

STAGE 2: HABITAT REGULATIONS ASSESSMENT (APPROPRIATE ASSESSMENT) IN RESPECT OF DMPA/2021/1217 CHANGE OF USE OF LAND AND ERECTION OF STABLES AT GRAFTON HOUSE, LULLINGTON

NON-TECHNICAL SUMMARY

This report has been prepared by South Derbyshire District Council in respect of DMPA/2021/1217. This application is for the change of use of land from agricultural to equestrian and the erection of wooden stables (part retrospective) at Grafton House, Lullington Road, Coton in the Elms, Swadlincote, DE12 8EW

The land has traditionally been used as agricultural land for the purpose of grazing sheep, cattle and making hay. The site was purchased in 2020 and the new owners are seeking to use the land for grazing and keeping of horses. The land or stables will not be used commercially. There is currently a block of two wooden stables on the land which are on skids and are portable. However, the application is for them to remain in-situ permanently – the application seeks retrospective permission for these stables. The application includes the proposed addition of two more wooden structures. The first is a smaller pony stable which will be located next to the existing 2 stables. The second is a hay store which will be situated to create an L shape from the stables.

The proposed development, although modest in scale is located in the Mease catchment, close to an existing ditch with connectivity to the SAC. It therefore has the potential to affect the SAC in respect of diffuse pollution and surface water.

The Mease catchment is a small catchment extending some 62.9km². The channel itself rises at 130 metres above sea level in the Coal Measures of North West Leicestershire. The head of the site includes the lower reaches of the Gilwiskaw Brook, which like the River Mease is designated as a SAC and a SSSI from Packington (located 1.25 km south of Ashby de la Zouch). From its head the River Mease flows approximately 25 kilometres westwards to its confluence with the River Trent at Croxall.

The site is located around 2.2km from the River Mease Special Area of Conservation (SAC), although is within the identified catchment area for the river. A number of tributaries draining to the Mease including the Pessall Brook is located around 275m from the site and a further unnamed watercourse (ditch) are located within or close to the site and the stable building to be retained.

This report highlights the potential effects of the project on the River Mease SAC from the proposed development having regard to the Conservation Objectives of the site and its vulnerabilities as set out in the Nature 2000 data sheet and outlines the design and management/implementation measures necessary to address any likely effects. The report concludes that there will be no adverse effects on the integrity of the River Mease as a result of the proposed development either alone or in combination with other development subject to appropriate measures being taken to address the risk to the SAC.

1. INTRODUCTION

Project Background

1.1 The proposed works will consist of creation of engineering and enabling works including the change of use of land (around 1.6ha) from agricultural to equestrian and the erection of wooden stables (part retrospective) at Grafton House, Lullington Road, Coton in the Elms, Swadlincote, DE12 8EW for the grazing and stabling of horses for private recreational use.

The Habitats Regulations Assessment

- 2.1 The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (2009/147/EC).
- 2.2 Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Special Areas of Conservation. Article 6(3) establishes the requirement for an assessment of any plan or project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects. Article 6(4) further requires that where in spite of a negative assessment of the implications of a Natura 2000 site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest (the IROPI test), including those of a social or economic nature. Article 6(4) further states that Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

Stages and Approach of Assessment

- 2.3 This Assessment has been prepared in accordance with the European Commission Environment DG document *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, referred to as the “EC Article 6 Guidance Document (EC2000)”.
- 2.4 The guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and 6(4) of the Habitats Directive, and are viewed as an interpretation of the EU Commission’s document “*Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*”, referred to as “MN2000”.
- 2.5 In addition, in completing this assessment regard has been had to the Conservation of Habitats and Species Regulations 2017 (2017 No. 1012), Government Circular (06/2005): Biodiversity and Geological Conservation – Statutory Obligations and their impact on the Planning System (2005) and the general guidance set out in Habitat Regulations Guidance Note issued by English Nature in 1997.
- 2.6 The ‘EC Article 6 Guidance Document’ (referenced above) indicates that there are 4 broad stages involved in completing an assessment with the outcome of each stage indicating whether the next stage is required. These are:

Stage 1 – Screening: To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site.

