



# **Local Plan Habitats Regulations Assessment Final Screening Report**

# Contents

1.0	Background.....	3
	This Document.....	3
	Habitats Regulations Assessment requirements.....	3
2.0	Sites potentially affected by development in the Blaby District .....	5
3.0	Habitat Site Assessments .....	7
	Ensor’s Pool.....	7
	The River Mease.....	10
	Rutland Water SPA and Ramsar .....	15
4.0	Other Habitat Sites located significant distance from Blaby District .....	25
	Humber Estuary SAC, SPA and Ramsar Sites .....	25
	Elenydd SAC (Elan Valley) .....	29
5.0	Findings of initial screening Assessment work.....	31
6.0	Conclusions and Next Steps.....	32
	Appendix 1 Policies Appraisal (to be completed for the Regulation 19 Consultation version of this report).....	33

## 1.0 Background

- 1.1 Blaby District Council (BDC) is preparing a new Local Plan. This Plan will set out the Council's blueprint for future growth in the District to 2042. It will include a Spatial Vision, Strategic Objectives and Spatial Strategy for accommodating new development. It is anticipated that the new Local Plan will be adopted in early 2027.

### This Document

- 1.2 This document presents the findings of the HRA screening exercise and set outs the initial views of the Council in respect of the potential for the Plan to have likely significant effects on sites protected pursuant to the Habitat Regulations. This report identifies the designated and candidate habitats sites (Special Areas of Conservation and Special Protection Areas) that could be affected by the Local Plan and that should therefore be considered through the Habitat Regulations Assessment (HRA) process. It also sets out other plans and projects that have potential to give rise to in-combination effects, alongside the Local Plan, which may also need to be considered through the HRA process.
- 1.3 The purpose of this report is to ensure that:
- Habitats sites and their sensitivities are identified and considered from the very start of the plan-making process;
  - Provide Natural England and other interested stakeholders opportunity to review the likelihood of the plan giving rise to likely significant effects (LSEs);
  - Outline the Council's view on why cross boundary effects from implementing the plan are unlikely
  - Provide a summary of baseline information that has been used inform local plan preparation including evidence gathering work

### Habitats Regulations Assessment requirements

- 1.4 When producing a local plan, local authorities are legally required to carry out a Habitats Regulations Assessment (HRA)<sup>1</sup>. The purpose of the HRA is to test whether the proposed plan is likely to result in a significant effect on the qualifying features, or undermine the ecological integrity, of a 'habitats site'.
- 1.5 Habitats sites are those identified in the Habitats Regulations 2017 (as amended). They sit at the top of the hierarchy of biodiversity designations in England and are given the highest level of protection. The term 'habitats site' refers sites to designated and candidate sites and for the purposes of this report includes
- Special Areas of Conservation (SACs) - areas identified as being of international importance for habitats and/or terrestrial or marine species

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2017 (as amended).

- Special Protection Areas (SPAs) - areas identified as being of international importance for the breeding, feeding, wintering or migration of rare and vulnerable species of birds
- Ramsar sites, identified through the Convention on Wetlands of International Importance; and
- Sites that are being considered for designation, referred to as Sites of Community Interest, candidate SACs (cSAC) or proposed SPAs (pSPA) together with other sites where it has been indicated by Natural England that sites could potentially be designated in the future (but are not identified as a cSAC or pSPA)<sup>2</sup>

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<sup>2</sup> For example, Sherwood Forest ppSPA

## 2.0 Sites potentially affected by development in the Blaby District

- 2.1 There is no pre-defined guidance that dictates the physical scope of an HRA of a Local Plan. Therefore, in considering the sites that could be affected by the preparation and implementation of a new Local Plan for Blaby, the Council has reviewed those habitat sites located closest to the District, together with more distant sites where a specific impact pathway is identified.
- 2.2 Briefly defined, pathways are routes by which a change in activity within the Plan area can lead to an effect upon a habitats site. It is an accepted principle that any assessment should be proportionate to the geographical scope of the plan' and that 'an assessment need not be done in any more detail, or using more resources, than is useful for its purpose'.
- 2.3 There are no habitat sites located within Blaby District. The closest sites are:
- Ensors Pool (Special Area of Conservation) c. 10km from the closest point in Blaby District.
  - River Mease (Special Area of Conservation) c.17km from the closest point in Blaby District.
  - Rutland Water (Special Protection Area and Ramsar site) c.26km from the closest point in Blaby District.
- 2.4 There are no additional habitats sites located within 30km of the District Boundary, and most sites located a significant distance from a habitats site will be unaffected by development proposals. Nonetheless the Council has undertaken a limited review of the Conservation Objectives, citations and other relevant information<sup>3</sup> regarding all sites within 50 km (i.e. Cannock Extension Canal, Cannock Chase and Barnack Hills and Holes SAC) and is satisfied having reviewed available information that the preparation of a new local plan would have no effect on the integrity of sites located more than 30kms from the District Boundary.
- 2.5 However, we are aware that, in light of the River Trent and its tributaries potentially providing functional habitat for River Lamprey and Sea Lamprey. Natural England have indicated that it is considering reviewing the risk zones for the Humber Estuary SAC. Blaby District Council's plan area contains the River Soar which confluences with the River Trent to the south of Trent Lock near Long Eaton, Derbyshire.
- 2.6 Given the clear pathway through which development in Blaby District could combine with other developments within the Humber River Basin District. It is considered that there may be potential for the Plan to affect the integrity of the Humber Estuary. For this reason, the potential for the New Blaby Local Plan to affect the interest features of the Humber Estuary SAC, SPA and Ramsar is also considered as part of this HRA screening Report.
- 2.7 Similarly, The Council is also aware that much of the water supply for Severn Trent Water's Strategic Grid Water Resource Zone comes from the Elan Valley in Wales.

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<sup>3</sup> [Natura 2000 threats pressures and positive activities - data.gov.uk](https://data.gov.uk)

Although this area is around 150km to the west of Blaby District, there is a clear pathway whereby water abstractions from this area are exported to and used to meet commercial and domestic needs in the English Midlands. For this reason, there is potential for additional development to have an impact on relevant habitat sites in the Elan Valley. Taking account of this fact, this report also includes proportionate consideration of the potential of the Blaby Local Plan to effect Elenydd SAC. However, this report does not include consideration of other habitat sites in the Elan Valley as a review of these indicates that they are unlikely to be affected by the Blaby Local Plan due to the nature of these sites and identified site vulnerabilities.

2.8 In summary therefore the sites considered in this Screening assessment are:

- Ensors Pool SAC
- The River Mease SAC
- Rutland Water SPA and Ramsar
- The Humber Estuary SAC, SPA and Ramsar)
- Elenydd SAC (Elan Valley)

The potential for the proposed Plan to have a likely significant effect (LSE) of the above sites is considered in turn in Section 3 of this report.

