



Written Statement from Natural England in response to the Inspectors questions raised under Matter 1 - Legal Compliance, Issue 4 - Habitats Regulations Assessment

Q1. When considering the potential for recreational disturbance, what is the justification for using an 8km distance to screen out likely significant effects in the Habitats Regulations Assessment Main Report ('HRA')?

There is no national, standard method for defining a distance to screen out likely significant effects in relation to recreational disturbance. In the Central Lincolnshire HRA the distance of 8km has been used as an estimate inside which recreation and visitor pressure should be considered for the Local Plan and which could require mitigation measures. This distance was based on advice included within the Peterborough Local Plan HRA. Natural England mentioned this distance in our response to the Peterborough Local Plan HRA in which we stated, *'a number of established visitor studies have shown that people will generally travel up to 8km by car to visit attractive countryside destinations such as National Nature Reserves hence any development within 8km of the SAC should be taken into consideration as part of this assessment'*. This distance was therefore a reasonable distance for the Central Lincolnshire planners to use within the Local Plan HRA.

In addition, this distance was beyond the Impact Risk Zone (IRZ) for the Humber Special Protection Area (SPA) which is used to identify potential impacts of proposed housing developments.

Q2. What are the main reasons for concluding that the likelihood of impacts from residential development on functionally linked [land] will be low? Are the conclusions reasonable and robust?

The term 'functional linkage' refers to the role or 'function' that land or sea beyond the boundary of a European site might fulfil in terms of ecologically supporting the populations for which the site was designated or classified. Such land is therefore 'linked' to the European site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status. The HRA therefore needed to include an assessment of the potential impact of housing allocations proposed within the Central Lincolnshire Local Plan on the qualifying bird species of the Humber Estuary SPA.

In the absence of mapped functional land, Natural England agreed to a methodology to assess the impact of the Local Plan's policies on the relevant bird species with Central Lincolnshire planning officers. A desk-based study was undertaken which analysed the characteristics of each allocation site and its suitability for SPA bird species, including its habitat and current land use. Appropriate sources of evidence were used to undertake the study to allow reasonable conclusions to be drawn. The findings of the assessment appear in Table 7.2 of the HRA report.

In the HRA report the main reasons given that the impacts from residential development on functionally linked land would be low are as follows: the allocation sites were relatively small with other suitable land closely sited; the land use was unsuitable for a number of the bird species; the distance from the SPA boundary was too far for some species to forage; there were sources of existing human disturbance;

restricted sight lines which would not attract SPA birds; or the allocation was outside of the flood zone. In addition, the allocation sites were located outside the IRZ for the Humber SPA. From this assessment it could be reasonably concluded that the site allocation land would not be essential for the bird species population to be sustained and would not affect the Habitat Site's integrity. Natural England therefore considered that the assessment was thorough, and the conclusions were reasonable and robust.

Q3. What measures will the Local Plan put in place to ensure that likely significant effects would be avoided from relevant windfall sites, not only for residential development but other uses such as renewable energy projects?

On submission of a windfall site, either for residential development or other uses, the council planning officers would apply appropriate policies included in the Local Plan which would mitigate likely significant effects. Principally this would include Policy S60: Protecting Biodiversity and Geodiversity, which sets out the hierarchy of nature conservation sites and specifically states under the title international sites:

"Development proposals that are likely to result in a significant adverse effect, either alone or in combination with other proposals, on any internationally designated site, must satisfy the requirements of the Habitats Regulations (or any superseding similar UK legislation). Development requiring Appropriate Assessment will only be allowed where it can be determined, taking into account mitigation, that the proposal would not result in significant adverse effects on the site's integrity."

Specifically for renewable energy projects Policy S14: Renewable Energy states the following:

"In areas that have been designated for their national importance, as identified in the National Planning Policy Framework, renewable energy infrastructure will only be permitted where it can be demonstrated that it would be appropriate in scale, located in areas that do not contribute positively to the objectives of the designation, is sympathetically designed and includes any necessary mitigation measures"

With these policies in place Natural England considered that the Local Plan policies would not be likely to have a significant effect on a European Site and we were able to confirm this in our response to the HRA report.