Stage 2 – Appropriate Assessment: To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed.

Stage 3 – Assessment of alternative solutions: Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and

Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain: In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

- 2.7 This guidance stresses limits to the areas and the species and habitats protected by the Habitats Directive as follows:
- **Spatial limit.** Measures are aimed only at species and habitats located '*in the SACs*', or in some cases outside of the SAC if external events may have an impact on the species and the habitats inside the SAC.
 - **Limit of habitats and species concerned.** The appropriate measures concern only habitats and species '*for which the areas have been designated*'. The aim is not therefore to take general conservation measures, but rather to take measures focused on the species and habitats which justified the selection of the special area of conservation.
- 2.8 This is an assessment under Regulation 63¹ of the Conservation of Habitats and Species Regulations 2017 (known as 'the Habitats Regulations') which transposes the requirements of the Habitats Directive into national law in in England and Wales. The assessment considers the anticipated effects of the proposed scheme (DMPA/2021/1217) for the the change of use of land from agricultural to equestrian use and the erection of wooden stables (part retrospective) at Grafton House, Lullington Road, Coton in the Elms, Swadlincote, DE12 8EW.
- 2.9 This assessment has regard to, and is in accordance with:
- The Habitats Regulations;
 - Good practice guides in undertaking such assessments, such as that published by Natural England, the Countryside Council for Wales and Scottish Natural Heritage
 - All relevant guidance from the European Commission (as previously noted) and the UK Government.
 - Relevant decisions, for example, at Government level in Great Britain, and by Reporters / Inspectors;
 - Relevant judgments of the Court of Justice of the European Union, and the Courts in the UK including the *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)*.

Relevant Documentation

- 2.10 The main documents which have been taken into account in this assessment include:
- Planning Application reference DMPA/2021/1217 and the submissions therein
 - Emails submitted by the applicant to address queries raised by the Coulc concerning the storage and removal of manure and the location of the stable in relation to surface water (dated 22nd October 2021 and 2nd November 2021)
 - The citations and maps for the River Mease SAC;

1 <http://www.legislation.gov.uk/uksi/2017/1012/regulation/63/made>

- The Water Quality (Phosphate) Management Plan for the River Mease (including diffuse water management plan appended WQMP)
- The Site Improvement Plan for the River Mease
- River Mease SSSI condition Assessment.
- River Mease Standing Advice from Natural England (October 2017).
- Area of the Mease Catchment available [here](#)
- Other technical evidence referenced in the footnotes of this document

3. THE REQUIREMENT TO ASSESS THE PROJECT UNDER THE REGULATIONS

Is this a plan or project within the meaning of the Habitats Regulations?

- 3.1 The grant of planning permission for the proposed development is considered to be a ‘project’ within the meaning of the Habitats Regulations. Plans and projects are not defined in the Directive but regulation 61 implies that it is something that requires permission, consent or authorisation. The EC guidance in *Managing Natura 2000 Sites*² indicates at 4.3.1 that a project is an intervention “*in the natural surroundings and landscape including those involving the extraction of mineral resources*”. There is no requirement for the Council to undertake Habitat Regulations Assessment prior to the Council issuing a screening decision on the need for EIA for this project. However, one of selection criteria for determining whether EIA should be undertaken for schedule 2 projects is whether areas classified or protected under national legislation or designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC could be affected by development³. Ahead of issuing a Screening Decision (which has been taken in tandem with the preparation of the HRA) the Council has prepared this (Appropriate Assessment) to inform its decision making.

Who is the competent authority?

- 3.2 Regulation 7⁴ defines competent authorities. SDDC is the competent authority because it is the planning authority responsible for approving any planning application that may be submitted⁵. The Authority has considered this scheme, including its potential effect on the SAC (applying the requirements of the Habitats Regulations) and has concluded that the proposal would not adversely affect any European Site - the full detail of this assessment is considered later in this report.

4. EUROPEAN SITES POTENTIALLY AFFECTED

Are any European sites potentially affected?