## 3.0 Habitat Site Assessments

- 3.1 The following section outlines the Conservation Objectives, interest features, site vulnerabilities and includes an assessment of likely significant effects of preparing the New Blaby Local Plan.

### Ensor's Pool

- 3.2 Ensor's Pool lies on the western edge of Nuneaton, Warwickshire (Grid reference SP348903) and was formed in an abandoned clay pit. It has an area of around 3.86ha. It is about 220 metres long, 50 metres wide with an average depth of eight metres and is fed by groundwater.
- 3.3 The pool overlies Etruria Marl which was extracted for brick-making early in the 20th Century. Ensor's Pool has historically held a very large and healthy population of native white-clawed crayfish (*Austropotamobius pallipes*) and was one of the best lake populations of crayfish in England. Although crayfish plague outbreaks have occurred in the Midlands, this water body is isolated from river systems and is a good example of a 'refuge' site in an important part of the species' former range.
- 3.4 The pool has some marginal vegetation of hard rush (*Juncus inflexus*), common spike-rush (*Eleocharis palustris*), water horsetail (*Equisetum fluviatile*) and lesser bulrush (*Typha angustifolia*). Water plants include spiked water-milfoil (*Myriophyllum spicatum*) and broadleaved pondweed (*Potamogeton natans*). Ensor's Pool also supports a number of dragonflies and damselflies including the emperor dragonfly (*Anax imperator*), the azure damselfly (*Coenagrion puella*) and the large red damselfly (*Pyrrhosoma nymphula*). The pool is surrounded by areas of scrub and grassland.
- 3.5 The white-clawed crayfish lives in a diverse variety of clean aquatic habitats but especially favours hard-water streams and rivers. It is one of the UK's largest freshwater invertebrates and is our only native crayfish. White-clawed crayfish can grow up to 12cms long and live in rivers, streams and standing waters about 1 metre deep where they hide in rocks and submerged wood. They can live up to 12 years and they usually have their first young when they are 3 years old. Females carry their eggs for 9 months until they hatch, once hatched the young hitch-hike on their mothers for a further 2 weeks.
- 3.6 The White-clawed crayfish was once a widespread and common species in English and Welsh rivers but has suffered a decline of 50 – 80% across its European range in the last ten years. It is classified as 'endangered' on the IUCN red list of threatened species and is at risk of global extinction. A major threat to the native white-clawed crayfish is posed by the introduction of non-native species of crayfish, which have been farmed in Britain since the late 1970s. Crayfish plague can be introduced into a waterbody not only by entry of signal crayfish but also by water, fish or equipment that has been in contact with signals. This greatly increases the risk to remaining white-clawed crayfish populations.

- 3.7 Ensor's Pool SAC is a representative example of a white-clawed crayfish (*Austropotamobius pallipes*) site in standing water. This former marl pit has held a very large population estimated at 50,000 individuals.
- 3.8 The results of a 2015 survey show that the once abundant population of white-clawed crayfish has now disappeared from the SAC (Natural England, 2015)<sup>4</sup>.
- 3.9 The pool still provides a suitable habitat for crayfish with abundant emergent and submerged vegetation, under-cut banks providing potential refuges and shelter from predators and there appears to be good crayfish habitat around all of the pool.

**Conservation Objectives for Ensors Pool 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 the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

**The extent and distribution of the habitats of qualifying species  
 The structure and function of the habitats of qualifying species  
 The supporting processes on which 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:**

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

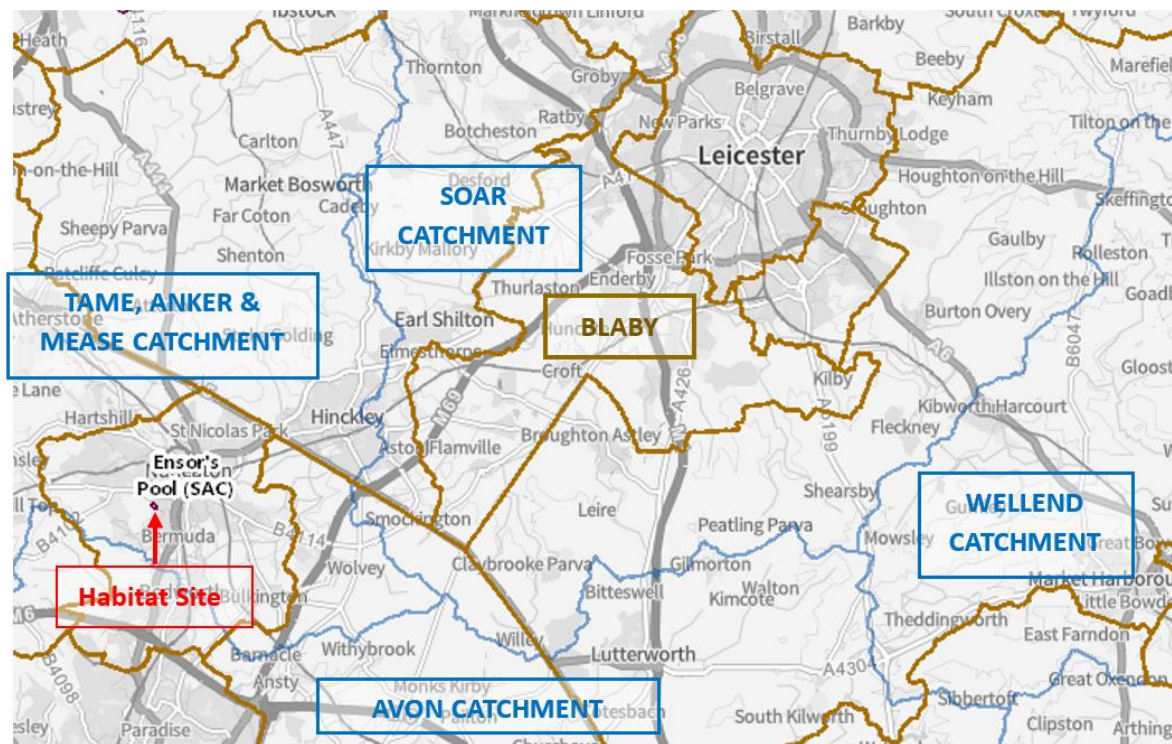
**Assessment of likely effects of preparing the New Blaby Local Plan**

- 3.10 Having reviewed the submitted Standard Data Form for this Site, identified threats, pressures and activities with impacts on the site are related to changes to the site's biotic conditions. It is noted that pressures are from both inside and outside of the site so includes on site management as well as changes to the management or land use of the wider area which could lead to potential impacts.

