

Peveril Homes, Overseal

ENV-22852

**Report to Inform Appropriate Assessment –
HRA Stage 1 Screening for Likely Significant
Effect and Stage 2 AA**

Peveril Homes Limited

April 2026



TETRA TECH

DOCUMENT CONTROL

Document:	Report to Inform Appropriate Assessment – HRA Stage 1 Screening for Likely Significant Effect and Stage 2 AA
Project:	Peveril Homes, Overseal
Client:	Peveril Homes Limited
Project Number:	ENV-22852

Version:	V2	Status:	
Date:	16/04/2026		
Prepared by: Helena Singleton	Checked by: Rebekah Rice, 16/04/2026	Approved By: Gonzalo Romero, 17/04/2026	

TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
1.0 INTRODUCTION	6
1.1 Background	6
1.2 Site Description	7
1.3 Work Proposals	7
1.4 Requirement for HRA	8
1.5 HRA Guidance	9
2.0 METHODOLOGY	10
2.1 Information used in this Assessment	11
2.1.1 Desk study	11
2.1.2 Previous Ecological Reports	11
2.1.3 Assessment of Likely Significant Effect (LSE)	12
3.0 SCOPE OF ASSESSMENT	13
3.1 Identifying Habitat sites with potential to be affected by the proposed works	13
3.2 Determining the Zone of Influence.....	13
3.3 Limitations.....	14
4.0 STAGE 1: SCREENING ASSESSMENT	15
4.1 Is The Project Directly Connected With Or Necessary to The Site Management For Nature Conservation	19
4.2 Assessing Risk of impact pathways leading to Likely Significant Effects.....	19
4.2.1 Threats and Pressures Excluded from Consideration.....	19
4.3 Screening Assessment for Likely Significant Effects Alone	20
4.4 Summary of Stage 1: Screening Assessment	22
4.5 Conservation objectives effected by proposed development	22
5.0 STAGE 2: APPROPRIATE ASSESSMENT.....	23
5.1 Water and diffuse pollution via surface water run off	23
5.1.1 Construction	23
5.1.2 Operation.....	24
5.2 Nutrient outputs.....	25
5.2.1 Operation.....	25
5.3 Integrity Test	26

6.0	CONCLUSION.....	27
	REFERENCES	28

APPENDICES

APPENDIX A: REPORT CONDITIONS

APPENDIX B: LANDSCAPE MASTERPLAN

EXECUTIVE SUMMARY

Contents	Summary
Site Location	The site is located south of the Village of Overseal, Derbyshire. Approximate Grid Reference: SK29504 15001. The site is currently agricultural land.
Proposals	Small residential development of 31 dwellings with associated access and drainage.
Scope of this Report	The purpose of this report is to assess the impact pathways likely to significantly affect the proposed development in the absence of mitigation upon the habitat sites (Habitat Regulations Assessment Stage 1) and subsequently assess whether these would result in an adverse effect on the integrity of these sites once mitigation is applied (Habitat Regulations Assessment Stage 2). This report will focus on assessing the impact of Phosphorus loading within the River Mease Catchment and the impact on designated habitats.
Stage 1: Screening Assessment Results	The results from the Stage 1 Screening Assessment found that in the absence of mitigation, there is a potential impact pathway that could lead to likely significant effect in relation to the River Mease Special Area of Conservation. • Water and diffuse pollution via surface water runoff (construction and operation phases). • Nutrient outputs (operation phase).
Stage 2: Appropriate Assessment	The results from the Stage 2 Appropriate Assessment found that, with the application of mitigation, there would be no potential for the integrity of the River Mease SAC to be affected. The recommended mitigation comprises: • Adopting the Drainage Strategy detailed in the Flood Risk Assessment (BSP Consulting, 2025); • Offsetting agricultural land prior to the commencement of development while awaiting upgrades to the Sewage Treatment Works; • Purchasing credits to offset the phosphate load prior to the commencement of development.
Conclusion	The Local Planning Authority can therefore be certain that, when mitigation is secured and applied, the proposed development will not impact the integrity of the River Mease SAC in terms of phosphate load.

1.0 INTRODUCTION

1.1 BACKGROUND

Tetra Tech Limited (Tetra Tech) was commissioned by Peveril Homes Limited in March 2026 to prepare a Shadow Appropriate Assessment (sAA) to inform a Habitats Regulations Assessment (HRA) of a proposed residential development south of the village over Overseal, Derbyshire (approximate central Grid Reference SK 29504 15001), hereafter referred to as the ‘proposed development’. See Figure 1 for the proposed development boundary.

The HRA ensures legal compliance with the Conservation of Habitats and Species Regulations 2017. The Appropriate Assessment for this site has been completed by South Derbyshire District Council (SDDC). An HRA is the entire, multistage legal process used to determine if a plan or project impacts protected European wildlife sites. An Appropriate Assessment (AA) is specifically the second, detailed stage of the HRA process, triggered only if the initial screening identifies likely significant effects. This shadow AA is required to establish the potential for the proposed development to affect the qualifying features of Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites, either alone or in combination with other plans or projects, specifically focusing on Phosphorus loading within the River Mease catchment. SDDC is the competent authority for processing the planning application, which will involve an assessment of the development under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994 as amended, hereafter referred to as the Habitats Regulations. This report is prepared to assist the competent authority in undertaking their duties.

The conditions pertinent to this report are provided in Appendix A.

