uk website. The planning authority should ensure that sufficient site specific ALC survey data is available to inform decision making. For example, where no reliable information was available, it would be reasonable to expect that developers should commission a new ALC survey, for any sites they wished to put forward for consideration in the Local Plan
4. General mapped information on soil types is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.
5. Further guidance for protecting soils (irrespective of their ALC grading) both during and following development is available in Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), to assist the construction sector in the better

protection of the soil resources with which they work, and in doing so minimise the risk of environmental harm such as excessive run-off and flooding. The aim is to achieve positive outcomes such as cost savings, successful landscaping and enhanced amenity whilst maintaining a healthy natural environment, and we would advise that the Code be referred to where relevant in the development plan.



clean, green, safe

Letter Sent by Email
consultations@naturalengland.org.uk

26th September 2016

Dear Sir / Madam,

**Re: Habitat Regulation Assessment (HRA) for Rugby Borough Council Local Plan
Publication Draft: Draft Screening Report**

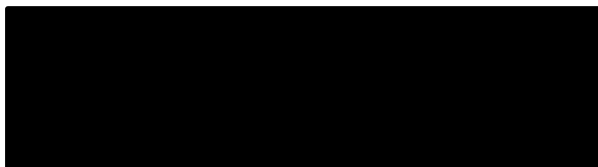
I am writing to you to request a written screening opinion on the potential impact of the Rugby Borough Council Local Plan Publication Draft on 'European sites' within the vicinity.

A Stage 1 Screening exercise of the HRA process in relation to the Rugby Local Plan has been undertaken as required under Article 6 (3) of the European Commission's Habitats Directive (92/43/EEC).


Enclosed with this letter are copies of the Rugby Local Plan Publication Draft Report (September 2016) and the HRA Draft Screening Report (2016). These documents along with Local Plan appendices and other published evidence are also available online at https://www.rugby.gov.uk/directory_record/935/local_plan

Please could a written response be provided on the Local Plan HRA Draft Screening Report by **Friday 11th November 2016**. I would however be extremely grateful if you were able to do this at your earliest opportunity. If you need to discuss the attached report, please don't hesitate to contact me using the details below.

Yours sincerely,



Rugby Borough Council
Town Hall, Evreux Way, Rugby, CV21 2RR
Tel: (01788) 533533 www.rugby.gov.uk



The current status of Ensor's Pool as a Special Area of Conservation (SAC) remains and Natural England's continues to advise competent authorities and those undertaking assessment under the habitat regulations to continue on a business as usual basis (BAU). Actions underway, including survey effort have led to a decision to amend the Site of Special Scientific Interest (SSSI) condition assessment based on fair and robust evidence base. HOWEVER, until there is agreement on the role of the site in the wider picture of the White-Clawed Crayfish population we must still operate on this BAU basis. Conversations with DEFRA are ongoing on this matter.

My thoughts in regards to your preparation of the HRA for Rugby Local Plan:

The only water body that connects Rugby Borough Council to the NE River Mease Catchment Risk Zone is the Ashby de-la-Zouch canal (see attached plan). On this basis there does not appear to be any clear functional pathways between Rugby Borough Council and the River Mease Catchment Risk Zone and we would welcome your comment on this initial assessment.

On the understanding that I have not seen any detail of where sites are allocated in the latest version of the Local Plan I would concur with this assessment based on the catchment zones for the River Mease.

I am currently considering if an in-combination assessment is necessary following the initial screening of the plan. I would however, be interested to know if there are any specific plans or projects that we should be aware of whilst undertaking this HRA.

Possibly the Warwickshire Minerals Plan, I also understand Nuneaton and Bedworth are looking again at their site allocations which with one next to Ensor's Pool may need to be taken into account?



Confidential consultation - HRA of Rugby Borough Local Plan

1 message

14 July 2016 at 16:08

I write in reference to another HRA I am undertaking of the Rugby Borough Council Local Plan 2011 to 2031 Publication Draft on behalf of Rugby Borough Council. The Local Plan sets out the Council's policies and proposals to support the development of the Borough through to 2031 and will be out for public and statutory consultation in September, along with the draft HRA for your comment.

At this stage I am contacting you at an early stage of my HRA work on a confidential basis to determine if there are any issues or concerns about this new plan in relation to European Sites that you wish to raise at this screening stage?

I attach a confidential plan providing the location of development sites associated with the Local Plan in the context of the two European Sites within a 20km buffer of the Rugby District Council boundary.

You will see that Ensor's Pool and its 3km buffer (as advised by the Environment Agency for triggering project level HRAs), lies outside of Rugby Borough Council.

The Natural England River Mease Catchment Risk Zone lies within the 20km buffer, but there are no rivers that run from or through Rugby Borough Council into the River Mease Catchment Risk Zone either directly or indirectly. The only river that flows out of Rugby Borough Council northwards is the River Soar, that flows into the River Trent downstream of the River Mease. The only water body that connects Rugby Borough Council to the NE River Mease Catchment Risk Zone is the Ashby de-la-Zouch canal (see attached plan). On this basis there does not appear to be any clear functional pathways between Rugby Borough Council and the River Mease Catchment Risk Zone and we would welcome your comment on this initial assessment.

I am currently considering if an in-combination assessment is necessary following the initial screening of the plan. I would however, be interested to know if there are any specific plans or projects that we should be aware of whilst undertaking this HRA.

I have contacted Antony Muller at Natural England separately regarding the current status of Ensor's Pool SAC.

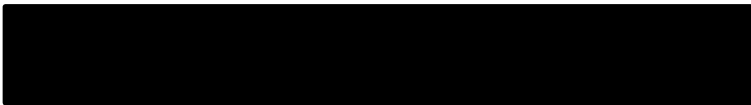
To provide some background, a previous HRA (by UE Associates) of the Submission Version of the Core Strategy for Rugby in 2009 used a 20km buffer for the HRA. This HRA was accepted by Natural England on 16.08.09 as not having any obvious pathways for significant effects on the European Sites identified. In line with this, and our recent HRA for Coventry, we will also be using a 20km buffer around Rugby for the purposes of this HRA.

The 2009 Core Strategy highlighted the need for 10 800 additional homes in Rugby DC (6000 to be allocated through the LDF) and 108ha of employment land required (with around 66ha delivered through the LDF) between 2009 and 2026. This new draft Rugby Borough Council Local Plan for 2011 to 2031 proposes 12400 additional homes and 110ha of employment land.

We will also be consulting the Environment Agency and Severn Trent Water in relation to this HRA.

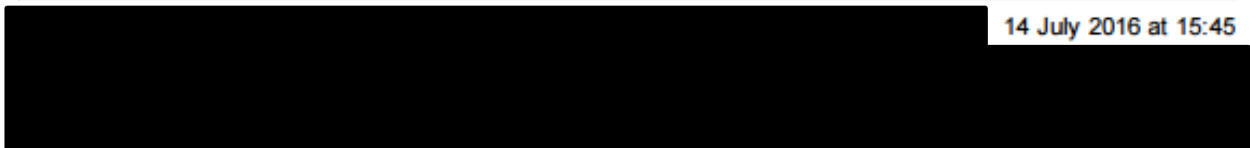
I look forward to hearing from you.

Sincerely



Ensor's Pool SAC - Consultation Request Advice on HRA

14 July 2016 at 15:45



I hope you are well. I am writing to ask for an update on the current status of Ensor's Pool SAC in relation to a Habitats Regulations Assessment (HRA) I am currently undertaking for the Rugby Borough Council Local Plan 2011 to 2031.

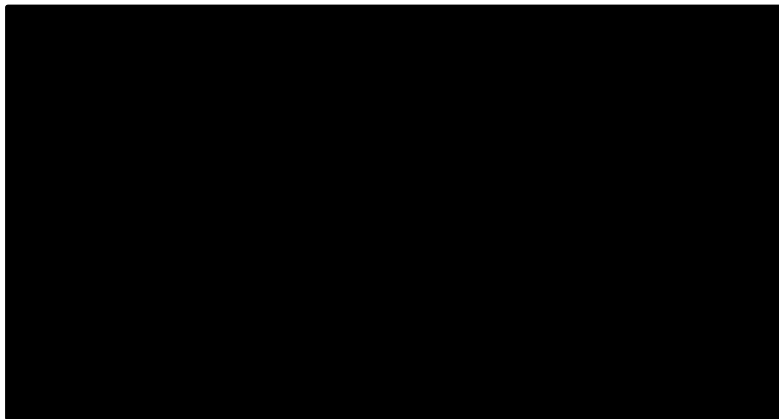
Our last correspondence was in December 2015, when you confirmed that there had been no change in the SSSI/SAC designation for Ensor's Pool and that we should continue on a **'business as usual'** approach to the HRA in relation to this SAC. However, having recently checked your SSSI Conditions Assessment information on-line, I now see that a new assessment was undertaken on 29.04.16 by Helen Trapp in which the assessment for Ensor's Pool SAC/SSSI has now been updated to **'Unfavourable-Declining'** from the previous assessment from 2012 of being **'Favourable'**, following the negative surveys in 2014 and 2015.