<sup>4</sup> [White-clawed crayfish survey for Ensor's Pool SSSI/SAC \(Warwickshire\) - IPENS065 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/Species/White-clawed_crayfish_survey_for_Ensors_Pool_SSSI/SAC_(Warwickshire)_-IPENS065)

- 3.11 Whilst it is noted that crayfish plague has likely killed off the local population of crayfish - the timing of the mortality appears to be between October 2013 and July 2014 and there is no evidence of their presence now - this assessment assumes that the site remains a viable site which could be recolonised in the future. On this basis this assessment assumes that the qualifying features (white clawed crayfish) could still be affected despite their current absence from the site.
- 3.12 Ensor's Pool is the closest 'Habitat Site' to Blaby District. However, it is located some distance (around 10km) from Blaby District at its closest point and significantly further away from the PUA and larger villages (which are located close to the PUA) which are likely to accommodate the majority of allocations in the New Local Plan. As noted previously, Ensor's Pool is groundwater fed. It is unaffected by surface water discharges and in any case is located in the Tame, Anker and Mease River Catchment, whereas the entirety of Blaby District is located in the Soar Catchment which drains northwards to the confluence of the Trent to the south of Long Eaton. There is therefore no hydraulic connectivity between any potential development locations in Blaby and the SAC.

Map of Ensor Pool Location and Blaby District



Source Magic (annotations added)

- 3.13 Given the intervening distance between the site and the significant number of accessible green spaces available to new and existing residents in Blaby and the restriction of fishing within the Ensor's Pool site it is unlikely that planned growth within Blaby District will lead to any increased risk of changes to biotic conditions within the pool or any discernible increase in visitors to the site.

3.14 On the basis of objective information, it can be concluded that the proposed Blaby District Council Local Plan will have no likely significant effects on the interest features of Ensor's Pool. We therefore seek confirmation from Natural England that the need for the Council to undertake a stage 2 Habitat Regulations Assessment (i.e. Appropriate Assessment) can be ruled out at this stage.

### The River Mease

3.15 Rising in the Coal Measures of north-west Leicestershire, the River Mease flows approximately 25 kilometres westwards across a largely rural and agricultural landscape to its confluence with the River Trent at Croxall.

3.16 As a relatively un-modified lowland river, the River Mease contains a diverse range of physical in-channel features, including riffles, pools, slacks, vegetated channel margins and bankside tree cover, which provide the conditions necessary to sustain populations of spined loach (*Cobitis taenia*), bullhead (*Cottus gobio*), freshwater white-clawed crayfish (*Austropotamobius pallipes*) and otter (*Lutra lutra*).

3.17 The head of the site includes the lower reaches of the Gilwiskaw Brook which flows along a steep gradient. 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, which favours clean coarse gravels for spawning.

3.18 Populations of bullhead also occur in the lower reaches of the Mease where river substrates are finer but woody debris lying within the river channel becomes more important in providing suitable breeding habitat. Below Snarestone the descent becomes more gradual and the river enters a broad lowland floodplain. These middle reaches of the River Mease provide excellent habitat for spined loach (*Cobitis taenia*). This largely sedentary fish is closely associated with the open sandy substrates of the riverbed which act as important feeding and spawning grounds. Refuges from predators and strong river flows are very important and are provided by aquatic and marginal vegetation within the river channel.

3.19 Stands of marginal vegetation are typically dominated by common club-rush (*Schoenoplectus lacustris*), floating sweet-grass, reed canary-grass (*Phalaris arundinacea*), branched bur-reed (*Sparganium erectum*), greater pond sedge (*Carex riparia*) and bulrush (*Typha latifolia*). Submerged aquatic vegetation becomes more varied on the lower reaches of the river with river water-crowfoot (*Ranunculus fluitans*), common water-crowfoot (*R. aquatilis*), blunt-leaved pondweed (*Potamogeton obtusifolius*), fennel pondweed (*P. pectinatus*), arrowhead (*Sagittaria sagittifolia*) and yellow waterlily (*Nuphar lutea*) becoming increasingly frequent.

3.20 Bankside tree cover is very variable but an important feature of the river channel as submerged root systems of larger trees provide important in-channel cover for fish and provide woody debris to the watercourse in the form of fallen branches.

## 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 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.**

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 Ranunculus fluitans 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

3.21 A review of the Natura 2000 threats pressures and positive activities published by the Joint Nature Conservancy Council in July 2019<sup>5</sup> indicates the following threats and pressures in respect of the River Mease:

- Pollution to Ground Water (Point Source and Diffuse Water) from both inside and outside of the Site (HO2)
- Invasive Non Native Species from both inside and outside of the Site (I01)

<sup>5</sup> [Natura 2000 threats pressures and positive activities - data.gov.uk](https://data.gov.uk)

- Human Induced Changes to Hydraulic Conditions from both inside and outside of the Site (J02)

3.22 The Site improvement Plan (SIP)<sup>6</sup> for the Mease includes more detailed information on issues within the Catchment that are affecting site integrity. These are listed as follows:

- 1 Water Pollution
- 2 Drainage
- 3 Inappropriate Weirs and Dams and Other Structures
- 4 Invasive Species
- 5 Siltation
- 6 Water Abstraction

### Water Pollution

3.23 Elevated levels of phosphate contribute to eutrophication leading to increased algal growth and the decline in abundance and/or diversity of characteristic plant and freshwater species and habitats of the SAC. A large proportion of phosphate is associated with the high number of sewage treatment works (STWs) and more diffuse septic tank discharges within the river's catchment area.

3.24 No development in Blaby would be served by Wastewater Treatment Works (WwTWs) in the catchment of the River Mease or would be dependent on private treatment works which would discharge in the catchment of the Mease. This is because, as noted earlier in this report, the whole of Blaby District is located in the Soar River Catchment rather than the Tame, Anker and Mease catchment. On this basis, irrespective of location or scale no foul water, or surface water flows will be discharged to the River Mease or any of its tributaries.

### Drainage

3.25 The Site Improvement Plan for the River Mease SAC notes that cumulatively drains, field under drainage and other discharges (e.g. sewage treatment works, and roads as a conduit) within the catchment affect the naturalised flow pattern. As a consequence, the river appears more 'flashy' with water levels rising and falling with increased rapidity.

3.26 Although without appropriate measures new development could affect flow patterns of nearby watercourses, the whole of Blaby District is located outside of the Mease Catchment. New built development would therefore have no effect on drainage in the Mease Catchment, either alone or in combination with other development.