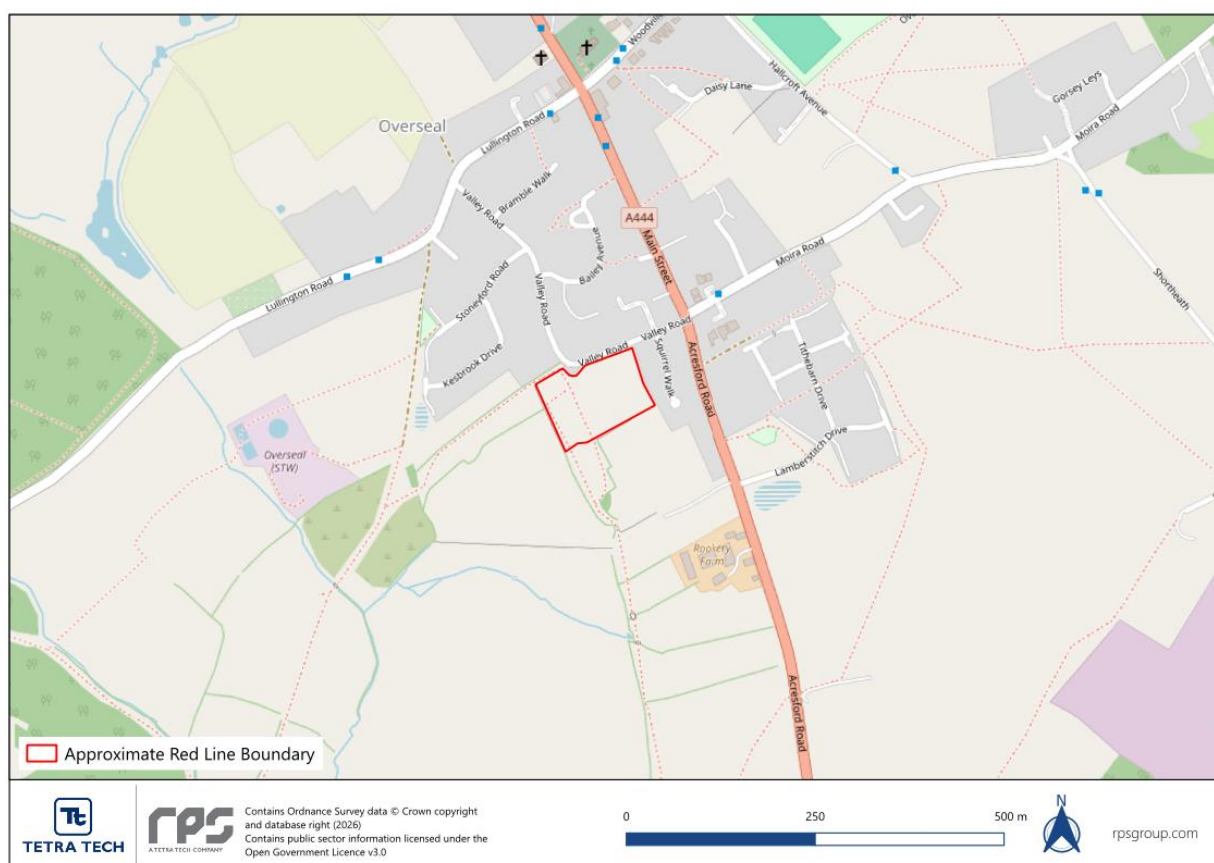


Figure 1. Proposed Development Red Line Boundary.

1.2 SITE DESCRIPTION

The site of the proposed development comprises predominantly arable fields with associated hedgerows, and small woodland parcels.

The site is bordered primarily by arable and improved grasslands to the south and west. The residential area of Overseal lies to the north and east of the site. The wider area consists largely of agricultural land.

The site sits within the hydrological catchment of the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

1.3 WORK PROPOSALS

The proposal is for the development of 31 residential dwellings and associated access and drainage within approximately 1.3 hectares (ha) of agricultural land.

1.4 REQUIREMENT FOR HRA

A HRA is an assessment of the potential impacts of a proposed project or plan on the conservation objectives of any Habitat Sites¹ and where necessary, an assessment of the development mitigation and / or avoidance measures to preclude negative effects. The impacts assessed must include the direct, indirect and in-combination impacts before approving the plan or project, considered along with any current or proposed activities, developments or policies impacting on the site. The potential impacts of projects and policies outside the designated sites, but potentially impacting upon them must also be included in the assessment.

The requirement for an AA is established through Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, hereby referred to as the 'Habitats Directive', in Articles 6(3) and 6(4). The Habitats Directive is transposed into national legislation by the Conservation of Habitats and Species Regulations 2017 (as amended by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). These are hereafter referred to as the 'Habitats Regulations'.

The National Planning Policy Framework (NPPF) states:

Policy 4b:

'Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.'

Policy 4c also states:

'All Ramsar sites are also European site and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.'

The NPPF also state that the following should be given the same protection and Habitats sites:

- Potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC)
- Listed or proposed Ramsar sites
- Sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential SPAs, possible SAC, and listed or proposed Ramsar sites.

The South Derbyshire Local Plan² is the relevant local plan for the proposed development. The policies relevant to this assessment are included below:

Policy BNE3 Biodiversity:

This policy addresses implications upon protected species, paragraph 8.35: *'Where development could affect the River Mease SAC, the Council will expect developers to provide sufficient information as may be necessary to allow the Authority to undertake a Habitat Regulations Assessment'*.

Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure:

¹ The term Habitat site is used to define sites which are afforded protection through the Habitat Regulations and policy, is an accepted terminology used by Natural England and in the National Planning Policy (NPP), often interchangeable with 'European sites' or 'Natura 200 sites'.

² <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/local-plan/adopted-local-plan>

‘The Council will work with Derbyshire County Council, Water Companies, Developers, and other Authorities and relevant stakeholders to ensure that South Derbyshire’s future water resource needs, wastewater treatment and drainage infrastructure are managed effectively in a coordinated manner by:

iv) Ensuring that all relevant development within the catchment of the River Mease support the deliver of the River Mease Water Quality (Phosphate) Management Plan, buy means of financial contribution, in order that the unmitigated addition of phosphorus does not lead to deterioration of the Mease Special Area of Conservation.’

1.5 HRA GUIDANCE

The HRA process undertaken by Tetra Tech has been developed to align with the long-established guidance set out in the HRA Handbook (DTA Publications, 2025). It is noted that as of January 2026, the HRA Handbook has been withdrawn. However, at the time of writing there is no further legislative or policy change that would alter the approach taken as part of this assessment. The DTA HRA Handbook remains the most appropriate guide to support the HRA process in the United Kingdom.

HRA judgement (Holohan and Others v An Bord Pleanála, 2018) has been considered within this assessment. In summary this judgement provides further clarification about the scope of an Appropriate Assessment (AA), requiring that the assessment must:

- Catalogue the entirety of habitat types and species for which a Habitats site is protected.
- Identify and examine the implications of the plan or project for species present on the Special Protection Areas (SPAs) / Special Areas of Conservation (SACs) / Ramsar sites for which the site(s) in question has not been listed provided that those implications are liable to affect the conservation objectives of the site (i.e. if they are necessary to the conservation of the habitat types and species listed for the protected area(s)).
- Consider the implications for habitat types and species found outside the SPA / SAC / Ramsar sites provided that those implications are liable to affect the conservation objectives of the SPA / SAC / Ramsar site(s) in question (i.e. if they are necessary to the conservation of the habitat types and species listed for the protected area(s)).