Are you able to confirm if this has changed the actual designation for the SSSI/SAC for HRA purposes please?

Also do you have any new information on Ensor's Pool and or details of any proposals for re-introduction of white-clawed crayfish to this site in the future?

We look forward to hearing from you, please do feel free to call me if you have any queries.

Kind Regards





Ensor's Pool SAC update

2 December 2015 at 16:48

Our reference 171168

Thank you for your email dated 10 November 2015. I've set out your questions below together with our responses:

We would be interested to know if:

1) There has been any change in SSSI/SAC designation of Ensor's Pool since our last correspondence (your email dated 24.08.15 and letter dated 03.07.15) in relation to a Habitats Regulation Assessment (HRA).

No change.

2) If the new anticipated 'supplementary information' for Ensor's Pool has been produced yet? If it has we would like to have a copy. If not, it would be helpful to have an indication of likely publication date, to ensure we can take any revisions into account when undertaking further HRA work over the next few months.

No, the 'supplementary information' for Ensor's Pool SAC has not been produced. The SAC is not on the priority list for the supplementary information package to be written.

3) Do you have any further information on the work you conducted on assessing the current status of the WCC population at Ensor's Pool this autumn? We assume the results of this study will be available shortly and would be good to have this information and an idea of when it might become available.

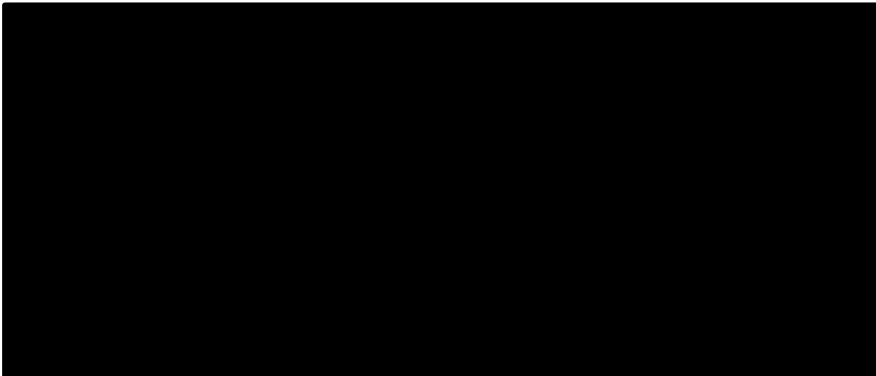
Surveys for white clawed crayfish were carried out in September 2014 (trapping survey), October 2014 (Dive survey), June – September 2015 (Bioassay) and September 2015 (trapping survey). Natural England has now received the results of the latest survey. We conclude that the population of native white-clawed crayfish is no longer present at Ensor's Pool. Natural England is now considering these results and their implications in conjunction with our national specialists and the ecologists who undertook the surveys.

Natural England is committed to ensuring that our advice is based on the best available information and we aim to keep you up to date with progress accordingly. Please get in touch if you have any further questions that arise from the information above.

Kind regards



HRA of Warks Minerals Plan - update



24 August 2015 at 17:10

HRA process

Happy to discuss this over the phone but in essence:

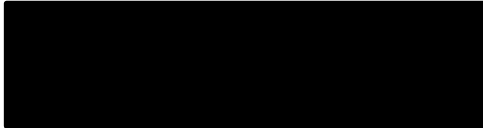
The favourable condition table document provides information based on using common standards monitoring. This is for use when assessing the condition of designated sites. Although to some extent you can use the FCT as part of your HRA thought process I would advise that your approach in the context of a development plan is very likely to need a wider consideration of potential impacts/ pathways that the FCT tables won't help with. Nonetheless I appreciate that in the context of the Ribble case it makes sense to ensure you take account of relevant information, such as the FCT document, as an interim measure.

The primary focus for your attention should be on the 'European site conservation objectives' for the relevant N2k site. Link to list of relevant docs here:

<http://publications.naturalengland.org.uk/category/5134123047845888>

As you may be aware work is in hand to supplement these updated conservation objectives with 'supplementary information'. Although this information has not yet been produced for Ensor's Pool SAC I attach a copy of our new operational standard which provides a full description of the revised approach.

In terms of the way forward, until such time as the supplementary information for relevant N2k sites is available we would encourage an iterative approach whereby you keep in touch with us as you carry out HRA of development plans. We propose that as you identify candidate impact 'pathways' that generate a need for environmental information to complete the thought process (and that might in the fullness of time be included in the forthcoming 'supplementary information' document) you can contact us to agree next steps. We envisage a 'light touch' here.



Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

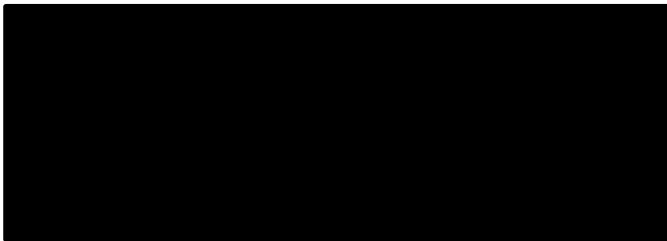
Natural England
Block B
Government Buildings
Whittington Road
WORCESTER
WR5 2LQ



**Re: Habitat Regulation Assessment for Rugby Borough Core
Strategy: Screening Statement**

Thank you for your letter of 16/08/09 requesting Natural England's opinion on the above.

After consideration of the HRA screening assessment report submitted by UE Associates dated June 2009, Natural England is of the opinion that, at this stage, there aren't any obvious pathways for significant effects on the European Sites identified within a 20km boundary of Rugby.



1.2. Severn Trent Water Correspondence

7/26/2016

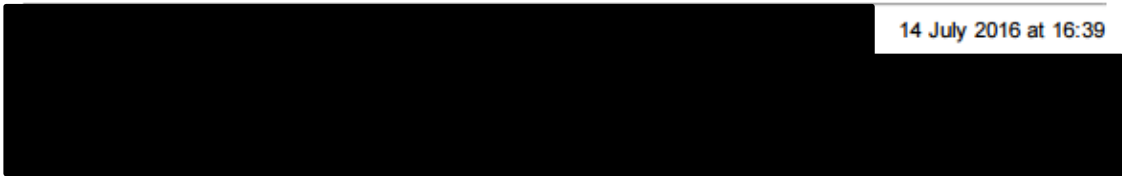
Warwickshire County Council Mail - Confidential Consultation - HRA of Rugby Borough Local Plan



Confidential Consultation - HRA of Rugby Borough Local Plan

1 message

14 July 2016 at 16:39



I write further to our previous correspondence with STW in relation to a series of HRAs we have been undertaking for districts and boroughs in Warwickshire and Coventry. On this occasion I am contacting you on the HRA I am undertaking for Rugby District Council on their Local Plan 2011 to 2031.

We previously contacted you about HRAs for the adjacent Warwick District and Coventry Borough. This was in response to previous concerns raised by Natural England during the HRA process some years ago regarding the proposed water supply for proposed development in the area. Previously Natural England and the the Countryside Council for Wales (CCW) (now Natural Resources Wales) (NRW) had highlighted concerns that if STW were anticipating extracting or utilising water from Wales to growing Midland conurbations (including Rugby District) this could potentially impact hydrologically dependent Welsh SACs (Special Areas of Conservation - European Sites).

In an email from you last year dated 26.11.15 you confirmed that the current source of water for Coventry is from local sources and not from Wales. Are you able to confirm that water to supply new proposed development in the Rugby Local Plan will also come from local sources and not from Wales?

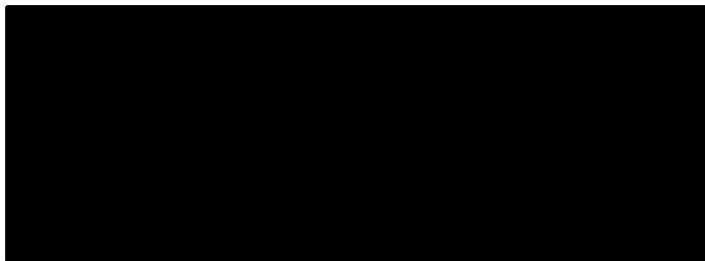
This new draft Rugby Borough Council Local Plan for 2011 to 2031 proposes 12400 additional homes and 110ha of employment land. The previous 2009 Core Strategy highlighted the need for 10800 additional homes (6000 to be allocated through the LDF) and 108ha of employment land required (with around 66ha delivered through the LDF) between 2009 and 2026.