### Inappropriate weirs dams and other structures

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<sup>6</sup> <https://publications.naturalengland.org.uk/publication/6640857448972288>

- 3.27 The modified physical condition of the river, such as the presence of multiple weirs, affects the condition of the SAC features and can restrict their population size and distribution. Several actions have been identified in the River Mease River Restoration Plan in order to restore the necessary condition. This includes removal of structures which are preventing fish movement and the attainment of the required hydrological conditions. Other issues include poor planform and connection to the flood plain. Care will be required to ensure any weir removal is compatible with protection of the crayfish population.
- 3.28 The proposed Blaby Local Plan will have no effect in respect of this issue. The policies and development allocations will have no role in either removing or facilitating the removal of existing structures and will not lead to the requirement of new weirs or dams by virtue of the distance of the District from the River and its location outside of the catchment of the River Mease and Gilwiskaw Brook.

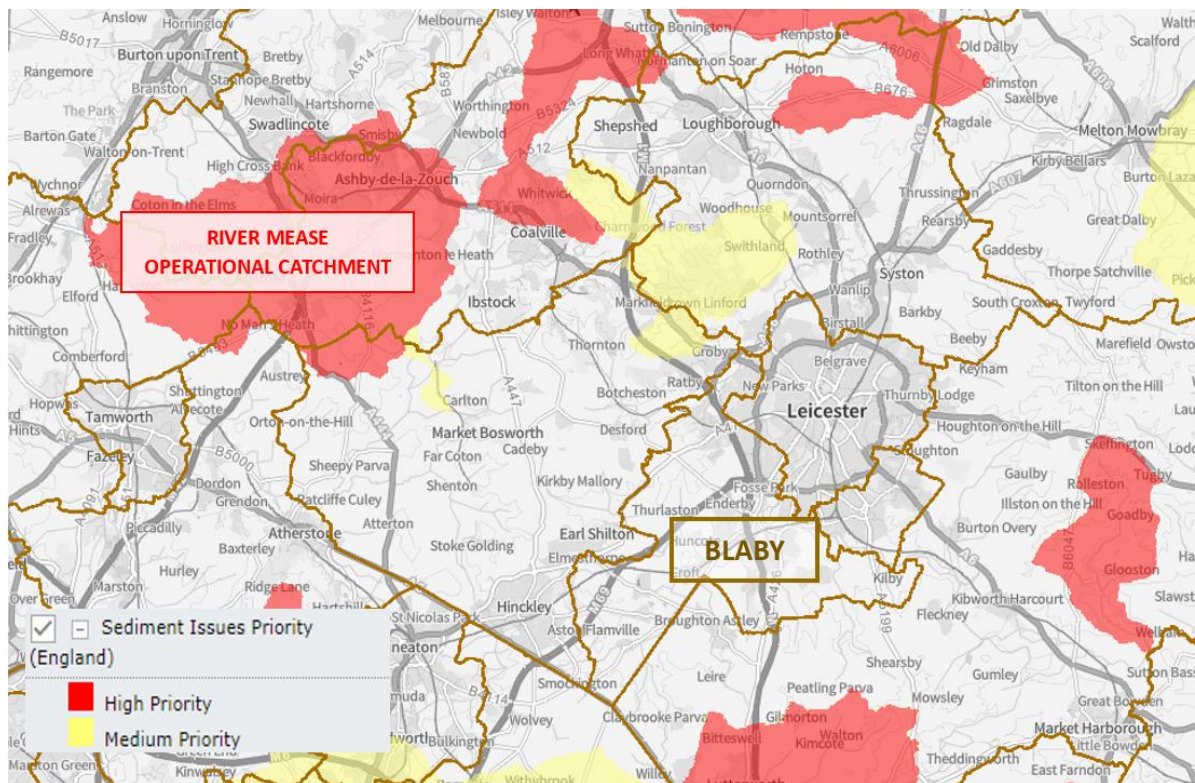
### Invasive species

- 3.29 Himalayan balsam and Japanese knotweed are found along the banks of the river. American signal crayfish are also present within the river. Signal crayfish out compete native species for available food and habitat and carry the crayfish plague which our native crayfish has no resistance to.
- 3.30 No part of Blaby district overlaps with the River Mease catchment. Therefore, no development or associated infrastructure works to serve growth proposed through the Blaby Local Plan will lead to works in the SAC or indeed its wider catchment. Moreover, the Mease catchment is a significant distance upstream of the Soar and, whilst it is possible that invasive species could migrate upstream, provision is made to control works within or near to watercourses which would ensure that invasive species or changes to biotic conditions in the Mease SAC will not arise as a result of development in Blaby. On this basis, it is concluded that the preparation and implementation of a new local plan in Blaby will not have any likely significant effects on the SAC itself.

### Siltation

- 3.31 High levels of siltation smother gravel beds which are the required spawning habitat of bullhead and can also cover areas of fine sand which are used as spawning habitat by spined loach. Silt pollution is a major cause of environmental incidents. It can damage and kill aquatic life by smothering and suffocating and can cause flooding by blocking culverts and channels. Silt pollution can be caused by:
- Disturbance of riverbed or bank
  - De watering and pumping of excavations
  - Run off from exposed ground
  - Plant washing roads and river crossings
- 3.32 As noted in earlier sections of this report, Blaby District is located around 17km from the SAC itself and around 12km from the closest part of the SACs operational catchment as indicated in the map below.

## Map 2 Location of Blaby in relation to the River Mease Operational Catchment



Source: Magic GIS (notations added)

3.33 No works would arise as a result of allocations or any other provisions of the Local Plan. On the Mease or its catchment. Therefore, there is no potential for riverbank disturbance, dewatering, increased runoff or creation of new river crossings on the Mease SAC or any of its tributaries.

### Water Abstraction

3.34 Blaby falls within Severn Trent's 'Strategic Grid' Water Resource Zone (WRZ). In order to facilitate the delivery of new homes and businesses, it is likely that additional water resources will need to be developed to meet future needs. Whilst Blaby is located in the Soar Catchment, the demand for water can be met across a range of locations across STW's strategic resource zone. Theoretically, abstractions could be located such that they affect the River Mease SAC. In practice, water companies in England and Wales have a statutory requirement to prepare a Water Resources Management Plan (WRMP) every five years. The purpose of these WRMPs is to set out a strategy for a particular supply area over a 25-year period (statutory minimum) to maintain a supply-demand balance. This statutory requirement is defined under the Water Act 2003.

3.35 A water company must ensure its final WRMP meets the requirements of the Habitats Regulations before implementation. Therefore, like a Local Plan, a WRMP must be subject to a Habitat Regulations Assessment<sup>7</sup> to identify and assess the potential for the plan to affect the Conservation Objectives of habitats sites and identify measures to protect these wherever possible. However, it is worth stating

that water companies are the appropriate competent authorities for planning for the delivery of new water resources and managing water supply.