In essence this is how a thorough HRA is carried out, as there may be other features supporting the Conservation Objectives of the Habitats site which are not actually listed as qualifying features, both within the boundary of the Habitats site and outside it.

2.0 METHODOLOGY

Under the Habitats Regulations, an AA needs to be carried out in respect of any plan or project which:

- (i) either alone or in-combination with other plans or projects would be likely to have a significant effect on a Habitats site; and
- (ii) is not directly connected with or necessary for the management of the Habitats site for nature conservation.

The HRA process involves the following tasks split according to guidance stages Table 1 provides a summary of each stage of the process. This report is concerned with Stage 1: Screening, and Stage 2: Appropriate Assessment.

Table 1: HRA Stages

Stage	Details
Stage 1 - Screening for Likely Significant Effects	This is often called an assessment of Likely Significant Effects (LSE) which is essentially a risk assessment, typically utilising existing data, records and specialist knowledge. The purpose of the test is to decide whether ‘full’ AA is required. The essential question is: <i>“Is the project, either alone or in-combination with other relevant projects and plans, likely to result in a significant effect upon Habitats sites?”</i> An LSE is any effect which would undermine the conservation objectives of the Habitats sites. As a result of European case law, in Waddenzee³, irrespective of the normal English meaning of ‘likely’, in this statutory context ‘a likely significant effect’ is ‘a possible significant effect.’ If it can be demonstrated that significant effects will not occur, in the absence of mitigation, no further assessment is required. If this cannot be demonstrated, the assessment proceeds to Stage 2.
Stage 2 – Appropriate Assessment	Where it cannot be satisfactorily demonstrated that significant effects are unlikely, an AA is required. This stage is focussed entirely upon the qualifying features of the Habitats sites in question. The essential question here is: <i>“Will the project, either alone or in-combination with other relevant projects and plans, actually result in an adverse effect upon the integrity of any Habitats sites?”</i>

³ <https://eur-lex.europa.eu/legal-content/EN-FR-DE/TXT/?from=EN&uri=CELEX%3A62011CJ0258> the English-language version of the ruling may be read to mean that there is a need to establish a degree of probability of an effect. The translations of other languages are weaker and suggest that the test of significance is at a lower level. The test should therefore be understood as whether the plan or project concerned is capable of having an effect. It is in that sense that the English ‘likely to’ should be understood.

	If it is concluded that adverse effects will occur, mitigation measures will be required to either avoid the impact in the first place, or to reduce the impact to such an extent that it is no longer adverse. Note that, unlike standard Ecological Impact Assessment, compensation for adverse effects (i.e. creation of alternative habitat) is not permitted to be considered at the AA stage.
Stage 3 - Derogations	Where an adverse effect cannot be avoided or reduced consent may only be granted as a derogation. This involves three legal tests that must be passed sequentially. The first test involves the examination of alternative ways of achieving the objectives and avoiding adverse impacts on the integrity of the Habitats sites. The second test is to demonstrate the proposals must proceed for imperative reasons of overriding public interest (IROPI). The third test is securing compensatory measures

2.1 INFORMATION USED IN THIS ASSESSMENT

This assessment was informed by a number of sources which were used to identify the nearby Habitats sites, pathways to likely significant effects, and methods of appropriate mitigation with regards to the phosphorus loading on the River Mease catchment and associated designations due to the proposed development.

2.1.1 Desk study

The online mapping tool Multi Agency Geographic Information for the Countryside (MAGIC) (<https://magic.defra.gov.uk>) was consulted to determine which designated sites could be impacted by the proposed works:

- SAC, SPA and Ramsar up to 10km from the Proposed Development,
- Up to 20km for Habitat sites that Proposed Development as functional linked land; and
- Extended to Habitat sites that are hydrologically connected to the Proposed Development.

Other sources of information included:

- National Site Network site citations;
- The Conservation Objectives for each considered Habitats Site; and
- The Site Improvement Plans (SIPs) for each Habitat site.

2.1.2 Previous Ecological Reports

A Stage 2 HRA was completed by SDDC in March 2026. The report concluded that there was currently insufficient evidence to confirm whether the impact on the River Mease SAC can be avoided.

Formal consultation with the competent authority (SDDC) and Natural England held a Development Management Committee on Tuesday 24 March at 18:00 to go through the Overseal Planning Application (DMPA/2025/0980)⁴.

⁴ [Committee Report.pdf](#)

2.1.3 Assessment of Likely Significant Effect (LSE)

The Habitats Regulations Assessment Handbook (DTA Publications, 2025) confirms that during the Stage 1: Screening Assessment, ‘If significant effects cannot be excluded on the basis of objective information without extensive investigation, a plan or project should be considered to have a likely significant effect and taken through to an Appropriate Assessment’.

The concept of a ‘likely significant effect’ as embodied in Article 6(3) of the Habitats Directive and paragraph 43(1) of the Conservation Regulations is central to their operation. Its interpretation is well established in law and guidance and embraces the precautionary principle. The screening exercise which applies the phrase ‘would be likely to have a significant effect’ is often referred to as the test for ‘likely significant effect’ or even the test for ‘LSE’, or as ‘the significance test’. As a result of case law in Waddenzee, irrespective of the normal English meaning of ‘likely’, in this statutory context ‘a likely significant effect’ is ‘a possible significant effect (Tyldesley and Chapman, 2013).’

The meaning of likely has been settled by case law - the ECJ Waddenzee ruling states that:

‘43 It follows that the first sentence of Article 6(3) of the Habitats Directive subordinates the requirement for an appropriate assessment of the implications of a plan or project to the condition that there be a probability or a risk that the latter will have significant effects on the site concerned; and

...’44 In the light, in particular, of the precautionary principle, which is one of the foundations of the high level of protection pursued by Community policy on the environment, in accordance with the first subparagraph of Article 174(2) EC, and by reference to which the Habitats Directive must be interpreted, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have significant effects on the site concerned... Such an interpretation of the condition to which the assessment of the implications of a plan or project for a specific site is subject, which implies that in case of doubt as to the absence of significant effects such an assessment must be carried out.’