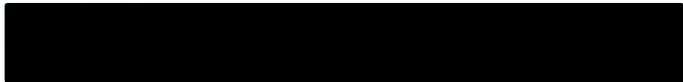
In addition to your proposals for water supply, we would also be interested in where it is proposed that the water water from development as part of the Rugby Borough Council Local Plan will go?

I attach a confidential plan providing the location of development sites associated with the Local Plan in the context of the two European Sites within 20km of the Rugby District Council boundary to provide you with some context for your response.

We look forward to hearing from you.

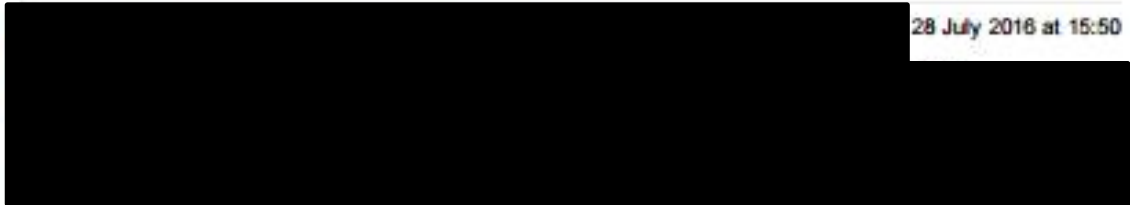
Kind Regards





RE: Confidential Consultation - HRA of Rugby Borough Local Plan

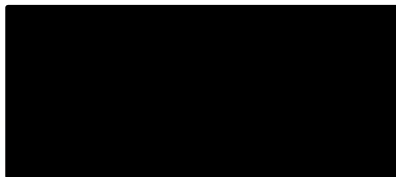
1 message



28 July 2016 at 15:50

I can confirm the local source supply for Rugby is Draycote.

Hope this helps



Growth & Water Efficiency Analyst



1.3. Environment Agency Correspondence



Our ref: UT/2007/101479/CS-15/EW1-L01
Your ref:
Date: 05 October 2018



RUGBY BOROUGH LOCAL PLAN

POST HEARINGS MAIN MODIFICATIONS CONSULTATION

Thank you for referring the above consultation which was received on 14 August 2018.

We have reviewed the Table of Main Modifications submitted for comment, and have the following observations.

We note the changes with MM45 and MM105-110 in relation to Policies DS8 and NE2 bring in the terminology 'blue' infrastructure in addition to 'green' infrastructure which we welcome as it reflects the key role rivers and streams play in the provision of GI benefits.

Amendment MM12 relates to flood risk policy SDC5 and removes 6 bullet points that outline the criteria a development will need to meet if it passes the Sequential Test. Text has then been added in the form of 3 bullet points which largely summarise those removed. We have no objection to these changes, however recommend that the additional words which state "*Opportunities to reduce the causes and impacts of flooding should be taken where possible*" are strengthened to push for this to be undertaken as part of schemes, given the district's unique position at the top of the catchment, which means that development here can provide significant opportunities to reduce flood risk downstream in neighbouring authority areas. We recommend: *'All FRAs should fully explore opportunities available to reduce the causes and impacts of flooding elsewhere, and implement wherever possible'*.

We note that reference to the reuse of grey water within Policy SDC6 has been removed as part of modification MM125, however has been reinserted elsewhere

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d...

within the policies therefore have no issue with this. We have no objection to the other changes in this policy.

Modification MM126 relates to WFD compliance in policy SDC7, and we have no objection to the proposed change.

Modification MM129 brings the plan up to date in terms of permitting controls and legislation, therefore we have no objection to the changes.

Sustainability Appraisal

We have reviewed the updated Sustainability Appraisal Addendum dated August 2018 submitted in support of the above Main Modifications. We have reviewed the findings of this report, with particular regard to Appendix 2, Detailed Schedule of Proposed Main Modifications and their implications for the SA Findings Reported Previously.

We concur with the findings of the report in relation to the impacts of changes detailed above, and consider that on the whole the changes provide a more sustainable and sound plan.

Habitats Regulations Assessment

We have no comment to make on the Updated HRA report also undertaken as part of this consultation.

Yours sincerely



End

2

[REDACTED] Forward Planning and
Economic Development Manager
Rugby Borough Council
Development Control
PO Box 16
Rugby
Warwickshire
CV21 2LA

Our ref: UT/2007/101479/CS-
13/SB1-L01

Your ref:

Date: 10 November 2016

[REDACTED]

Rugby Local Plan - Submission Document

Thank you for consulting the Environment Agency in relation to the submission document, having carefully reviewed it, we have the following comments to make:

Policy SDC1: Sustainable Design

We strongly support the proposed modification to this policy in line with our advice in our formal response to your previous consultation.

We believe the inclusion of the following text has made it a more robust policy that carefully considers the impact of neighbouring development on amenity and considers the impact that it may have on future occupants.

'Proposals for new development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.'

'Proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent sites where there is potential for conflict between the uses, for example, an existing waste management site. Such proposals must be accompanied by supporting information demonstrating that the existing and proposed uses would be compatible and that the proposal has addressed any potential effects of the existing use on the amenity of the occupiers of the proposed development.'

This reinforces our advice that our experience as a regulator of former industrial sites, which often come forward in a piecemeal approach for housing development it has the potential to give rise to nuisance complaints. Waste management companies that have been operating in accordance with their permit without any complaints while located next to similar uses are frequently subjected to complaints when that neighbouring use changes. There needs to be careful consideration that new

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development does not have a detrimental impact upon employment and commercial developments.

There are inherent impacts for more sensitive developments when co-located next to existing waste management facilities, and there is only so much mitigation an operator can provide to neighbouring development. For example, they cannot prevent large vehicular movements to their sites, or avoid the occasional release of odours or dust resulting in complaints and requests to 'tighten' environmental permits issued by the Environment Agency even when the sites are operating in line with best practice.

The existing NPPF for Waste does not include any specific measures to prevent incompatible co-location of uses.

Policy SDC5: Flood Risk Management

We provided detailed comments in relation to policy recommendations in response to your previous consultation. We note that some of our recommendations have been included within the submission documents, however we would like to request further amendments to address our concerns.

Rugby has experienced several significant flood events in the last 15 years, both from fluvial and surface water flooding. It currently benefits from a number of flood defences, and assets which are maintained and operated by both the Lead Local Flood Authority and the Environment Agency.

We support the changes in wording in the first paragraph of this policy to reflect our advice in relation to guide developers to the most up to date information available to assess flood risk and the reference to our Flood Map for Planning which is reviewed and updated on a quarterly basis.

'A sequential approach to the location of suitable development will be undertaken by the Council based on the Environment Agency's flood zones as shown on the latest Flood Map for Planning and Strategic Flood Risk Assessment (SFRA). This will steer new development to areas with the lowest probability of flooding, in order to minimise the flood risk to people and property and manage any residual risk'.

We also strongly support the modification of the policy as outlined below, as it provides a more robust and aspiration approach to managing flood risk.

'If development in areas at risk of flooding is the only option following the application of the sequential test, it will only be permitted where the following criteria are met:

- the vulnerability classification of the development is appropriate to the level of flood risk associated with its location with reference to the Environment Agency's Flood Map, Rugby Borough Council's Strategic Flood Risk Assessment (SFRA) flood zone maps and Table 3 of the NPPF Planning Practice Guide: Flood Risk and Climate Change;*
- it is provided with the appropriate flood risk mitigation measures (including suitable flood warning and evacuation procedures) which can be maintained for the lifetime of the development;*
- it does not impede flood flows, does not increase the flood risk on site or elsewhere or result in a loss of floodplain storage capacity;*
- all opportunities offered by the development to reduce flood risk elsewhere must be taken, including creating additional flood storage and reducing risk of flooding from the sewer network;*

Cont/d..

- *in the case of dwellings it is evident that as a minimum, safe, dry pedestrian access would be available to land not at high risk; and*
- *in the case of essential civil infrastructure, access must be guaranteed and must be capable of remaining operational during all flooding events.*

We would like to see the following policy requirements added to the above bullet points to further strengthen the policy.