- 4.1 There is only one European (Natura 2000) site potentially affected by the proposed development; the River Mease SAC. This site falls within the identified impact zone for the River Mease⁶ and whilst the potential for effects is not identified in the applicants Preliminary Ecological Assessment an application for residential development (other than for minor developments) requires consultation with Natural England due to the potential for the scheme to affect the SAC. South Derbyshire District Council is satisfied there are no other European sites that could be significantly affected due to the scale, nature and, location of the project site in relation to other European sites.
- 4.2 In assessing this project the Council has determined to undertake a stage 2 ‘Appropriate Assessment’ to examine the likely effects of this application on the habitats and / or species for which the SAC has been designated, these are often referred to as ‘the interest features’ of the site. Often where it is

² European Commission, 2000, *Managing Natura 2000 Sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC*

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN>

⁴ <http://www.legislation.gov.uk/uksi/2017/1012/regulation/7/made>

⁶ [Magic Map Application \(defra.gov.uk\)](#)

likely that a scheme would have no significant effects on the SAC it is adequate to prepare a screening assessment. However, having considered the scheme proposed it is likely that it could have detrimental effects on the condition of the SAC. These effects can be avoided through the inclusion of embedded mitigation or other measures to control the likelihood of negative effects. In light of the need for such mitigation, and in line with the Sweetman ruling⁷ a Stage 2 Habitat Regulations Assessment (Appropriate Assessment) is required prior to determining the planning application.

Are any listed Ramsar sites potentially affected?

- 4.3 The Government requires listed Ramsar sites to be treated as if they are fully designated European sites, as a matter of policy, when considering development proposals that may affect them (para 181 of the National Planning Policy Framework 2021). There are no listed Ramsar sites affected by the proposed development.

Is the project directly connected with or necessary to the management of any of the European or Ramsar sites potentially affected?

- 4.4 No, the project is not necessary or connected with site management for nature conservation. EC Guidance MN2000⁸ provides clear advice on this point at 4.3.3. Paragraph 12 of Circular 06/2005 indicates that the whole project would have to be so necessary or directly connected for it to be exempt. The project does not meet this requirement.

The River Mease SAC - Background

- 4.5 The Mease catchment is a small catchment extending some 62.9km². The channel itself rises at 130 metres above sea level in the Coal Measures of North West Leicestershire. The head of the site includes the lower reaches of the Gilwiskaw Brook, which like the River Mease is designated as a SAC and a SSSI from Packington (located 1.25 km south of Ashby de la Zouch). From its head the River Mease flows approximately 25 kilometres westwards to its confluence with the River Trent at Croxall.
- 4.6 Due to the fast-flowing nature of the river, aquatic vegetation is sparse and marginal vegetation restricted to stands of floating sweet-grass *Glyceria fluitans* but these sections provide valuable habitat for bullhead (*Cottus gobio*). The middle reaches of the River Mease provide excellent habitat for a nationally significant population of spined loach *Cobitis taenia*. This species is confined in its UK range to a limited number of catchments in central and eastern England. Submerged aquatic vegetation becomes more varied on the lower reaches of the river with river water-crowfoot *Ranunculus fluitans*, amongst other vegetation becoming increasingly frequent.
- 4.7 The River Mease was designated as a Special Area of Conservation (SAC) in May 2000. Specifically the Annex I habitats and Annex II species for which the SAC is designated are as follows:
- Spined loach *Cobitis taenia* (1149)
 - Bullhead *Cottus gobio* (1163)
 - White-clawed (or Atlantic stream) crayfish (1092)
 - Otter *Lutra lutra* (1355)
 - Water courses of plain to montane levels with *Ranunculion fluitantntis* and *Callitricho-Batrachion* vegetation (3260)

River Mease SAC - Conservation Objectives

⁷f *People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17)*. Note: This ruling effectively prevents mitigation measures intended to avoid or reduce the harmful effects of a project being taken into account at the Screening Stage.

⁸ EC Guidance document "Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Published 2000.