Therefore, a likely significant effect can be defined as the risk of a significant effect, and Sweetman defines this further or even a possibility of a risk:

...’47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment.’ There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect’ and not following the dictionary definition of ‘likely’.

The ruling of C-323/17 People Over Wind (Court of Justice of European Union, 12 April 2018) has stated that ‘Article 6(3)... must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the Stage 1: Screening Assessment to take into account measures intended to avoid or reduce the harmful effects of the plan or project on that site’ (paragraph 40).

This means that measures intended to avoid or reduce the harmful effects of a plan or project on a Designated Site (e.g. mitigation) should not be taken into account during the screening stage.

3.0 SCOPE OF ASSESSMENT

3.1 IDENTIFYING HABITAT SITES WITH POTENTIAL TO BE AFFECTED BY THE PROPOSED WORKS

Projects may have spatial implications beyond the development footprint. Specifically, it is recognised that the distance between a plan / project and a Habitats site is not a definitive determinant as to the likelihood of an impact occurring or its severity. Site variables such as prevailing wind conditions, and surface and groundwater flow direction will all have an influence on the relative distance at which an impact can occur.

This also means that habitats which are present within the Habitat site's boundary or outside of the Habitats site should be considered even if they are not qualifying features, if they are supporting features that might affect the conservation objectives of the Habitats site if lost or damaged. This report has considered qualifying features that might be important in achieving the conservation objectives of the Habitats sites in question and maintaining site integrity.

3.2 DETERMINING THE ZONE OF INFLUENCE

The zone of influence (Zoi) used within this report was determined using a standard source-pathway-receptor model. In order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism is sufficient to conclude that a potential effect is not of any relevance or significance.

Receptors are the qualifying features of a Habitats site or are the ecological or environmental features supporting the qualifying features of a Habitats site. A source is any identifiable element of the proposed development that is known to interact with the qualifying features, or the ecological or environmental processes. The pathways are any connections or links between the source and the receptor.

A 10km Zoi search radius from the proposed development site was used to identify any Habitats sites that could be adversely affected. This is considered to be sufficient to capture all Habitat sites which may be impacted by the proposed development. The 10km Zoi can be seen in Figure 2.

The site is located within the River Mease catchment, with the River Mease itself c. 2.3km to the south. An unnamed watercourse is located c. 330m to the south-west of the site at its closest point and drains in a southern direction, connecting to the River Mease.

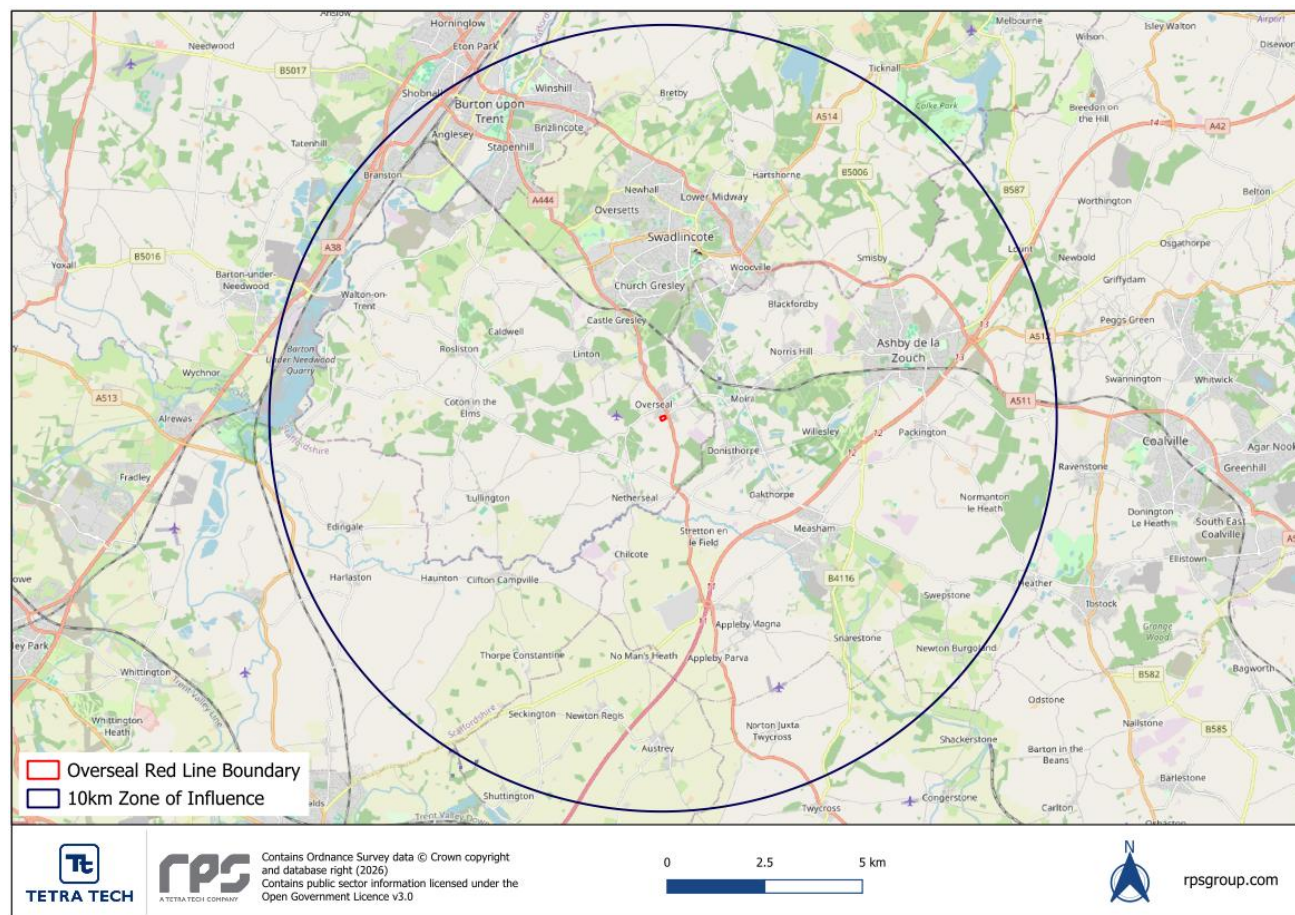


Figure 2. 10km Zone of Influence.