- Developers must contribute financially to any flood reduction schemes or environmental assets that benefit their development.
- Surface water management proposals (Including SuDS) must be located outside the floodplain
- Proposals must include proposals to restore and enhance watercourses and include a minimum 8 metre easement from the top of bank or toe of a flood defence consent and meet the requirements of an Environmental Permit to be granted planning permission.

Environment Agency flood risk management assets and flood defences require a regular program of maintenance to ensure that they function adequately and protect homes, businesses and infrastructure. The Environment Agency has seen a reduction in funding to maintain these assets in recent years, and without securing developer contributions it may not be possible to ensure that they will continue to function during the lifetime of a new development.

By securing funding from developers to support new flood risk management schemes or to support the maintenance program of existing assets we can ensure that new developments are appropriately safeguarded from flood risk.

Sustainable drainage schemes that are located within the floodplain can not function appropriately if they are already inundated with fluvial flood water. This could prevent surface water from discharging from a development site, with the consequence of causing surface water flooding to the new development or to third party land, or to provide unattenuated flows into flood waters increasing fluvial flooding.

Because floodplain is often used to support any public open space requirements within a new development, planning applications frequently include SuDS schemes within the floodplain, which results in us raising and objection to a planning application. We therefore consider that the policy wording would significantly reduce the number of planning applications we object to, and support the council in meeting the required targets for determining planning applications.

The Environment Agency knows that our Byelaws are not regularly consulted by developers proposing to develop land adjacent to watercourses. Planning applications that include built development within our 8 metre easements are objected to because it could obstruct the access we require to undertake emergency works to the watercourse to stabilise the bank, provide / maintain flood defences, or undertake emergency works to remove blockages. We therefore consider that the policy wording would significantly reduce the number of planning applications we object to, and support the council in meeting the required targets for determining planning applications. The Environment Agency will not grant environmental permits which are contrary to our byelaws, and if our objection is overruled the development

Cont'd..

would not be able to proceed without the grant of an environmental permit, and could result in the reapplication of planning permission from a developer.

We still recommend that you include a brief description of the main Risk Management Authorities in the Local Plan, something along the lines of:

Environment Agency

- The Environment Agency has a strategic overview of all sources of flooding and coastal erosion (rivers, the sea, groundwater, reservoirs and surface water).
- We are responsible for the delivery of FCERM activities on Main Rivers and the coast, regulating reservoir safety, and working in partnership with the Met Office to provide flood forecasts and warnings.

Lead Local Flood Authorities

- Lead Local Flood Authorities (LLFAs) are responsible for managing flooding from local flood risk (surface water, ordinary watercourses and groundwater).

Water Companies

- The water and sewerage companies in England are responsible for managing the risks of flooding from their surface water and foul or combined sewer systems.

This is to provide clarification to developers and landowners as to who has responsibility for different areas of water management. This could facilitate pre application discussions and support the correct gathering of information to support a planning application.

Policy SDC6

We support the proposed policy and believe that it provides a clear set of objectives to developers to support the multifunctional benefits of incorporating sustainable drainage within new developments.

Policy SDC8

We support the proposed policy, we are aware from recent discussions with Severn Trent PLC that they are implementing a substantial program of improvements to their waste water treatment works to ensure that the proposed growth as outlined in this plan is adequately served with both the water supplies and sewerage services required to support their delivery.

This policy requires developers to engage with Severn Trent PLC to ensure that the new infrastructure will be delivered in a phased approach that will prevent any delay to the completion or occupation of their development.

We trust that you will find these comments useful. Should you have any questions please do not hesitate to contact me on the number provided below.

Cont/d..

In conclusion

Subject to the inclusion of the three additional bullet points, and the description of the organisations that manage water within Rugby Borough (which we would consider to be a minor modification) we believe that the Publication version of the Rugby Local Plan is 'Sound'.

We agree that it is:

- **Positively prepared** – the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the Local Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the Local Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF framework.

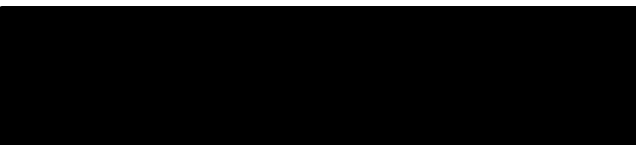
During the development of the emerging Local Plan we have found that Rugby B.C. have worked positively with us to develop policies that will support sustainable development, protect and enhance the environment, whilst contributing to social and economic objectives.

We would like to confirm that we consider that you have met the 'Duty to Co-operate' requirements at all stages of the process.

We trust that you will find these comments useful. Should you have any questions please do not hesitate to contact me on the number provided below.

Yours sincerely


Sustainable Places Planning Specialist

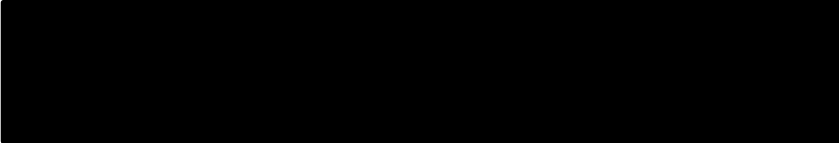


End

5

**FW: Confidential consultation - HRA of Rugby Borough Local Plan**

1 message



2 August 2016 at 11:58

Further to our telephone conversation last week, I would like to confirm the following points:

We understand that Ensor's Pool SAC no longer has white claw crayfish.

We understand that it was likely that an American Signal Crayfish was deposited within the SAC by an RSPCA officer, which is the likely cause of their absence from the SAC. <http://www.telegraph.co.uk/news/uknews/1520234/RSPCA-blunder-puts-deadly-predator-into-crayfish-haven.html>

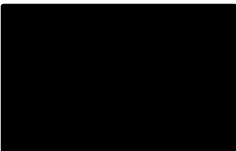
Having undertaken further works to assess the pool in 2014 we can confirm that we could not find any evidence of White Claw Crayfish within the pool, and it may have been affected by Crayfish Plague / American Signal Crayfish.

We understand that the pool is fed by groundwater and is not hydraulically linked to nearby ordinary watercourses, and that this was confirmed by the Environment Agency when we undertook a dye tracing exercise while we were investigating the loss of white claw crayfish at Ensor's Pool.

We note that NE have now described the SAC as unfavourable, and considering the proposed growth adjacent to it (as proposed on the Nuneston & Bedworth Local Plan, there is a question mark about its future use as an ark site as increased interactions from local residents may make it less suitable as an 'ark site'

At present we do not consider a HRA assessment would be required to support the Rugby Local Plan, because of the above issues.

We do not consider the River Mease SAC to require assessment because of its distance from Rugby and the lack of hydrogeological connection as they are located within separate River Basin Management Areas (Rugby within the River Severn RBMP and the River Mease SAC is within the River Humber RBMP).





RE: FW: Confidential consultation - HRA of Rugby Borough Local Plan

2 August 2016 at



The majority of Rugby lies outside the Humber Basin, I have attached a screen print that shows that even within the Humber Catchment a very small % of the area lies within the Tame Anker and Mease management area, with some of the very north of rugby draining towards the river soar.

I hope the map below is helpful,





Confidential consultation - HRA of Rugby Borough Local Plan

1 message

14 July 2016 at 16:30

Following our correspondence last year on the Coventry Local Plan, I am writing to you in relation to another HRA I am undertaking for the Rugby Borough Council Local Plan 2011 to 2031.

I have permission from Rugby Borough Council to send you the attached map on a confidential basis that illustrates the location of development sites associated with the Local Plan in the context of two European Sites within the 20km buffer zone around Rugby District Council boundary.

You will see that there are two European Sites within the 20km buffer around Rugby District Council.

1) Ensor' Pool. This lies in the Humber River District as does the northern part of Rugby District Council. Further to our correspondence with you in September 2015, in relation to the Warwickshire County Council's Minerals Plan, you highlighted that your Groundwater Team would wish to be alerted for any proposals within 2-3km around Ensor's Pool. As you can see from the attached map, Rugby Borough Council lies beyond this 3km buffer zone and hence we are not anticipating any Likely Significant Effects to Ensor's Pool as a result of the Local Plan. Can you confirm that you are in agreement with this?

2) The Natural England River Mease Catchment Zone lies within the 20km buffer (see attached map), but it appears there are no rivers that run from or through Rugby Borough Council into the River Mease Catchment Risk Zone either directly or indirectly. The only river that flows out of Rugby Borough Council northwards is the River Soar, that flows into the River Trent downstream of the River Mease. The only water body that connects Rugby Borough Council to the NE River Mease Catchment Risk Zone is the Ashby-de-la-Zouch canal (see attached map). On this basis there does not appear to be any clear functional pathways between Rugby Borough Council and the River Mease Catchment Zone. We would welcome your comments on this initial assessment.