- 4.8 The Conservation Objectives for the SAC are drawn up by Natural England and are set out on their website⁹ However they are replicated below:

Conservation Objectives for the River Mease SAC

With regard to the SAC and the natural habitats and/or species for which the site has been designated ('the Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot
 S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish
 S1149. *Cobitis taenia*; Spined loach
 S1163. *Cottus gobio*; Bullhead
 S1355. *Lutra lutra*; Otter

Vulnerability of the River Mease SAC

- 4.9 The Natura 2000 Standard Data Form¹⁰ for the River Mease SAC includes information regarding known threats, pressures and activities which could impact upon the qualifying criteria for the site, and which could prevent the Conservation Objectives from being met. Published vulnerabilities for the SAC are summarised in the table overleaf:

Impact Code	Impact Code Description	Impact Rank	Significance	Impact Occurrence
H02	Pollution to groundwater (point sources and diffuse sources)	Negative	High	Inside and Outside Site
I01	invasive non-native species	Negative	High	Inside and Outside Site
J02	human induced changes in hydraulic conditions	Negative	High	Inside and Outside Site

Source: River Mease Standard Data Form 22/12/2015 and JNCC Natura 2000 Threats, pressures and positive activities dataset published July 2019 (all Natura sites) available at [opengov](https://data.gov.uk/dataset/9c86437c-b35a-4e51-96d0-7402189b5363/natura-2000-threats-pressures-and-positive-activities)¹¹

⁹ <http://publications.naturalengland.org.uk/publication/6217720043405312>

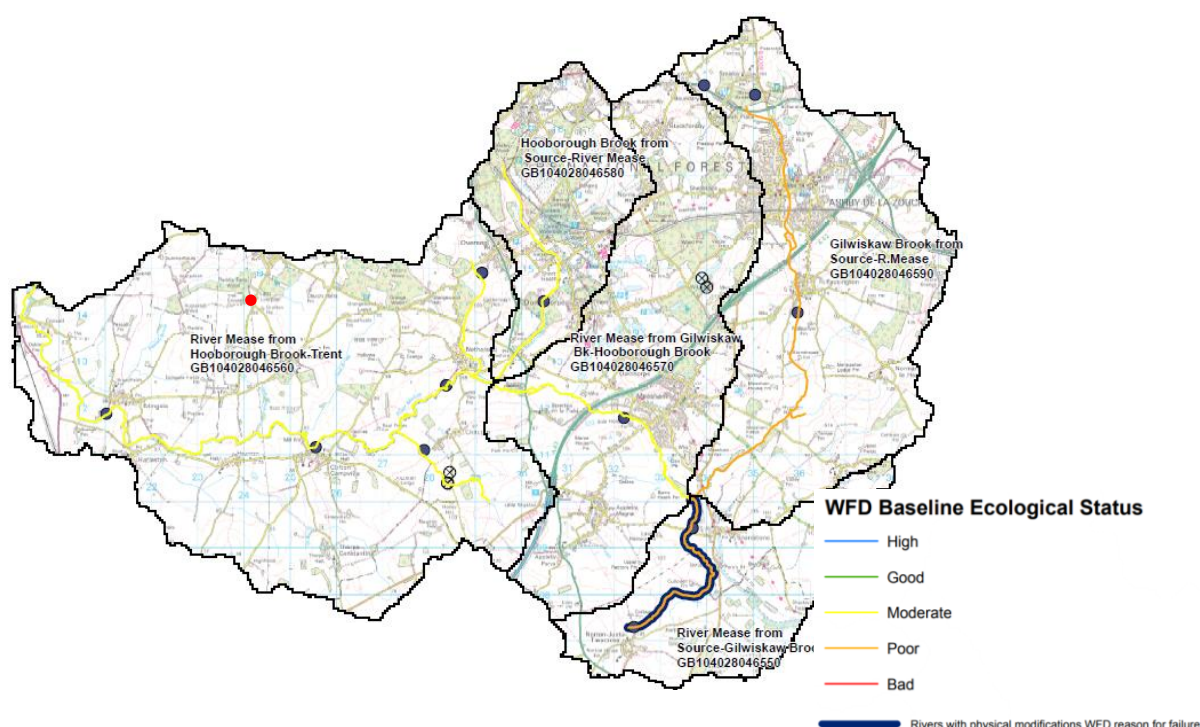
¹⁰ <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030258.pdf>