3.3 LIMITATIONS

Stage 1 and Stage 2 of the HRA are based upon the current proposals as stated within Sections 1.3, therefore should any conditions change relating to the proposed development as noted, then a review of both stages would be required to confirm whether there are Likely Significant Effects upon any Habitat sites.

4.0 STAGE 1: SCREENING ASSESSMENT

All Habitats sites within the 10km ZOI have been examined. Table 2 and Figure 3 identify the relevant Habitats sites that could be affected by the proposed development. The River Mease SAC is the Habitat site that is relevant to this assessment. Table 2 also details each sites' qualifying and supporting features, any relevant threat to their integrity as identified in the Site Improvement Plans (SIP), and their conservation objectives.

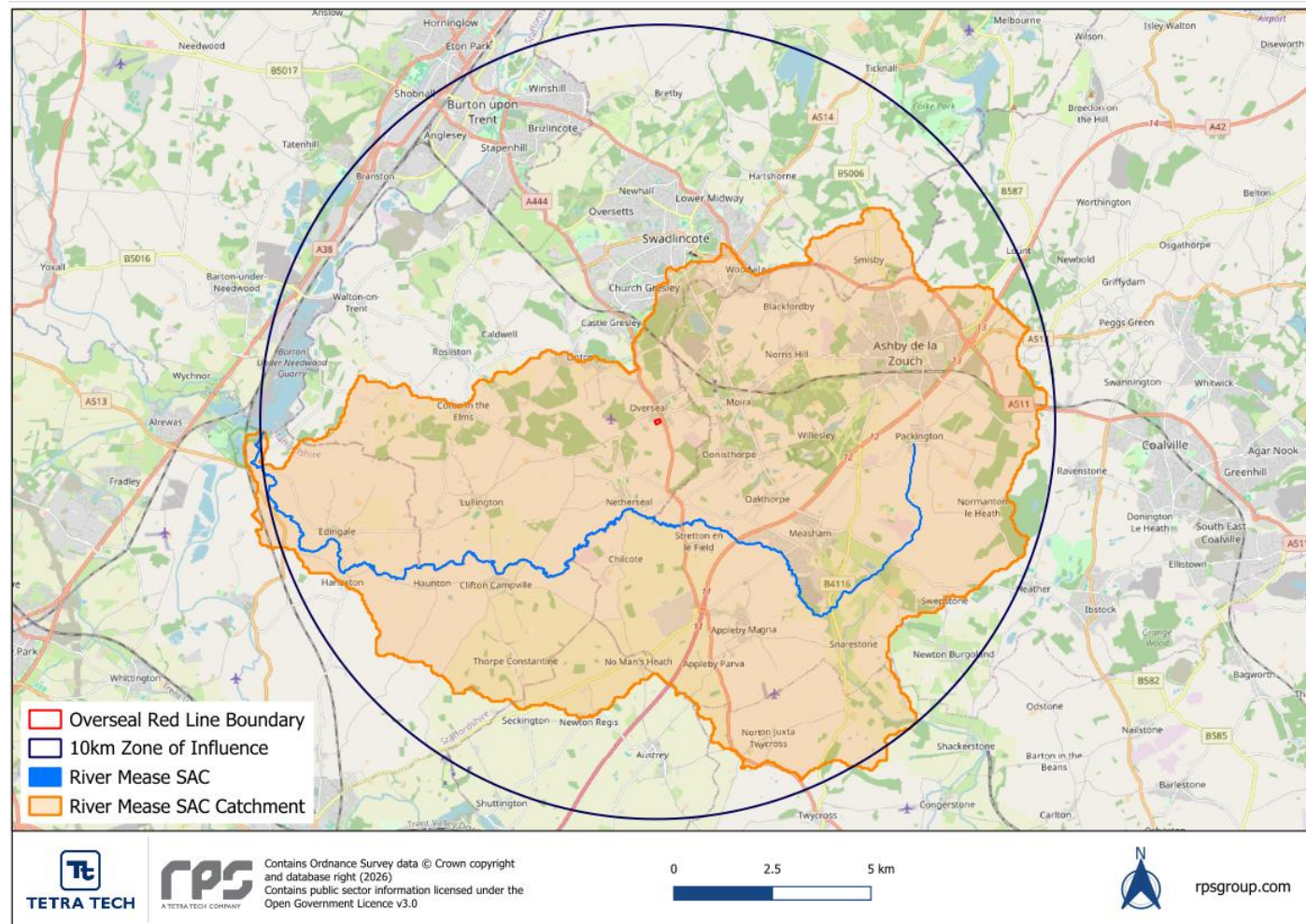


Figure 3. Relevant Habitats Sites within the 10km Zone of Influence

Table 2: Site Selection

Site	Distance	Qualifying Features	Relevant Threats and Pressures	Conservation Objectives
River Mease SAC – UK0030258	Site sits within the Catchment. The River Mease is located approximately 2.2km south of the site.	The Annex I and Annex II species for which the SAC is designated are as follows: • 3260 - Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation • 1149 - Spined loach <i>Cobitis taenia</i>. • 1163 Bullhead <i>Cottus gobio</i>. • 1092 White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i> • 1355 Otter <i>Lutra lutra</i>	The Site Improvement Plan (Natural England, 2014) identifies the following: • Water pollution via surface water runoff; • Drainage; • Inappropriate weirs dams and other structures; • Invasive species; • Siltation; • Water abstraction; and • Pollution-contaminated sediments via diffuse pollution	The conservation objectives for this site are (Natural England, 2019a): 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: • 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.

Site	Distance	Qualifying Features	Relevant Threats and Pressures	Conservation Objectives
		The Natural England Technical Information Note TIN200⁵ indicates the following nutrient pressure(s) for which the site is unfavourable: Phosphorus	Phosphorus load – as foul waste from the development	The Conservation Objectives Supplementary Advice for the River Mease SAC states to ‘<i>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.</i>’

⁵ <https://publications.naturalengland.org.uk/file/5857900506120192>

4.1 IS THE PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO THE SITE MANAGEMENT FOR NATURE CONSERVATION

The proposed development is connected to the River Mease SAC.