To provide you with some background, the 2009 Core Strategy highlighted the need for 10 800 additional homes (6000 to be allocated through the LDF) and 108ha of employment land required (with around 66ha delivered through the LDF) between 2009 and 2026. An HRA of this Core Strategy was undertaken in 2009 and was accepted by Natural England where it concluded there were no obvious pathways for significant effects on the European Sites identified within a 20km boundary of Rugby. This new draft Rugby Borough Council Local Plan for 2011 to 2031 proposes 12400 additional homes and 110ha of employment land.

We would be grateful for an initial response from you on if there are any specific issues you consider need to be addressed as part of the HRA we are currently undertaking. I have already contacted Natural England and Severn Trent Water in relation to issues around water supply and where it is proposed that waste water from development as part of the Rugby Local Plan will go. Our consultation for our previous HRA for Coventry and Warwick District local plans raised concerns over potential impacts to hydrologically dependent Welsh SACs by extracting or utilising water from Wales to growing Midland conurbations.

I am currently considering if any in-combination assessment is required as part of the HRA process and this would involve the need to consider other plans and projects in the area that would increase the likelihood or significance of any effects on European Sites that are identified in the HRA. The aim of the in-combination assessment is to protect European Sites from cumulative effects of more than one project when effects of projects action on the site alone would not be likely to be a significant. I would welcome your views on any specific plans or projects that we should consider in this assessment if we decide it is necessary to undertake one.

We look forward to hearing from you. Should you have any queries, please do not hesitate to get in touch.

Warwickshire County Council
Department Of Planning Transport &
Economic Strategy
PO Box 43
Warwick
Warwickshire
CV34 4SX

Our ref: UT/2008/104606/OR-
03/PO1-L01
Your ref:
Date: 16 September 2015



HABITAT REGULATIONS ASSESSMENT FOR WARWICKSHIRE MINERALS PLAN

Thank you for your recent enquiry in relation to the above document.

With reference to the potentially sensitive receptors, we only consider that Ensors Pool and The River Mease catchment has the potential to be impacted by the proposed minerals sites.

Looking at the 30 potential site options, there are only 2 that are in close enough proximity to impact the sensitive receptors, so only these have been looked at in further detail. These are the Polesworth Site on the River Mease Catchment and Burton Hastings on Ensors Pool.

Polesworth and the River Mease

Upon closer inspection, the potential site at Polesworth drains into the River Anker catchment, running west towards Tamworth initially, instead of north to the River Mease. The Anker then joins the River Tame and finally the Trent, just upstream of the River Mease confluence with the River Trent. We can therefore conclude that there is no linkage between potential quarry site and the River Mease SAC.

Burton Hastings and Ensors Pool

Ensors Pool lies approximately 7km west of the potential site at Burton Hastings. It is again in close proximity to the headwaters of the River Anker, but it does not run closely enough to Ensors Pool to have any effect on it. Our Groundwater Team have reviewed the potential for Hydrogeological linkages between the quarry option and the pool and have found that there is no potential for impact upon Ensors Pool from the Burton Hastings site due to the underlying geology being completely different in the two locations. It may be also worth noting that for future reference, our Groundwater Team have stated that it is only worth flagging up sites within about 2-3 km of a sensitive

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9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

receptor for checking.

However, we note that the 9 preferred sites do not include either location and therefore we are unlikely to have any further comments to make at any later stage of this particular process.

We are not aware of any plans or programmes that need to be considered as part of this assessment.

Yours faithfully



End

2

Appendix 2: Summary of Former Detailed Conservation Objectives and Targets

Below is a summary of the former detailed Conservation Objectives and Targets for both Ensor’s Pool SAC (dated 2008) and River Mease SAC (dated 2012) as provided by Natural England.

Ensor’s Pool – Summary of Detailed Conservation Objectives and Targets dated 2008
<ul style="list-style-type: none"> ■ To maintain the designated habitats in favourable condition, which is defined in part in relation to a balance of habitat extent (extent attribute). Favourable condition is defined at this site in terms of the following site-specific standards: On this site favourable condition requires the maintenance of the extent of each designated habitat type. Maintenance implies restoration if evidence from condition assessment suggests a reduction in extent. The estimated extent in 2008 was 1.89 ha of Standing Open Water. The site specific target is to have no artificial reduction in the wetted area. ■ To maintain the native crayfish population at Ensor’s Pool SSSI in favourable condition with reference to the following on-site specific standards. These include ensuring the population of native white-clawed crayfish is at least moderately high abundance, an absence of individuals infected with crayfish plaque and porcelain disease (Thelohaniasis) should not affect more than 10% of the population. ■ To maintain the standing open water habitat that supports the native crayfish at Ensor’s Pool in favourable condition. Favourable condition of the supporting habitat is defined at this site in terms of the following site-specific standards. Biological Water Quality should be equivalent to Biological GQA Class b and should be equivalent to at least Chemical GQA Class: B. The extent and diversity of bankside refuges should be maintained. Overhanging vegetation should be present intermittently along the east, north and west banks throughout the year. This should cover 60% of the bank length, distributed in patches along the bank. The southern bank is open grassland. A fringe of marginal vegetation 1-4m wide should be present along at least 10% of the bank sides and submerged macrophytes should cover 10 to 20% of the pool from June to September. The extent and diversity of the site’s substrates should be maintained and non-native crayfish species should be absent from the waterbody and their catchments.
River Mease SAC – Summary of Detailed Conservation Objectives and Targets dated 2012
<ul style="list-style-type: none"> ■ To maintain the designated features in favourable condition, which is defined in part in relation to a balance of habitat extents. On this site favourable condition requires the maintenance of the extent of each habitat type. In this instance the habitat features is Rivers and streams and the estimated extent in 2012 was 22.87ha. The target is to have no reduction in area and any consequent fragmentation without prior consent. ■ To maintain the designated species in favourable condition. This is defined at this site in terms of requiring the maintenance of the population of each designated species or assemblage. Species or assemblage present include: bullhead, spined loach, otter, white-clawed crayfish. ■ Specific Targets of species are as follows: <ul style="list-style-type: none"> ■ Bullhead <ul style="list-style-type: none"> ● No reduction in densities from existing levels (no less than 0.5m⁻² in lowland rivers) ● Young –of-year fish should occur at densities equal to adulates ● Four age classes with 0+ individuals at least 40% of population ● Largest females attain a fork length > 75mm ● Species should be present in all suitable reaches. As a minimum no decline in distribution from current. ■ Spined loach <ul style="list-style-type: none"> ● At least three year-classes should be present at significant densities. At least 50% of the population should consist of 0+ fish ● Largest females attain a fork length of > 85mm ■ Otter <ul style="list-style-type: none"> ● Otters present on site and the population maintained or increasing ■ White-clawed crayfish <ul style="list-style-type: none"> ● Population at least moderate abundance ● Berried females should be present during the period November to April

- Porcelain disease (Thelohaniasis) should not affect > 10% population
- Absence of individuals infected with crayfish plaque
- To maintain Rivers and Streams in the River Mease in favourable condition. At this site favourable condition relates to site-specific standards and a number of targets have been set that apply to the river and marginal vegetation only. A summary of the targets are provided below
- Siltation: No excessive siltation. Maximum silt content <20% in top 10cm of mid-channel gravels. Channel should be dominated by clean gravels. For spined loach sand fractions in finer substrates should reach at least 20% sand and no more than 40% silt. For bullhead no excessive siltation on the surfaces of coarse substrates
- Channel Form: should be generally characteristic of river time with predominately unmodified planform and profile. In-channel natural features present at frequent intervals (such as riffle / pool sequences, pools, slacks and submerged tree root systems).
- A sufficient proportion of all aquatic macrophytes should be allowed to reproduce in suitable habitat, unaffected by river management practices. *Ranunculus* should be able to flower and set seed.
- Blanketweed, epiphytic or other algae, *Potamogeton pectinatus* or *Zannichellia palustris*: cover values over 25% should be considered unfavourable and should trigger further investigation. Cover values should not increase significantly from an established baseline.
- There should be no impact on native biota from alien or introduced macrophyte species and these species should not be present at levels likely to be detrimental to the characteristic biological community.
- No artificial barriers should be installed that significantly impact migratory species from essential life-cycle movements
- Species Composition: At least 60% of species with abundance V or IV in the constancy table should be present AND at least 25% of species with abundance III should be present. Loss of Species: 60% of species with cover of over 1 in the baselines should be at least present along with dominant species in the baseline survey. Abundant species: At least 25-35% of species recorded as dominant in baseline survey should still be dominant.
- There should be no artificial release of fish unless agreed this is in the interests of the population and only with local stock. Any fish introductions should not interfere with the river to support self-sustaining and healthy populations of characteristic species
- Targets for EA standard protocols include the following: Biological GQA: Class A or B. Chemical GQA: Class A or B. Un-ionised ammonia ,0.021 mg L-1 as a 95-percentile. Suspended solids: No unnaturally high loads, Spined Loach and bullhead:, 25mg/litre annually. Orthophosphate levels: ,0.06mg/litre as an annual mean.
- Bank and Riparian zone vegetation structure should be near-natural. Woody debris removal should be minimised and restricted to essential activities such as flood defence. Weed cutting should be limited to nor more than half of the channel width.
- Maintain the characteristic physical features of the river channel, banks and riparian zone
- Non-native crayfish should be absent and if present, measures taken to control numbers
- For otters: Fish biomass should stay within expected natural fluctuations. No increase in pollutants potentially toxic to otters. Otter populations not be significantly impacted by human induced kills. No significant change to river or bankside usage. No significant development. No overall permanent decrease
- Flow regime should be characteristic of the river. Levels of abstraction should not exceed the generic thresholds laid down for moderately sensitive SSSI rivers by national guidance.