- 3.36 It should be noted at this stage the options being considered by STW to meet future potable water needs are at early phase of development and where new abstractions are proposed these would require a new abstraction licence. It is assumed that where abstractions that could affect the Mease are included in any future plan, that suitable conditions would be set in the license that would restrict abstraction under a range of flows that are important to the aquatic ecology, including the qualifying features of the Mease. It is therefore likely that the interest features of the Mease would be safeguarded should new abstractions be required to meet future resource needs.
- 3.37 In respect of the river Mease it's also worth noting that there is significant work ongoing to ensure that there is sufficient flow within the river. There are proposals to pump treated effluent from Packington and Measham WwTWs out of catchment from 2027 onwards. The Environment Agency, whilst taking advice from Natural England, has placed an obligation on Severn Trent Water through WINEP (the Water Industry National Environment Programme) to divert discharges from the River Mease. It is anticipated that the removal of the effluent will help the flows in the river return to a more natural regime, which would be the case before the treatment works were installed.
- 3.38 There is currently insufficient understanding regarding the impact of the proposed transfers on downstream river flows, however, and there is potential for flows to fall to levels which could have an adverse effect on the SAC. And whilst the transfer of flows will contribute to the removal of significant amount of phosphate, the loss of flow could also have an adverse consequential effect and could also harm the river's ecology. To address this there is significant work being undertaken by the Environment Agency and other organisations represented by the River Mease Partnership. However, it is likely that, if necessary, flows from WwTWs would continue to be discharged in the catchment to protect site integrity should this be required. This work and any likely measures that fall out of current investigations will provide a solution to ensure flow within the SAC remains at levels needed to protect site integrity and could help buffer flows during low flow conditions.
- 3.39 With the above in mind, there is a high level of certainty that further water abstractions will not harm the integrity of the SAC or lead to a reduction in flow within the Mease SAC should these be required.

### **Rutland Water SPA and Ramsar**

- 3.40 Rutland Water SPA is a large public water supply reservoir created in 1975 and located within the county of Rutland (in the central lowlands of England). By area, The reservoir is the largest water body in England and by capacity, the second largest.

- 3.41 Since 1975, it has developed into a major wetland of international importance for waterbirds which are attracted to the large expanses of open water, lagoons, islands, mudflats, reedswamp, marsh, old meadows, pastures, scrub and mature woodland. The site is located within the Leicestershire and Nottinghamshire Wolds where the reservoir forms a significant feature in this rural, open, mixed farmland landscape of undulating hills and steep-sided valleys.
- 3.42 The area is skirted by four main trunk roads, A606, A6121, A6003 and A1, and there are two moderately sized market towns (Oakham in the west and Stamford in the east) which are the main cultural and economic centres. The underlying geology is formed of gently dipping Jurassic rocks of limestone, sandstone and ironstone overlain by glacial tills which gives rise to moderately fertile soils composed of loams and clays. As a result, arable farming tends to dominate the plateau tops while the steep sloping valley sides support more pasture. The prevalence of clays in the Gwash valley helped provide material for the construction of the dam which created Rutland Water.
- 3.43 Rutland Water SPA is also a popular tourist destination as the reservoir is an important venue for water sports, sailing and recreational angling, as well as being very popular with cyclists and walkers. Over 45% of the site is managed by the Leicestershire & Rutland Wildlife Trust and Anglian Water as a nature reserve. Consented changes to the water abstraction regime at Rutland Water have resulted in the provision of new wetland habitats for water birds. Most of this provision is within the existing boundary of the SPA but a proportion of the provision (lagoons 4, 5 and 7) is also provided outside of the SPA boundary (i.e. Habitats Regulations compensation). All these areas are being positively managed for water birds.
- 3.44 Gadwall are present within the SPA throughout the year and the site supports both breeding and non-breeding populations. It is during the passage and winter periods when migrant gadwall visit the site in internationally important numbers. Migrants start to arrive in June and build up in July and August with peak numbers recorded during September - November. During December - February, the numbers of migrants decline but significant numbers still remain within the SPA. When the SPA was designated in 1991, there was a baseline population of 1,320 individuals based on the 5-yr mean peak count recorded between 1985-86 and 1989-90. This equated to at least 11% of the NW European flyway population and 22% of the British population.
- 3.45 Northern shoveler are present within the SPA throughout the year and the site supports both breeding and non-breeding populations. However, it is during the passage and winter periods when migrant northern shoveler visit the site in internationally important numbers. The numbers of migrants begin to build up in August and achieve peak numbers during September to November. When the SPA was designated in 1991, there was a baseline population of 450 individuals based on the 5-yr mean peak count recorded between 1985/86 and 1989/90. This equated to at least 1% of the NW European flyway population and 5% of the British population.
- 3.46 From the period July to April each year, the SPA regularly supports a waterbird assemblage including gadwall, shoveler, coot (*Fulica atra*), goldeneye (*Bucephala*

*clangula*), goosander (*Mergus merganser*), great-crested grebe (*Podiceps cristatus*), mute swan (*Cygnus olor*), teal (*Anas crecca*), tufted duck (*Aythya fuligula*), wigeon (*Anas Penelope*). Peak counts of more than 20,000 waterbirds are often achieved over the July to April period. A waterbird assemblage is present within the SPA throughout the year and includes both breeding and non-breeding waterbird populations.

### Conservation Objectives for Rutland Water SPA

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (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 the aims of the Wild Birds Directive, by maintaining or restoring;**

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features 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:**

A051 *Anas strepera*; Gadwall (Non-breeding)

A056 *Anas clypeata*; Northern shoveler (Non-breeding)

Waterbird assemblage

3.47 The Ramsar Information Sheet (RIS)<sup>7</sup> for site and Site Improvement Plan (SIP)<sup>8</sup> for the Rutland Water site has been reviewed and in summary the key identified threats and pressures to this site are identified as follows:

- Other human intrusions and disturbances
- Pollution to groundwater point sources and diffuse sources)
- Invasive Non Native Species
- Human induced changes to hydraulic conditions

<sup>7</sup> [untitled \(jncc.gov.uk\)](#)

<sup>8</sup> [Site Improvement Plan: Rutland Water - SIP208 \(naturalengland.org.uk\)](#)