4.2 ASSESSING RISK OF IMPACT PATHWAYS LEADING TO LIKELY SIGNIFICANT EFFECTS

On evaluation of the conservation objectives of the Habitats sites, Table 3 evaluates the potential impact pathways to LSE as a result of the Proposed Development. The threats and pressures listed are taken from the published JNCC standard data forms and Ramsar Information Sheet (where applicable).

4.2.1 Threats and Pressures Excluded from Consideration

No potential impacts apart from phosphorus emissions, diffuse pollution and water pollution via surface water runoff will be considered in Stage 2 as there is a lack of pathway for other potential impacts, which in turn also means that there is no potential for in-combination effects, as detailed in Tables 3 and 4. Threats and Pressures Requiring Assessment.

Only credible impact pathways where effects are possible have been considered. Therefore, the following impacts have been assessed at Stage 1:

- Phosphorus loading
- Diffuse pollution
- Surface water runoff

Peveril Homes has put forward a proposal for mitigation of phosphorus emissions for the Proposed Development to be offset through change of use of agricultural land which will be set aside. The ruling of *People Over Wind*, *Peter Sweetman v Coillte Teoranta* (C-323/17) means that where mitigation has been incorporated specifically to avoid the impact on a European site, this cannot be taken into account in the screening stage (Stage 1). As there is potential for the Proposed Development to give rise to likely significant effects on the River Mease SAC through foul and surface water emissions, these potential impacts will therefore be considered further in Stage 2.

Diffuse Pollution and Surface Water runoff have been considered for Stage 2 because they could not be screened out.

A determination has been made and presented in Table 3 as to whether a LSE exists, and whether the Proposed Development is required to proceed to Stage 2 AA.

4.3 SCREENING ASSESSMENT FOR LIKELY SIGNIFICANT EFFECTS ALONE

The assessment for LSE should look for the likelihood of a significant effect, and not the probability of a significant effect occurring. An effect is deemed likely if there is a real risk that it will occur. The feature-pressure interactions that are to be screened for LSE alone are listed in Table 3. The LSE alone assessment considers each pressure interaction collectively, rather than in isolation. This means that if at least one pressure is found to have a LSE alone upon any feature of a Habitat site, the Proposed Development as a whole is considered to have a LSE alone upon that particular Habitats site. All pressure interactions (except those screened out because, in the absence of mitigation, there is no full source-pathway-receptor model for impact) will be assessed at AA. Where there is collectively no LSE alone identified for each Habitats site, an in-combination LSE assessment is required (except in instances where the pressure will have a nugatory / *de minimis* effect alone).

Table 3: Identifying Pathways to Likely Significant Effects

Impact	Assessment	Determination of LSE
Construction Phase		
Loss of habitat within the boundary of the Habitat site.	The site does not lie within the boundary of any of the relevant Habitat sites and therefore no loss of habitat will occur. Likely significant effect from habitat loss will not occur as a result of the Proposed Development either alone or in combination with any other plan or project.	No LSE either alone or in combination with any other plan or project.
Water and diffuse pollution via surface water runoff during construction	The site is located within the River Mease Operational Catchment. The River Mease is a designated SAC. Surface water runoff from the proposed development has the potential to result in a likely significant effect upon the conservation status of qualifying features of the River Mease SAC. Therefore, likely significant effects from water pollution via surface water runoff cannot be excluded as a result of the proposed development when considered alone.	LSE upon River Mease SAC.
Operation Phase		
Nutrient outputs during operation	It is anticipated that the proposed development may affect the River Mease SAC in terms of phosphate loading. The proposed development should achieve nutrient neutrality.	LSE upon River Mease SAC.
Water and diffuse pollution via surface water runoff during operation	The site is located within the River Mease Catchment. The River Mease is a designated SAC. Surface water runoff from the proposed development has the potential to result in a likely significant effect upon the conservation status of qualifying features of the River Mease SAC. Therefore, likely significant effects from water pollution via surface water runoff cannot be excluded as a result of the proposed development when considered alone.	LSE upon River Mease SAC.

4.4 SUMMARY OF STAGE 1: SCREENING ASSESSMENT

The Stage 1: Screening Assessment has considered all Habitats sites within a 10km ZOI from the proposed development with regards to the impact of phosphate loading and (surface water runoff) diffuse pollution. The findings of the Screening Assessment show that there are potential pathways to LSE that require consideration in Stage 2: Appropriate Assessment. These are summarised in Table 4 below.

Table 4. Summary of Stage 1: Screening Assessment.

Pathways	Site	Stage 2 required
Construction Phase		
Loss of pathway habitat within the boundary of the designated site	River Mease SAC	No
Water and diffuse pollution via surface water runoff	River Mease SAC	Yes
Operational Phase		
Water and diffuse pollution via surface water runoff	River Mease SAC	Yes
Nutrient outputs via foul waste	River Mease SAC	Yes

4.5 CONSERVATION OBJECTIVES EFFECTED BY PROPOSED DEVELOPMENT

Following the Stage 1: Screening Assessment of potential impact pathways in Table 4 above, it can be concluded that there are two viable impact pathways which are Water pollution via surface water runoff (at both construction and operation phases) and nutrient outputs via foul waste (during operation) leading to potential LSE of the conservation objectives of River Mease SAC as noted in Table 2.

5.0 STAGE 2: APPROPRIATE ASSESSMENT

The following sections discuss the pathway to LSE that could result in adverse effects on the integrity of the Habitats sites identified during Stage 1: Screening Assessment.

The DTA Handbook states that “The assessment must be of the implications of the plan or project, for the qualifying features of the site, in view of the site’s conservation objectives, in light of the best scientific knowledge in the field. The assessment should also address the implications of the proposed plan or project for habitat types and species to be found outside the boundaries of the site if those implications may affect the achievement of the conservation objectives of the site.”

The Stage 2: Appropriate Assessment should also include consideration of the conservation status of the qualifying feature(s) in the Habitats site and Habitat site’s condition.

The conclusions of the Stage 2: Appropriate Assessment must inform the Integrity Test and will therefore influence the decision on the application. It should provide the objective, scientific basis necessary to enable the competent authority to make its decision in respect of site integrity with the appropriate degree of confidence.

5.1 WATER AND DIFFUSE POLLUTION VIA SURFACE WATER RUN OFF

5.1.1 Construction

The construction activities have potential to lead to an increase in waterborne pollution such as mobilisation of sediment and release of hydrocarbons through accidental spills.