Appendix 3: Flooding Map

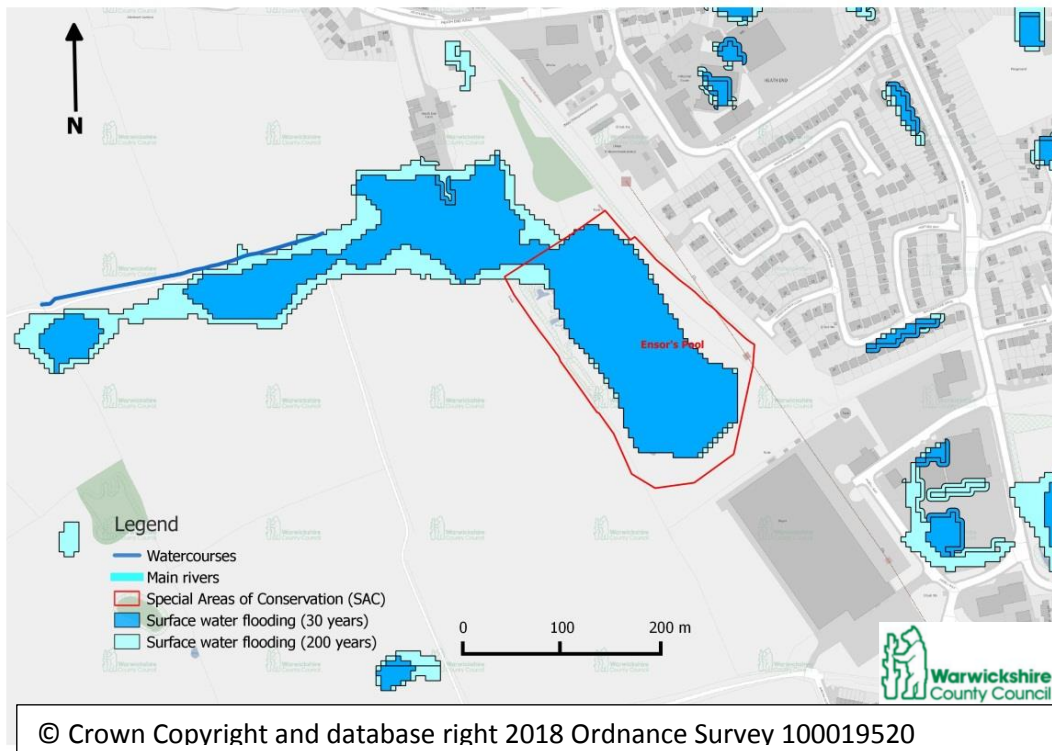


Figure 10: Ensor's Pool and surface water flooding predictions for 30 years and 200 years

Appendix 4: Results of the Pre-Screening of Policies in the Rugby Local Plan 2018

Content of plan	Screening conclusion	Screening Category	Justification
Chapter 1	Screened out	Administrative Text	Introductory text about the plan
Chapter 2 Sections 2.1 to 2.22.	Screened out	Administrative Text	Introductory text about the plan
Spatial Vision	Screened out	A	General Statements of policy / general aspiration
Para 2.23	Screened out	Administrative Text	Introductory text about the plan
Spatial Objective 1	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 2	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 3	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 4	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 5	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 6	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 7	Screened out	A	General Statements of policy / general aspiration. Implications are considered under specific policies later in this table
Spatial Objective 8	Screened out	D	Environmental Protection / site safeguard Policy.
Spatial Objective 9	Screened out	D	Environmental Protection / site safeguard Policy.
Section 2.24 and Rugby Key Diagram	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects).
Chapter 3 Sections 3.1 to 3.3	Screened out	Administrative Text	Introductory text about the plan
Policy GP1: Securing Sustainable Development	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 3.4 to 3.6			Background information to Policy GP1

Policy GP2: Settlement Hierarchy	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the hierarchy for proposed development within the plan. Given that no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Sections 3.7 to 3.16			Background to Policy GP2
Policy GP3: Previously Developed Land and Conversions	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that this policy highlights potential impact on biodiversity assets being a consideration during the redevelopment of previously developed land
Sections 3.17 to 3.20			Background to Policy GP3
Policy GP4: Safeguarding development potential	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 3.21 to 3.23			Background to Policy GP4
Policy GP5: Neighbourhood level documents	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 3.24-3.25b			Background to Policy GP5
Chapter 4 Sections 4.1 to 4.6	Screened out	Administrative Text	Introductory text about the chapter
Policy DS1: Overall Development Needs	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the precise levels of housing and employment development provided by the local plan between 2011 and 2031. This comprises a) 12400 additional homes (including 2800 dwellings to meet Coventry's unmet needs, and b) 208ha of employment land (including 98ha to meet Coventry's unmet needs). Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Sections 4.7 to 4.15			Introductory text including proposed housing numbers etc.
Sections 4.16 to 4.19			Introductory text on employment

			allocations with supporting evidence
Policy DS2: Sites for Gypsy, Travellers and Travelling Showpeople	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 4.21 to 4.24			Background text to policy DS2
Policy DS3: Residential allocations	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the precise number of dwellings proposed in each of the allocated settlements.. Given that no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Sections 4.25 to 4.37			Background to policy DS3
Policy DS4: Employment allocations	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the precise area of proposed employment allocations for this plan. Given that no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Sections 4.38 to 4.41			Background to policy DS4
Policy DS5: Comprehensive Development of Strategic Sites	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 4.42 to 4.43			Background to policy DS5
Policy DS6: Rural Allocations	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 4.44 to 4.46			Background to Policy DS6
Policy DS7: Coton Park East	Screened out	B	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines proposals at Coton Park East. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Sections 4.47 to 4.51			Background to Policy DS7. Paragraph 4.49 that can be classified as category D:

			Environmental protection / site safeguard policy as it highlights the potential for the area to be improved by habitat protection
Policy DS8: South West Rugby	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines proposals at South West Rugby. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Section 4.52 to 4.62	Screened out	D	Section includes background text for policy DS8 in addition to the following paragraphs: 4.57 and 4.58 that can be classified as category D: Environmental protection / site safeguard policy as they make a commitment to a Woodland Management Plan for protecting area of ancient woodland on-site as well as a green infrastructure corridor
Policy DS9: South West Rugby Spine Road North Network	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines proposals for a Spine Road to the south west of Rugby. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Section 4.63 to 4.69			Background text to Policy DS9.
Chapter 5: Housing Sections 5.1 to 5.6	Screened out	A	General Statement of Policy / general aspiration
Policy H1: Informing Housing Mix	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Section 5.7 to 5.12			Background text to Policy H1
Policy H2: Affordable Housing Provision	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines targets for affordable housing targets within sites proposed for development. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Section 5.13 to 5.22	Screened out		Background text to Policy H2 including a

			commitments to seek to deliver for some of the housing needs emanating from Coventry City which cannot be met within its own boundaries under the Duty to Corporate
Policy H3: Housing for rural businesses	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 5.23 to 5.29	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals outlining circumstances where an exception to the general policy of housing restraint in the countryside could be considered
Policy H4: Rural Exception Sites	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 5.30 to 5.35	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals provided further background text to Policy H4
Policy H5: Replacement Dwellings	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 5.36 to 5.37	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy H6: Specialist Housing	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 5.38 to 5.47			Background text to Policy H6
Chapter 6: Economic Development Sections 6.1 to 6.2	Screened out		Introductory text to Chapter 6
Policy ED1: Protection of Rugby's Employment Land	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 6.3 to 6.9	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Section 6.10	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This section lists the designated employment sites in Rugby Borough Council. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Policy ED2: Employment development within Rugby urban area	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals

Sections 6.11 to 6.14	Screened out		Background text to Policy ED2
Policy ED3: Employment development outside Rugby urban area	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 6.15 to 6.18	Screened out		Background text to Policy ED3
Policy ED4: The Wider Urban and Rural Economy	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 6.19 to 6.21	Screened out		Background text to Policy ED4
Chapter 7: Retail and The Town Centre Sections 7.1 to 7.5	Screened out		Background to chapter 7
Policy TC1: Development in Rugby Town Centre	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the proposed development in Rugby Town Centre. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out
Sections 7.6 to 7.7	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy TC2: Rugby Town Centre Comparison and Convenience Floorspace Requirements	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 7.8 to 7.15			Policy listing general criteria for testing acceptability / sustainability of proposals including background text to Policy TC2
Policy TC3: Primary Shopping Area and Shopping Frontages	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 7.16 to 7.20	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals including background text to Policy TC3
Chapter 8: Healthy, Safe and Inclusive Communities Section 8.1 to 8.3	Screened out		Background introductory text for Chapter 8
Policy HS1: Healthy, Safe and Inclusive Communities	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that this policy highlights the need to improve the quality and quantity of green infrastructure networks

Sections 8.4 to 8.5			Background information to Policy HS1
Policy HS2: Health Impact Assessments	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 8.6 to 8.6a	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that the text makes reference to the value of incorporating green infrastructure to help address any health issues is such as improved air quality
Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 8.8 to 8.13	Screened out		Background to Policy HS3
Policy HS4: Open Space and Recreation	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Section 8.14 to 8.16	Screened out		Background to Policy HS4
Policy HS5: Traffic Generation and Air Quality, Noise and Vibration	Screened out	D	Environmental Protection / site safeguard Policy. This policy relates to avoiding air pollution
Section 8.17 to 8.18			Background to policy HS5
Chapter 9: Natural Environment Sections 9.1 to 9.3			Background to Chapter 9
Policy NE1: Protecting Designating Biodiversity and Geodiversity Assets	Screened out	D	Environmental Protection / site safeguard Policy. Policy NE1 has been updated to clarify the HRA process
Sections 9.4 to 9.8	Screened out	D	Environmental Protection / site safeguard Policy.
Policy NE3: Blue and Green Infrastructure Policy	Screened out	D	Environmental Protection / site safeguard Policy.
Sections 9.9 to 9.14	Screened out	D	Environmental Protection / site safeguard Policy.
Policy NE4: Landscape Protection and Enhancement	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that policy NE 4 also highlights the ' <i>importance of habitat biodiversity features</i> '
Sections 9.15 to 9.16	Screened out		Background information for Policy NE4
Chapter 10: Sustainable Design and Construction Sections 10.1 to 10.3	Screened out		Background to Chapter 10

Policy SDC1: Sustainable Design	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 10.4 to 10.11	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy SDC2: Landscaping	Screened out	D	Environmental Protection / site safeguard Policy. It is of note that this policy makes a commitment to retain and protect features of ecological significance in this policy and the linkage to policy NE 1
Section 10.12			Background to Policy SDC2
Section 10.13	Screened out	D	Environmental Protection / site safeguard Policy. The commitment to ideally plant indigenous trees and consider wildlife and ecological benefits in proposed landscaping is noted.
Sections 10.14 to 10.16	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy SDC3: Protecting and enhancing the Historic Environment	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 10.17 to 10.23	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy SDC4: Sustainable Buildings	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the proposed threshold for water supply per person per day. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Sections 10.25 to 10.33	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy SDC5: Flood Risk Management	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 10.34 to 10.37	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 10.38 to 10.40	Screened out	D	Environmental Protection / site safeguard Policy.
Section 10.41	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Section 10.42	Screened out	D	Environmental Protection / site safeguard Policy.
Policy SDC6: Sustainable Urban Drainage	Screened out	D	Environmental Protection / site safeguard Policy.
Sections 10.43 to			Background information to Policy SDC6

10.45			
Policy SDC7: Protection of the Water Environment and Water Supply	Screened out	D	Environmental Protection / site safeguard Policy.
Sections 10.46 to 10.50			Background information to Policy SDC7
Policy SDC8: Supporting the provision of renewable energy and low carbon technology	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals. It is of note that this policy also commits to ensuring proposals are designed to minimise adverse impacts to the natural environment and ecology.
Sections 10.51 to 10.59	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy SDC9: Broadband and mobile Internet	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on the provision of Broadband and mobile internet services to new developments. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Sections 10.60 to 10.65			Background information for Policy SDC 9
Chapter 11: Delivery. Sections 11.1 to 11.2			Background text to Chapter 11
Policy D1: Transport	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Sections 11.3 to 11.8	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy D2: Parking facilities	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on car parking facilities within development. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Section 11.9			Background information for Policy D2
Sections 11.10 to 11.11		B	Policy listing general criteria for testing acceptability / sustainability of proposals
Policy D3: Infrastructure and	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot

Implementation			undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on new infrastructure required to facilitate new development. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Sections 11.12 to 11.17	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). These sections outline policies relating to education provision, transport mitigation, water supply and GP or Secondary Health Care provision. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Policy D4: Planning Obligations	Screened out	B	Policy listing general criteria for testing acceptability / sustainability of proposals
Section 11.18			Background to Policy D4
Section 11.18a	Screened out	D	Environmental Protection / site safeguard Policy.
Sections 11.19 to 11.20			Background to Policy D4
Policy D5: Airport flightpath safeguarding	Screened out	F	Policy that cannot lead to development or other change
Section 11.21	Screened out		Background to Policy D5
Appendix 1: Implementation and Monitoring Framework	Screened out		This monitoring and implementation strategy / framework have been screened out and is categorised as general Statements of broad objectives (implications are assessed under the relevant policies in the plan and provided in the screening assessment above).
Appendix 2: Housing Trajectory	Screened out	H	Background information for the plan
Appendix 3: Infrastructure Delivery Plan	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines ' <i>what additional infrastructure and service needs are required to support and accommodate the level of development and growth proposed in the Local Plan</i> ' (RBC 2018).

			Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out. The only infrastructure that will fall outside of the borough is improvements to the existing University Hospitals Coventry and Warwickshire (UHCW) located in adjacent Coventry. As is illustrated in Figure 1 none of the Coventry Metropolitan Borough lies within the buffer zone around Ensor's Pool that would trigger the requirement for a project level HRA and hence this Appendix is screened out.
Appendix 4: Open Space Provision Tables	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the proposed open space within Rugby Borough. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Appendix 5: Car Parking Standards	Screened out	H	Policy or proposal the (actual or theoretical effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). This policy outlines the plan's policy on new infrastructure required to facilitate new development. Given no functional pathways to impact European Sites have been identified (see Table 7 and Section 3) this policy can be screened out.
Appendix 6: Airport Safeguarding Flight Plan	Screened out		Background information
Appendix 7: Glossary of Terms	Screened out		Administrative text
Appendix 8: Air Quality Management Area	Screened out		Background information for Policy HS5 that has been assessed above as being an Environmental Protection Policy hence is screened out.

Table 10: Screening matrix for the Rugby Local Plan 2018

Appendix 5: Key to Operations Likely to Damage the Special Interest of the Site (OLDSIS)

Operations Likely to Damage the Special Interest of the Site (OLDSIS) considered relevant to the Rugby Local Plan as per Table 4 in Section 3.3.

Reference Number	Type of Operation	Relevant European Site
7	Dumping, storage, spreading or discharging of any materials or substances (including effluent disposal) (N.B Abstractions and discharges, and certain alterations of water levels, are subject to regulation by the Environment Agency through byelaws, licences and consents.)	River Mease
9	The release into the site of any wild, feral, captive bred or domestic animal (includes any mammal, reptile, amphibian, bird, fish or invertebrate), plant, seed or micro-organism (including genetically modified organisms).	River Mease
14a	The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes).	Ensor's Pool
14b	Water impoundment, storage and alterations to water levels and tables. Abstraction from surface and ground water bodies and water utilisation including irrigation flooding**.	River Mease
16a	The introduction of and alterations to freshwater fish rearing and production for fishing or food.	River Mease

Table 11: Table of Operations Likely to Damage the Special Interest of the Site (OLDSIS) for the River Mease and Ensor's Pool

Appendix 6: Summary of Targets for Ensor's Pool as per Draft Supplementary Advice 2018

The following is a summary of the Targets that have been set for Ensor's Pool as per Natural England's Draft Supplementary Advice on Conserving and Restoring Site Features (Natural England 2018).