- Modification of cultivation practices
- Mowing cutting of grassland

#### Other human intrusions and disturbances

- 3.48 The Site Improvement Plan for Rutland Water indicates that the reservoir and surrounding area is a very important destination for undertaking recreational activities. These include a range of watersports, fishing, cycling, birdwatching and walking. Several large events are also held on the banks of the reservoir each year. Future recreational proposals will need to avoid likely significant effects on the SPA and to do this properly will require an audit of existing recreational activities to evaluate and manage potential impacts prior to any deterioration of the SPA interest features.
- 3.49 Rutland is a heavily used visitor attraction. Rutland Water is Anglian Waters largest Water Park covering 1700ha of land and water and receives 1.2 million visitors per annum<sup>9</sup>.
- 3.50 A review of the SIP for the site indicates that public access and disturbance are a threat rather than a pressure and that existing levels of usage are potentially compatible with the designation. However continuing growth, or a lack of management, could have a potentially detrimental effect on the interest features of the site.
- 3.51 In order to try and understand how development in Blaby could act in combination with development further afield, the Council has sought to review Habitat Regulations Assessments that have been prepared for other Local Plans in the vicinity of Rutland Water. A review of the Rutland Local Plan Habitat Regulations Assessment prepared by Wood (dated 2020) indicates:
- 3.52 *“No detailed visitor surveys have been undertaken for Rutland Water in connection with the Local Plan, although the broader access patterns at the site are reasonably well understood due to Anglian Water’s Management of the Site. Visitor surveys are often sought to determine whether public access is having a significant or significant adverse effect on the site, although in practice they rarely assist in quantifying the scale or ecological significance of any effects, rather they typically assume that the site is being (or will be) significantly affected by visitor pressure. In practice, ‘zone of influence’ surveys for strategic plans generally aim to identify the distance within which a certain percentage of visitors originate, typically 75%’ and analysis of available information from studies across the country suggest the 75% distance’ is usually less than 6-7km’*
- 3.53 Considering the above statement this indicates two things: Firstly, given that Blaby District, at its nearest point, lies 26km from the SPA ‘as the crow flies’, and is even further ‘on the ground’, it is likely that only a very small percentage of visitors to the Site will originate from settlements within Blaby District.

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<sup>9</sup> Discover Rutland, Tourism Strategy 2020-25, Rutland County Council.

- 3.54 An increase in the District's population of 20-25%, due to the additional growth proposed through the Local Plan could increase visitor numbers, although taken in isolation it is unlikely that such an increase would have a discernible impact on the SPA as the numbers are likely to very small owing to the distance between the habitats site and Blaby District as well as the proximity of other visitor/leisure destinations to the District such as the National Forest, Charnwood Forest, Stoney Cove and Thornton Reservoir. However, in combination with growth in surrounding areas, there is potential for a notable increase in visitor numbers as a result of new development across the wider region.
- 3.55 However, as the HRA for Rutland County Council's Local Plan points out, there is no evidence included in the Site Improvement Plan indicating that recreation pressure is having an adverse effect on the Site<sup>10</sup>. Disturbance is highlighted as a threat but the solution to this threat appears to be based around the preparation and implementation of a recreation strategy for the Site rather than restricting visitor numbers.
- 3.56 In light of the above two factors, it is considered unlikely that growth facilitated by a new Local Plan in Blaby will have any effect in respect this issue.

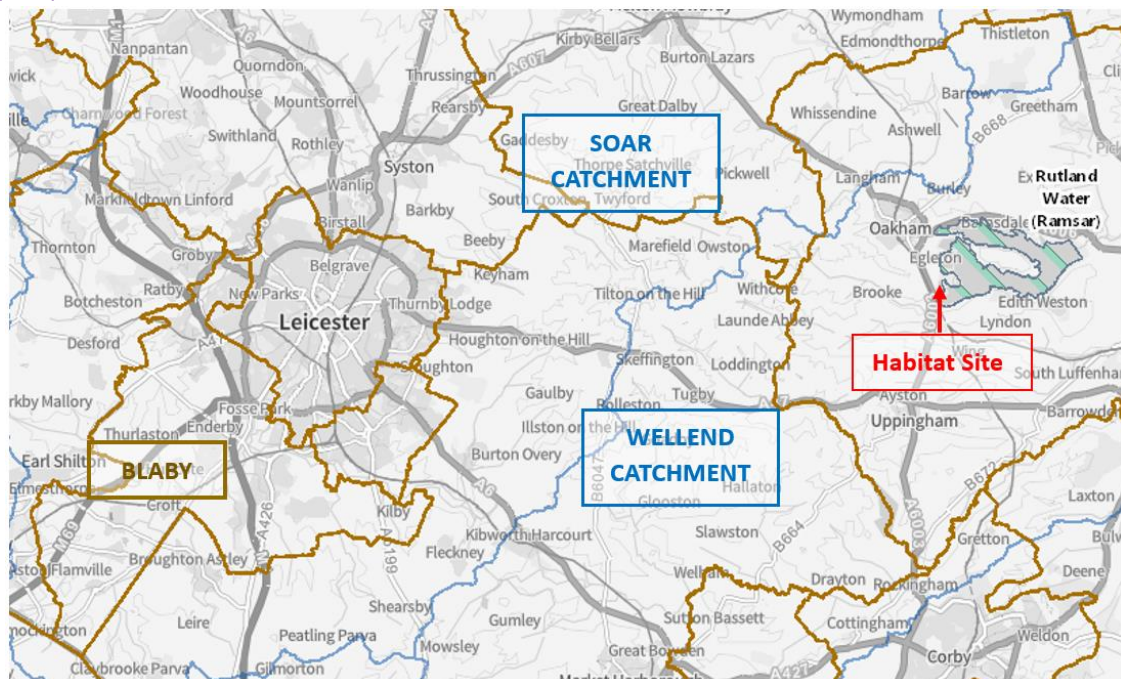
#### Pollution to groundwater point sources and diffuse sources

- 3.57 The inflows into Rutland Water currently receive regulated discharges of treated sewage as well as septic tanks and other small treatment works. Further nutrient inputs come from diffuse sources (such as agriculture). These maintain the reservoir in a highly eutrophic state and has led to regular algal blooms in the past.

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<sup>10</sup> [Appendix 4 - Pre-Submission Local Plan HRA RCC.pdf \(modern.gov.co.uk\)](#)

## Map Operational River Catchments in South and West Leicestershire



Source Magic GIS (annotations added)

- 3.58 As indicated in the above Map, the whole of Blaby District is located in the Soar operational Catchment, whilst Rutland Water is located in the Wellend Catchment. This means all point source and diffuse water discharges resulting from new development in Blaby will have no effect on the waterbodies associated with Rutland Water as a result of natural flows into the waterbody.
- 3.59 However, Rutland Water is a pumped storage reservoir. This means that flows which may not be within its operational catchment will be used to supply water to keep the reservoir topped up. None of the water supplying the reservoir is pumped from catchments within Blaby District. It is mostly fed by abstractions from the River Nene upstream of Peterborough and the River Wellend upstream of Stamford with further, less significant, inputs from the River Gwash and Egleton Brook. In simple terms, inputs from point or diffuse sources such as Wastewater Treatment Works or land use in Blaby will have no effect on water quality in Rutland Water.