The Drainage Proposal, detailed in the Flood Risk Assessment by BSP Consulting⁶ (July, 2025), states the required surface water attenuation volume will be primarily provided by a surface level detention basin, before restricted discharge into the existing Sewage Treatment Works. They also recommend that car parking areas are constructed from permeable paving. These have been designed to intercept surface runoff from the site to be retained on site.

The following Pollution Prevention Guidelines (PPG) and Guidance for Pollution Prevention (GPP) which although withdrawn, are still considered to provide useful advice provide an appropriate mitigation strategy:

- PPG 1: Understanding your environmental responsibilities – good environmental practices;
- PPG 6: Working at construction and demolition sites;
- PPG 7: Safe storage – The safe operation of refuelling facilities;
- GPP 5: Works and maintenance in or near water;
- GPP 21: Pollution incident response planning; and
- GPP 22: Dealing with spills.

The Pollution Prevention Guidelines will be implemented by the contractor and detailed within the Construction Environmental Management Plan (CEMP).

⁶ [Flood Risk Assessment.pdf](#)

The following additional measures are detailed in the CEMP (April 2026), compiled by Tetra Tech, and must be implemented during construction:

- Any foul water produced from site compounds should be securely stored by tanker for appropriate treatment and off-site disposal;
- Strict control and prevention of surface water runoff offsite is required to ensure that the identified surface water tributaries are not at risk from suspended solids;
- Subject to the findings of the proposed site investigation, phosphates are not currently a contaminant of concern associated with the construction of the proposed development. Therefore, no further management measures are currently expected to be required;
- Stockpiles of soil will be covered in the short term to reduce risk of sediment being washed into surrounding watercourses. Where stripped areas are reseeded, fertiliser will not be used within a 30 m buffer zone from watercourses;
- Surface water and groundwater (including water quality) will be managed on site during the construction phase in line with current best practice (e.g., CIRIA guidance documentation) and British standards. Specific mitigation measures are likely to include silt traps, temporary drainage systems to manage overland flow, and the storage of fuels and chemicals in impermeable and bunded enclosures.

Following the implementation of the above mitigation the competent authority can be certain that there will be no adverse effect to the integrity to the River Mease SAC from surface water runoff and diffuse pollution, either alone or in combination with any other plan or Project during construction.

5.1.2 Operation

The detention basin and permeable paving discussed in Section 5.1.1 will be retained for the operation of the project and act as a barrier to potential surface runoff leaving site.

Specific measures relating to control of potential water pollution during the operational phase must be provided. Though standard measures such as those noted on gov.uk⁷ should be followed, including but not limited to:

Emergency action plans will be prepared and kept on site for implementation in the event of accidental spillage of hazardous or dangerous fuels/chemicals.

Following the implementation of the above mitigation the competent authority can be certain that there will be no adverse effect to the integrity to the River Mease SAC, either alone or in combination with any other plan or Project during operation.

⁷ <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

5.2 NUTRIENT OUTPUTS

5.2.1 Operation

The nutrient outputs during the construction phase of the development have the potential to impact the nutrient neutrality of the development. Phosphorus load is mainly generated from foul water emissions, although surface runoff also contributes to phosphorus loading particularly where land use is agricultural or urban.

A proposed mitigation strategy has been developed so that the Proposed Development remains nutrient neutral. The details of this strategy are laid out in the Nutrient Neutrality Technical Note (Tetra Tech, April 2026). The Technical Note advises that re-naturalising agricultural land can mitigate residual nutrient load. The proposed mitigation solution includes:

- The treatment of surface water via a comprehensive SuDS treatment train;
- Upgrades to Overseal Sewage Works will result in the treatment of effluent to a 0.25 mg/l of Phosphorus standard by 2030;
- The developer will purchase credits prior to commencement of the development;
- Agricultural land will be naturalised until the 2030 upgrades at Overseal Sewage Works (when the balance will be dealt with by above credits).

Nutrient export coefficients from the River Mease Nutrient Calculator were used to inform the mitigation strategy. Approximately 8.8 ha of Cereal land will need to be set aside until the end of 2029. This area of land has been identified as ‘Land at Seale Pastures Farm’, south of the proposed development. Post 2030, following an upgrade to the Overseal Sewage Treatment Works, the balance of nutrient will be offset via the developer purchased credits, and the 8.8 ha of previously set aside land will be returned to agriculture. Table 5 below shows that, following the purchase of credits and STW upgrade, the balance of land to mitigate phosphate load will be zero.

It is therefore considered that the development will achieve nutrient neutrality. Following the implementation of the described mitigation, the competent authority can be certain that there will be no adverse effect to the integrity of the River Mease SAC.

Table 5. Balance of Land to Mitigate Phosphorus Load.

	Land Required for Mitigation with SuDS (ha)	Developer Credits	Balance of Land to Mitigate
Pre-2030	17.37	8.57	8.8
Post-2030	8.57	8.57	0

5.3 INTEGRITY TEST

The ‘integrity’ of a site is considered to be the quality or condition of being whole or complete; or in a dynamic ecological context, as having resilience and an ability to evolve in ways that are favourable to conservation. A site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required (DTA Publications, 2025)

The ‘integrity of a site’ relates to the site’s conservation objectives. Taking each qualifying feature in turn, if the conservation objectives for a feature will be undermined, site integrity is necessarily adversely affected. On the contrary, site integrity cannot be considered to be adversely affected if the findings of a Stage 2: Appropriate Assessment demonstrate that the conservation objectives will not be undermined alone or in combination with other plans or projects. The test is whether there is 'reasonable' scientific doubt rather than an absolute certainty. It is not possible to demonstrate, nor is it necessary to show, an absolute guarantee that there will not be an adverse effect on site integrity (DTA Publications, 2025)

The conservation objectives for the River Mease SAC are:

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;

- 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.

The proposed development is within the River Mease catchment, and therefore contributes to surface water runoff and pollution, as well as additional Phosphate loading.

The mitigation measures set out in Sections 4.1 are designed to avoid any impacts to the Habitat site. As such, it is expected that the water quality of the River Mease SAC will be unaffected during both construction and operation.

With the above mitigation measures legally secured through planning conditions, there will no adverse effect on site integrity from changes in water quality to the qualifying features of the River Mease SAC, either alone or in combination with any other plans or project.