¹¹ <https://data.gov.uk/dataset/9c86437c-b35a-4e51-96d0-7402189b5363/natura-2000-threats-pressures-and-positive-activities>

4.10 In addition to reviewing the site Conservation Objectives and the threats, pressures and activities affecting the River Mease a review of the River Mease Site Improvement Plan (SIP) has also been undertaken. Site Improvement Plans (SIPs) have been developed for each Natura 2000 site in England as part of the Improvement Programme for England's Natura 2000 sites (IPENS). This Site Improvement Plan provides a high-level overview of the issues (both current and predicted) affecting the condition of the Natura 2000 features on the site and outlines priority measures required to improve the condition of the features. In brief the SIP for this site highlights the following pressures in the River Mease SAC.

1. Drainage
2. Water Pollution
3. Invasive Species
4. Water Abstraction
5. Siltation
6. Inappropriate weirs dams and other structures

Illustrative Map of R. Mease Catchment and approximate site location (red pin)



4.11 It is also worth further noting that the River Mease Special Area of Conservation is also designated as a Site of Special Scientific Interest (SSSI). In undertaking this assessment regard has also been had to the most up to date condition assessment of the River Mease SSSI. Further information on the condition of the SSSI is available to view on Natural England's website¹². The latest assessment compiled by Natural England in January 2010 highlights that the status of the SSSI is **Unfavourable, no change**. Drainage and water pollution (high phosphate levels) derived from point source and diffuse sources have been identified as causal factors affecting the condition of the River together with physical modifications to river including over dredging, weir, other impoundments, the presence of non-native species, lack of river bank vegetation, lack of macrophyte species density and composition and over abstraction.

¹² <https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S2000416&ReportTitle=River%20Mease%20SSSI>

5. RELEVANT BACKGROUND TO ASSESSING LIKELY SIGNIFICANT EFFECTS IN RELATION TO THE PROPOSED DEVELOPMENT

- 5.1 The proposed works change of use of land from agricultural to equestrian and the erection of wooden stables (part retrospective) at Grafton House, Lullington Road, Coton in the Elms, Swadlincote, DE12 8EW

Foul Sewerage

- 5.2 There are no proposals which will lead to an increase in foul water generated within the site.

Diffuse Pollution and Surface Water Runoff: Construction and Operation

- 5.3 The site is located in the River Mease Catchment, around 275m from the Pessall Brook. Currently the site is in agricultural use, though has recently been used for the grazing of horses. The 1:50 000 scale British Geological Survey (BGS) information indicates that the sites bedrock consists of Gunthorpe Member - Mudstone. Sedimentary Bedrock formed approximately 237 to 247 million years ago in the Triassic Period in a Local environment previously dominated by hot deserts. These sedimentary rocks are fluvial, lacustrine and marine in origin.
- 5.4 The Soilscape map indicates that locally soils are slightly acid loamy and clayey soils with impeded drainage. The Soilscape map also indicates that land mostly drains to watercourses and therefore soil of this nature tends to be vulnerable to pollution run-off and rapid through-flow to streams; surface capping can trigger erosion of fine sediment. There is potential therefore for surface water runoff to quickly find its way into local watercourses which could provide a clear pathway via which surface water runoff and any sediment it carries could exacerbate nutrient levels in the Mease.
- 5.5 In order to address the potential for increased surface water and sediment flows the Council has highlighted the site vulnerability to the applicant who have identified a number of measures they are able to take to address the potential for surface water to affect the Mease SAC: These include
- Storing any muck/manure from the mucking out of the stables within a trailer (with roof) and removing this waste from the site for reuse as fertiliser as required.
 - Ensuring that any surface water flow from the stables (current and proposed) drains first to 600l water butts (to provide fresh water for the animals) with any overflow discharging to a shallow depression/swale rather than directly into a local surface water or ditch.
- 5.6 The Council has requested that these measures to address any possible risk of unmitigated surface water flows making their way into local surface waters. The disposal of surface water falling on to the roof to ground will ensure that flows will not be discharged directly into a ditch located close to the Stable. Instead the applicants have highlight that they will discharge water to a shallow depression/swale. Given the small scale of the proposals and the clean nature of the water falling on the roofs of the stable buildings this measure is considered to address the requirement included in Natural England's Standing Advice to include a single treatment train to 'treat' water falling onto the roofs of new buildings.
- 5.7 The use of a covered trailer for the temporary storage of manure, sill similarly ensure that nutrient transfer from the manure to local watercourses does not occur.
- 5.8 Subject to securing the above mitigation it is likely that the scheme can be delivered without any adverse effect on local watercourses including the River Mease SAC, located around 2.2km to the South.