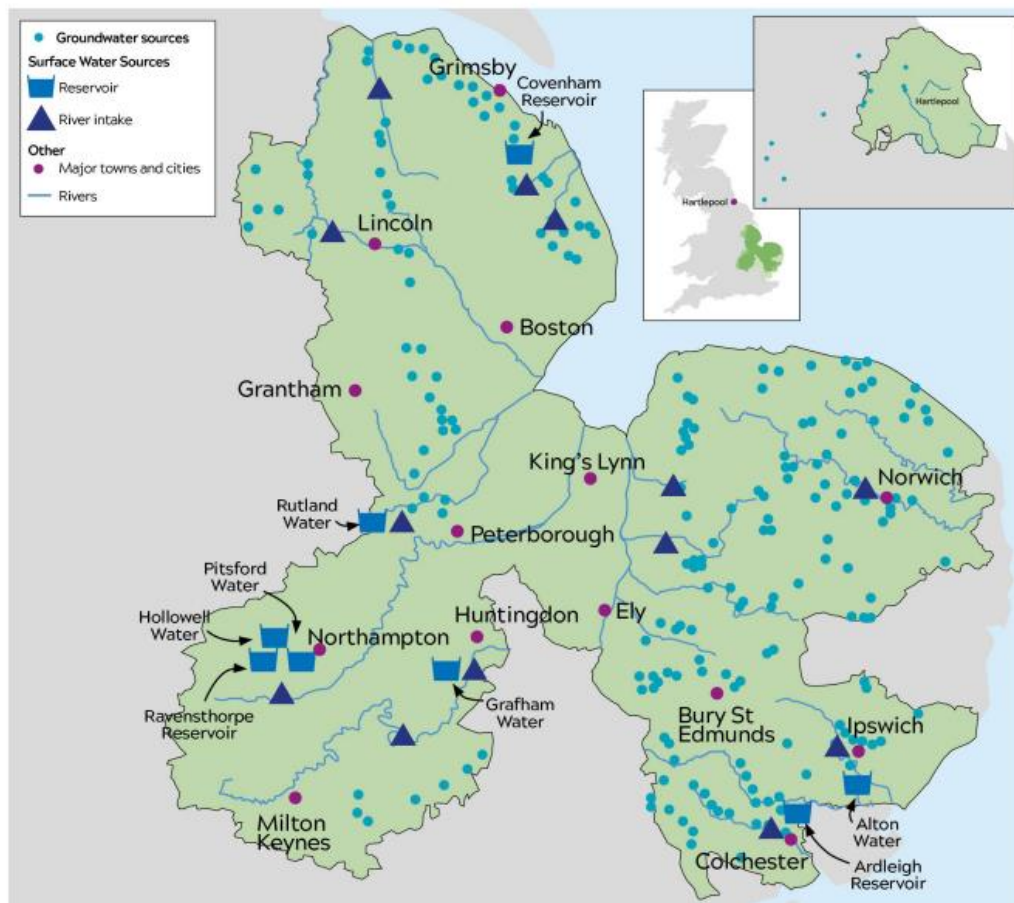
### Invasive Non Native Species

- 3.60 As noted above Rutland Water is located in the Wellend Catchment. The River Wellend flows eastwards towards the Wash. Blaby District is located in the Soar catchment which forms part of the Humber River Basin. Given the lack of hydraulic connectivity between sites in Blaby and Rutland there is no obvious pathway via which invasive species could be introduced to the SPA/Ramsar site as a result of growth supported by the preparation of a new Local Plan for Blaby District.

## Human induced changes to hydraulic conditions

3.61 As noted earlier in this report, Rutland Water is a pumped storage reservoir with flows into and out of the reservoir managed by Anglian Water. It forms part of partially integrated supply system known as Ruthamford, whereby the pumped storage reservoirs of Rutland Water, Grafham Water and Pitsford Water, and two natural catchment reservoirs, Ravensthorpe and Hollowell can be used to support each other if needed<sup>11</sup>. The Rutland Water site falls on the western edge of the Anglian Water area as illustrated below.

Figure 1. Map of Anglian Water 's Water Resources.



Source: Taken from the Anglian Water Drought Plan 2022

3.62 It is clear from a review of the Site Improvement Plan for Rutland Water that water abstraction and inappropriate water levels are both considered to be a threat to the integrity of the Site<sup>12</sup>. To address these issues the Site Improvement Plan suggests actions to:

1. Explore the possibility of future inclusion within the designated site of the outlying areas currently provided as compensation for increased water

<sup>11</sup> [aws-drought-plan-2022.pdf \(anglianwater.co.uk\)](#)

<sup>12</sup> [SIP141218FINALv1.0 Rutland Water \(5\).pdf](#)

abstraction, thereby ensuring that waterbirds using these areas contribute to the waterbird counts of the whole SPA and are fully protected by these designations.

2. Review current water level management prescriptions for the mitigation and compensation areas, to sustain numbers of non-breeding waterbirds within the SPA at favourable levels, during different abstraction scenarios.

- 3.63 Given the distance of Blaby District from the site and the nature of the measures proposed Blaby District Council is not able to influence delivery of these actions.
- 3.64 Nonetheless, it is clear from reviewing the Water Resource Management Plan (WRMP) for Anglian Water and Severn Trent that there is a bulk transfer of water resources between Anglian Water and Severn Trent regions. This is confirmed in Severn Trent's WRMP<sup>13</sup> and associated appendices in which it is noted that there is a bulk supply agreement with Anglian Water which provides up to 18 MI/d from their Wing Water Treatment Works (WTWs) into the rural areas of the former county of Rutland.
- 3.65 Under normal circumstances around 8 MI/d of this import supplies Severn Trent Water's (STW) Rutland water resource zone (WRZ) while around 6 MI/d feeds into the Strategic Grid WRZ. However, when STW take the full supply, the split is 10 MI/d to Rutland and 8 MI/d to the Strategic Grid<sup>14</sup>. This bulk export will vary on a daily basis depending on the demands of the Rutland WRZ and Strategic Grid WRZ.
- 3.66 According to Severn Trent's WRMP the deployable output in Severn Trent's Strategic Grid WRZ is 1465.75MI/d. In comparison the bulk transfer from Ruthamford North (Rutland - Wing WTW) to augment supply in the Strategic Grid is a maximum of 8MI/d or around 0.5% of the total deployable output for the Strategic Grid. Nonetheless Rutland Water does help provide some of the water exported into STWs Strategic Grid which covers the whole of Worcestershire, Warwickshire, Leicestershire and Derbyshire. It also covers large parts of the West Midlands, Gloucestershire (Excluding Forest and Stroud) and part of Shropshire. In very simple terms, therefore some of the water supplied from Rutland Water will be used to meet the needs of homes and businesses in Severn Trent's Strategic Grid Area. This could include homes in Leicestershire.
- 3.67 Rutland Water is a very large reservoir as highlighted earlier in this report, its *"greater storage volume means reservoir storage depletes slower and can withstand longer periods of low flows"*. However, *it takes longer to recover once levels have declined*<sup>15</sup>. Together with the integrated nature of this reservoir its large volume allows Anglian Water to conclude that Rutland Water has a high level of drought resilience. Nonetheless, there are records of drought events affecting the site since its construction in the mid-1970s, for example a drought permit was issued in 2012 to refill the reservoir.