- Maintain those management measures (either within and / or outside the site boundary as appropriate) which are necessary to maintain the structure, functions and supporting processes of those habitats able to support white-clawed crayfish;
- Maintain the current extent of the supporting habitat(s) (standing open water with marginal vegetation) associated with white-clawed crayfish;
- Maintain the current distribution and continuity of the feature's supporting habitat across the site;
- Maintain the ability of the feature's supporting habitat to adapt or evolve to wider environmental change, either within or external to the site;
- Ensure human activities within or around the site do not pose a significant risk of plague transfer;
- Maintain an absence of non-native crayfish within the site;
- Maintain the current extent and diversity of shoreline refuges associated with the water body, such as submerged roosts, bank crevices and marginal vegetation;
- Maintain supporting habitat at 'Good' biological status (i.e. compliance with relevant Environmental Quality Standards) in order to provide the necessary conditions to support a population of white-clawed crayfish;
- Maintain pH levels at within the range of 6.5 to 9;
- Maintain ammonia levels at or less than $0.6\text{mg NH}_3\text{l}^{-1}$ throughout the site;
- Maintain nitrogen levels typically at or below 0.2 mg/l-l-1 ;
- Maintain the pool in a well oxygenated state (typically with a dissolved oxygen standard of >70%);
- Ensure supporting habitat is not at risk of effluent discharges from within the site's wider catchment;
- Maintain calcium levels at or above 5mg/l ;
- Maintain the pool's water temperature at naturally occurring levels; and
- Maintain fish populations at densities low enough to avoid significant predation of juvenile crayfish which may be present.

Appendix 7: Summary of Targets for River Mease SAC as per Supplementary Advice 2016

The following is a summary of the Targets that have been set for Ensor's Pool as per Natural England's Draft Supplementary Advice on Conserving and Restoring Site Features (Natural England 2016a).

For H3260: *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation (H3260).

- Restore the total extent of the Water courses of plain to montane levels with *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation (H3260).
- Restore the extent and pattern of typical in-channel and riparian habitats to that characteristic of natural fluvial processes associated with this river type.
- Restore a patchy mosaic of natural woody and herbaceous (tall and short swards) and riparian vegetation. The riparian zone should be sufficiently wide to act as a healthy and functional habitat zone within the river corridor.
- Restore the presence of coarse woody material within the structure of the river channel. In smaller watercourses, temporary material dams should be a feature of channel dynamics.
- Restore a patchy mosaic of natural woody and herbaceous (tall and short swards) and riparian vegetation. The riparian zone should be sufficiently wide to act as a healthy and functional habitat zone within the river corridor.
- Restore the presence of coarse woody material within the structure of the river channel. In smaller watercourses, temporary material dams should be a feature of channel dynamics.
- Restore the natural flow regime of the river, with daily flows as close to what would be expected in the absence of abstractions and discharges.
- Restore the natural supply of coarse and fine sediment to the river.
- Restore a natural thermal regime to the river ensuring that water temperatures should not be significantly artificially elevated.
- Ensure the movement of river wildlife characteristic of *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation at this state is not significantly artificially constrained.
- Ensure any non-native species categorised as 'high-impact' in the UK are either rare or absent but if present are causing minimal damage to *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation.
- Restore the abundance of the typical species listed below to enable each of them to be a viable component of *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation.
- Maintain fish densities at a level at or below the natural environment carrying capacity of the river.
- Restore grazing activity in the riparian zone and in the river channel at or to suitably low levels.
- Maintain a sufficient proportion of all aquatic macrophytes to allow them to reproduce in suitable habitat and unaffected by river management practices
- Restore any supporting riverine habitats beyond the site boundary upon which the *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation (H3260) feature of the site depends.
- Restore a natural nutrient regime to the river Mease, with any anthropogenic enrichment above natural/background concentrations limited to levels at which adverse effects on characteristic biodiversity are unlikely.
- Restore organic pollution to published levels (Natural England 2016a)
- Maintain (or restore where resilience is degraded) the *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation (H3260) ability, and that of its supporting processes, to adapt or evolve to wider environmental change, either with or external to the site.
- Achieve at least 'Good' chemical status by 2021.
- Maintain the management or other measures necessary to restore the structure, functions and supporting processes associated with *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation (H3260).

S1355 Otter *Lutra lutra*

- Restore the quality of supporting river habitat features, based on the advice for the *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation feature, based on natural river function, which provides characteristic habitats for otters.
- Restore the quality of supporting waterway habitat.
- Maintain fish biomass within the expected natural levels for the supporting habitat (subject to natural fluctuations).
- Restore and abundance of natural breeding and resting sites within the SAC.
- Restore an abundance of dense bankside vegetation to limit significant disturbance to otters.
- Restore the natural flow regime of the river to that close to what would be expected in the absence of abstractions and discharges (the 'naturalised' flow).
- Restore river water quality and quantity to a standard which provides the necessary conditions to support otter.
- Reduce the presence of pollutants within the SAC, which are potentially toxic to otters.
- Ensure there are no significant artificial barriers to the safe passage and movement of otters into, within and away from the SAC.

- Restore then maintain a continued presence of an activity-breeding otter population within the SAC, whilst avoiding deterioration from its currently level as indicated by the latest mean peak count, estimate or equivalent.
- Restrict levels of otter mortality as a result of anthropogenic (man-made) factors so that they are not adversely affecting the overall abundance and viability of the otter population.

S1092 White-clawed crayfish *Austropotamobius pallipes*

- Restore the presence of a moderate level of abundance of the white-clawed crayfish population, whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.
- Restore the absence of non-native crayfish species from within the SAC and the catchment surrounding the site
- Restore the absence of individuals within the site infected with crayfish plague or porcelain disease.
- Ensure human activities within or around the SAC do not pose a significant risk of plague transfer to the crayfish population.
- Restore the physical structure of the river channel and its banks to a natural state.
- Restore an abundance of naturally-occurring cobbles, rubble and boulders on the river bed.
- Restore an abundance of large woody material within the river channel
- Restore the extent of submerged and marginal vegetation within the river channel
- Increase the extent of bankside tree cover including their root systems to 30%.
- Restore the extent and diversity of shoreline refuges associated with the river channel, such as submerged tree roots, bank crevices and marginal vegetation.
- Restore supporting habitat to 'good' biological status, throughout the site.
- Maintain freshwater pH levels at within the range of 6.5 to 9.
- Reduce ammonia levels to less than 0.6mg NH³ l⁻¹ throughout the site.
- Restore levels typically at or below 0.2mg.l⁻¹ NO² suggested as reflecting the EPA limit for salmonid waters
- Maintain supporting habitat in a well-oxygenated state, typically within a dissolved oxygen standard of >70%.
- Maintain an annual mean level of typically less than 25 mg/l of suspended solids throughout the river.
- Maintain river calcium levels at or above 5mg/l
- Restore the quality of any supporting habitat present beyond the site boundary upon which the white-clawed crayfish population of the site depend.
- Ensure the movement of white-clawed crayfish within the site is not artificially constrained.
- Maintain water temperature at naturally-occurring levels
- Maintain fish population at densities low enough to avoid significant predation of juvenile crayfish.

S1149 Spined loach *Cobitis taenia*; S1163 Bullhead *Cottus gobio*

- Restore juvenile densities at those expected under un-impacted conditions throughout the site, taking into account natural habitat conditions and allowing for natural fluctuations. For spined loach, at least 40% of the population should consist of 0+ fish.
- Restore the abundance of the populations to the levels below, which are similar to that expected under un-impacted conditions throughout the site whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.
- For spined loach adult population densities who should be greater than 0.2/m², with at least three year-classes should be present at significant densities. At least 40% of the population should consist of 0+ fish and the largest females attach a fork length >85mm. For bullhead, densities should be not less than 0.5m² and young-of-year fish should occur at densities at least equal to adults. There should be four age classes with 0+ individuals at least 40% of population and the largest females attain a fork length .75mm.
- Ensure fish stocking/ introductions do not interfere with the ability of the river to support self-sustaining populations of spined loach and bullhead.
- Restore the natural nutrient regime in the river, with any anthropogenic enrichment above natural / background concentrations limited to levels at which adverse effects on the feature are unlikely.
- Maintain management or other measures necessary to restore the structure, functions and supporting processes associated with the feature and/or its supporting habitat.