6.0 CONCLUSION

This is a record of the Stage 1: Screening Assessment and Stage 2: Appropriate Assessment required by the Habitat Regulations undertaken by Tetra Tech in respect of the Proposed Development.

The alone HRA Stage 1: Screening Assessment concluded that in the absence of mitigation, the Proposed Development would have a LSE on the River Mease SAC.

An alone HRA Stage 2: Appropriate Assessment has been undertaken regarding the implications of the proposal in consideration of the applicable conservation objectives. The HRA Stage 2: Appropriate Assessment has concluded that the proposed development would not have an adverse effect on the integrity of the River Mease once the mitigation identified is in place. The mitigation measures include:

- Surface water attenuation provided by a detention basin and permeable paving for 356m³ of overall attenuation volume;
- Following the mitigation measures outlined in the CEMP;
- Upgrades to Overseal STW by 2030, which will result in the treatment of effluent to a 0.25 mg/l of Phosphorus standard;
- Purchasing credits prior to commencement of the development;
- Using a parcel of land of 8.8 ha to offset the Phosphorus excess until the end of 2029.

The competent authority can therefore be certain that when mitigation is applied this project will not result in adverse effect upon the integrity of relevant Habitats sites when this project is considered alone or in combination with other plans and projects.

REFERENCES

- BSP Consulting. (2025). *Flood Risk Assessment & Drainage Strategy*.
- DTA Publications. (2023). *Habitat Regulations Handbook*. DTA Publications.
- DTA Publications. (2025). *Habitats Regulations Handbook*. DTA Publications.
- Holohan and Others v An Bord Pleanála. (2018). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62017CJ0461>
- Joint Nature Conservation Committee. (2015d, December). *STANDARD DATA FORM for sites within the 'UK national site network of European sites' UK0012557*. Retrieved from JNCC: <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0012557.pdf>
- Natural England. (2014). *Site Improvement Plan, River Mease*.
- Natural England. (2019a, February). *European Site Conservation Objectives for New Forest SPA (UK9011031)*. Retrieved from Natural England: <https://publications.naturalengland.org.uk/file/4908493534658560>
- Rosslong Consulting. (2025). *Flood Risk and Drainage Strategy - Proposed Solar Farm Land north of Lullington*.
- Tetra Tech Consulting. (2026). *Peveril Homes - Overseal Nutrient Statement*.
- Tetra Tech Consulting. (2026). *Valley Road, Overseal. Construction Environmental Management Plan*.

APPENDIX A: REPORT CONDITIONS

This Report has been prepared using reasonable skill and care for the sole benefit of Peveril Homes (“the Client”) for the proposed uses stated in the report by Tetra Tech Limited (“Tetra Tech”). Tetra Tech excludes all liability for any other uses and to any other party. The report must not be relied on or reproduced in whole or in part by any other party without the copyright holder’s permission.

No liability is accepted, or warranty given for; unconfirmed data, third party documents and information supplied to Tetra Tech or for the performance, reliability, standing etc. of any products, services, organisations or companies referred to in this report. Tetra Tech does not purport to provide specialist legal, tax or accounting advice.

The report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections'. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times. No investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather-related conditions. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions. The “shelf life” of the Report will be determined by a number of factors including; its original purpose, the Client’s instructions, passage of time, advances in technology and techniques, changes in legislation etc. and therefore may require future re-assessment.

The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

Tetra Tech reserves the right to share this Report and any related materials, surveys, drawings and/or documents at any time with the relevant Local Ecological Records Centre (LERC), any relevant statutory body or any equivalent organisation as Tetra Tech may reasonably require from time-to-time.

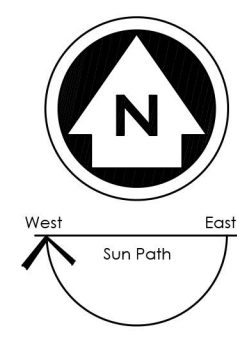
The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

APPENDIX B: LANDSCAPE MASTERPLAN

Reference:

Valley Road, Planning Layout 23-942-302 colour rev K 140426

Valley Road, Overseal



Schedule of Accommodation			
2 bed detached bungalow (1 total)			
Cromford M4(2)	1	1056	1056
2 bed semi detached (8 total)			
Milford	8	5456	5456
3 bed detached (9 total)			
Tissington	4	3928	3928
Repton	5	5350	5350
4 bed detached (4 total)			
Melbourne	1	1066	1066
Ticknall	1	1131	1131
Rempstone	2	2730	2730
Total market dwellings	22	20717	
Affordable Dwellings 9 (30% of total dwelling numbers)			
Ashbourne - 1 bed apartment	4	2496	2496
Bamford - 2 bed semi detached	2	1700	1700
Kedleston - 3 bed semi detached	2	2002	2002
Tunstead - 4 bed detached	1	1104	1104
Total affordable dwellings	9	7302	
Total Dwellings	31	28019	

Legend

- Existing Dwellings / buildings adjacent the site
- Proposed Dwellings
- Primary Street
- Private Drive
- 1.8m High screen wall
- 1.8m high timber screen fence
- 1.2m high post & 3 rail fence
- Front entrance door
- Lockable gate
- Bin storage area in rear garden
- Cycle store
- Electric vehicle charging point
- Affordable housing - Shared Ownership
- Affordable housing - Affordable Rent
- Public Right of Way
- New Footpath link connecting existing Public Right of Way
- National Forest Right of Way
- Indicative Landscaping

Scale
0m 10m 20m 30m 40m 50m

J	10.12.25	LA comments incorporated
I	31.10.25	Existing wall shown
H	19.08.25	Dimensions to extg. boundaries added
G	21.07.25	Repton, Rempstone & Roslison roof plan updated
F	21.07.25	Schedule updated. Fence added to turning head
K	09.04.26	LA comments incorporated

E	08.07.25	Schedule updated
D	06.07.25	Red Line revised
C	01.07.25	Pond revised
B	09.06.25	Pond revised
A	06.05.25	Pond revised

Revision

Project	Valley Road Overseal
Client	Peveril Homes
Title	Planning Layout

Scale	1:500 @ A1
Date	Jan 25
Revision	K
Drawing no.	23-942-302

Vista Architecture & Urban Design
35 Finchwell Road
Handsworth
Sheffield
S13 9AS
www.vista-aud.co.uk



PEVERIL
HOMES TO BUILD A LIFE IN