Suggested Condition: No surface water flows should be discharged directly to a watercourse or ditch. Where it is not possible to intercept and store all surface water collected from the buildings on site for reuse any discharge of surface water should be to ground via soakaway or attenuated on site within an appropriate swale or basin prior to discharge to any surface water or ditch.

Reason

To control any surface water flows and ensure that the proposal will not lead to the mobilisation of sediments which could affect water quality in the downstream Special Area of Conservation.

Suggested Condition: Any manure collected on site shall be stored in a covered trailer until such time as it can be taken offsite for disposal or used of fertiliser.

Reason

To ensure that any manure is kept in a way which would prevent the mobilisation of nutrients which could affect water quality in nearby watercourses, including the River Mease Special Area of Conservation.

Pollution to Groundwater (point source and diffuse source)/Drainage

- 5.9 As previously noted, the 1:50:000 scale BGS data indicates that the site comprises mudstone and soils are slightly acid loamy and clayey soils with impeded drainage. There are no source protection zones (SPZ) affected by the proposal the closest being located around 4km to the south west of the site.
- 5.10 Given the small scale of the development and having regard to its nature and location and historic use as grazing land it is unlikely that the proposal (which will involve the less intensive use of the land as grazing land) will give rise to any effects that would harm the downstream SAC when compared to the historic agricultural use of the land. No specific measures are identified in respect of groundwater.

Invasive Species

- 5.11 Himalayan Balsam and Japanese Knotweed are found along the banks of the River Mease. A proliferation of these non-native species can reduce species diversity within the riparian vegetation and can increase bank erosion. Within the river itself signal crayfish have been found in its lower reaches. Larger than the native white clawed crayfish, the signal crayfish can out compete native crayfish for habitat and food.
- 5.12 Given the distance of the development site from the SAC and the nature of the proposed works (none of which will take place in a ditch or other surface water) this proposal is unlikely to present any risk to the SAC.

Water Abstraction/Human Induced Changes to Hydraulic Conditions

- 5.15 No water abstraction from within the catchment is proposed in the SAC to meet the needs of this development proposal.
- 5.16 Changes to the hydraulic character of the river can arise as a result of modifying water levels (e.g. drying out, flooding, abstractions) and changes in structure and function, for example by modifying the bank or removing or adding sediments.
- 5.17 The European Site Conservation Objectives: Supplementary Advice on Conserving and Restoring Site Features for the River Mease Special Area of Conservation (Natural England, 2016) states that:

“The morphology of the River Mease indicates that widespread channel resectioning (including some deepening) has been undertaken in the past. This channel modification has contributed to its relatively deep channel in comparison with its width. Plan-form adjustments and activities on the river’s edge are also impacting factors. There is evidence of readjustment through the deposition of sediment on the bed but assisted natural recovery is required for many reaches of the Mease”

- 5.18 Regarding water course flow, the document states that:
“The river Mease is not currently meeting flow targets. This is due to excess water from discharges entering the river system. This is causing the loss of naturalised low flow conditions which are considered necessary for the long-term health and integrity of the site.”
- 5.19 It is unlikely any abstraction from or addition of, water from the River Mease will be required during site operation. Water collected on site will be used to for keeping the horses and any excess water falling onto the stable roofs will discharged to ground.
- 5.20 As a result the scheme will not materially contribute to either the increase or reduction in flows to local watercourses. On this basis this scheme would have no effect on the SAC or any of its tributaries.

Siltation

- 5.21 This issue is considered in detail in paragraphs 5.3 to 5.8 above

Inappropriate weirs dams and other structures

- 5.22 The site is located a significant distance from the SAC and no part will be within the area designated as a SAC. As a result the proposals will have no impact or consequence on any weirs, dams or other structures within the River Mease itself.

Summary of effects of the development alone

- 5.23 On the basis of the assessment undertaken it is considered that unmitigated development could potentially lead to increased siltation/sediment input into the SAC albeit in limited quantities. However, subject to mitigation, including the implementation of an appropriate sustainable drainage scheme, it is likely that the scheme would have no adverse effects on the integrity of the river Mease alone.

6 ASSESSMENT IN COMBINATION WITH OTHER PROPOSED DEVELOPMENT PROJECTS IN THE CATCHMENT.

- 6.1 In accordance with the legal requirement in the Habitats Regulations the potential for a project or plan to impact upon a Natura 2000 site must be considered alone and in combination with other projects or plans.
- 6.2 Section 5 has illustrated that the proposed development will not have a significant adverse effect on the integrity of the River Mease SAC alone, assuming that appropriate measures are provided to address the potential effects the proposal could have on the SAC. However, there is also a need to assess the in combination effects of this and other projects and plans that could work together to affect the integrity of the SAC.
- 6.3 In light of the Conservation Objectives for the site and having regard to the site improvement plan for the site the Council considers that there is no potential for in combination effects in respect of foul sewerage, although there is potential for in combination effects in respect of diffuse source pollution/drainage and siltation.

- 6.4 In combination effects in respect of foul sewerage will not occur because the proposals will not increase foul water flows to a waste water treatment works which discharges to the River Mease or one of its tributaries.
- 6.5 In respect of the potential for diffuse type impacts resulting from increased overland flows, increased sediment mobilisation and contamination surface water given that the proposed development will, subject to the inclusion of appropriate mitigation, eliminate the potential for any adverse effects to occur it is unlikely that this development project will combine with other planned or committed development, including that allocated in development plans for South Derbyshire (SDDC), North West Leicester (NWLDC) or Lichfield District Council (LDC), or specific projects currently in planning.
- 6.6 Moreover standing advice prepared by the Environment Agency and Natural England, coupled with plan policies formulated by the Council's to strictly control the nature of developments in the Mease Catchment will be applied to all developments that could affect the SAC. Given policy requirements, the standing advice issue by the Conservation Bodies and the requirements for future schemes to be subject to their own habitat regulations assessment it is unlikely that development schemes will combine to have an adverse effect on the River Mease SAC in combination.

7 MITIGATION/COMPENSATORY MEASURES

- 7.1 This section of the report presents the mitigation to be delivered so as to ensure the avoidance of any adverse effect on the integrity of the River Mease SAC from the proposed development in respect of drainage, siltation and ground water pollution.
- 7.2 To avoid effects on the SAC during construction, operation and decommissioning, development will need to:
- Ensure any water falling on the roof of the proposed stable buildings will discharge to ground rather than directly to the nearby ditch
 - Ensure that any manure or muck is stored in a trailer with roof to prevent high levels of nutrients migrating towards the nearby ditch. Any much should be moved off site for appropriate disposal.

8 REPORT CONCLUSIONS

- 8.1 Evidence has been collected and this HRA has been undertaken to allow South Derbyshire District Council (The Competent Authority) for determining any future development project to understand the likely effects of this project on the integrity of the River Mease SAC both alone and in combination with other plans or projects.
- 8.2 Following this assessment, it is concluded that adequate measures are available and proposed to protect the integrity of the SAC.

Assessment completed November 2021.