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<sup>13</sup> [Appendix-A-How-much-water-do-we-have-available.pdf \(severntrent.com\)](#)

<sup>14</sup> [Appendix-A-How-much-water-do-we-have-available.pdf \(severntrent.com\)](#)

<sup>15</sup> [aws-drought-plan-2022.pdf \(anglianwater.co.uk\)](#)

- 3.68 Anglian Water's Drought Plan notes that Rutland Water has a drought vulnerability to events that are multi-season (typically lasting over two years). However, the published Anglian Water Drought Plan does indicate a potential risk to the site from continuing drawdowns during drought conditions. To address this Anglian Water's Drought Plan sets out potential actions to address water levels in the Reservoir through supply side measures (i.e. measures to increase water flows into the reservoir).
- 3.69 To allow increased flows the water company would seek a drought permit which may take the form of a winter or summer authorisation, for the duration of six months at any one time, to allow increased refilling of Rutland Water through a 50% reduction in the Minimum Residual Flow (MRF) from the River Nene.
- 3.70 The Environmental assessment summary which has been prepared alongside the Drought Plan states *"the permit would be required if there is a risk of compromising our ability to refill Rutland Water. This is likely to only occur in a severe, multi-season drought. Under the most likely scenario, a winter drought permit would be sought after a dry winter and summer, enabling Anglian Water to refill Rutland Water during the following winter. This typically corresponds to a natural increase in flows (and hence water available for abstraction) and a reduced sensitivity for the majority of potential receptors. However, should drought conditions continue to present a significant risk to supply, a summer drought permit may also be considered as an option"*.
- 3.71 The environmental assessment summary prepared by Anglian Water indicates that during drought conditions significant decreases in flow are expected throughout the seasons, reducing depth, wetted width and size of the channel in the Nene Washes, a further habitats site located upstream where water to top up Rutland Water will be abstracted. It also notes that no water quality impacts were found following the application of the winter drought permit in 2011/2012. However, the assessment does acknowledge that there is a potential that a more severe drought could lead to water quality impacts, particularly in orthophosphate concentrations. These impacts combined with potential algal blooms may negatively impact upon navigation and ecology, although these impacts can be reduced due to sporadic high flows and temporary phosphate stripping at Water Recycling Centres.
- 3.72 The report concludes *"that the potential water quality deterioration, particularly in relation to phosphate concentration, may have a significant effect on some features of the Nene Washes European sites. As such, a HRA Stage II Appropriate Assessment has been carried out, which concluded that robust monitoring protocol and mitigation measures will ensure no adverse effects on the integrity of the [Nene Washes] site"*.
- 3.73 In summary therefore, a very small volume of water is taken from the Rutland Water Resource zone and transferred into the Severn Trent Strategic Resource Zone. This equates to around 0.5% of the deployable output of the Strategic Zone. Nonetheless there is potential in drought conditions for changes in the water levels in the reservoir

to affect the interest features of an upstream habitats sites should additional flows need to be taken to top up the reservoir. As a result of these abstractions there is potential for changes to hydrology (water levels and flows), nutrient levels (where water is transferred from catchments where flow levels are already low and there may be elevated levels of nutrients) and geomorphology.

3.74 Notwithstanding the above, it should be noted that the Water Companies are the Competent Authority for managing water resources. Abstractions and bulk water transfers are planned by Water Companies and are agreed with regulatory bodies based on robust evidence. In agreeing abstractions Water Companies are expected to ensure proposals provide the necessary environmental protections and are themselves subject to Habitat Regulations Assessment. These set out the likely effects of the proposals and where necessary (mitigation) measures required to protect the integrity of affected sites.

3.75 The Council is not seeking growth of a nature or scale that would result in outcomes different to those planned for by water companies and therefore the conclusions drawn in the environmental assessment work undertaken by the Water Companies remains relevant. on this basis the Council is satisfied that the potential for abstractions from Rutland Water and consequential transfers between habitats sites have been fully and appropriately considered and measures identified to ensure site integrity. The preparation of the Blaby Local Plan will not have any further consequential effects and there is no requirement to undertake further appropriate assessment work (a Stage 2 HRA) in respect of this issue.

#### Modification of cultivation practices

3.76 Blaby is located a significant distance from the site therefore cultivation practices within the site will be completely unaffected by any policies or allocations included in the Blaby Local Plan.

#### Mowing cutting of grassland

3.77 Blaby is located a significant distance from the site and policies and allocation made within the Blaby Local Plan will have no effect on site management.

## 4.0 Other Habitat Sites located significant distance from Blaby District

- 4.1 The following assessments for the Humber Estuary and the Elan Valley sites do not follow the same format as the assessments set out for Ensors Pool, the River Mease and Rutland Water. This is because these sites are located a significant distance from Blaby and for the most part there is no interaction between the ‘habitats sites’ and development proposed in Blaby due to the significant distance between them and the local nature of many of the site vulnerabilities (i.e. on site management, recreation pressure etc.). However, for both areas there is a single impact pathway which needs some consideration.
- 4.2 For the Humber Estuary, treatment and discharge of foul water from homes and businesses or other land use changes facilitated through the Plan via Waste Water Treatment Works into local watercourses could act alone and in combination with other discharges in the Humber River Basin Area to affect water quality in the estuary and lower reaches of the River Trent.
- 4.3 For the Elan Valley sites, water abstraction could affect reservoir levels, which in turn could affect the interest features of the Site.
- 4.4 The following section will therefore signpost the Conservation Objectives for relevant sites, any site vulnerabilities (including pressures or threats identified in site improvement Plans) and other relevant information regarding the potential the proposals and allocations in the Blaby Local Plan to effect sites. This section will not review all site vulnerabilities but will instead focus on those where development in Blaby could have a potential impact.

### Humber Estuary SAC, SPA and Ramsar Sites

- 4.5 The Humber Estuary is the second-largest coastal plain estuary in the UK and the largest coastal plain estuary on the east coast of Britain. The SAC principally comprises estuaries sand flats, lagoons (94.9%), salt marches, salt pastures and salt steppe (4.4%), coastal sand dunes, sand beaches and Machair (0.4%) and Bogs, marshes water-fringed vegetation and fens (0.4%)<sup>16</sup>.
- The Conservation Objectives for the Humber SAC are available on Natural England’s website<sup>17</sup>
  - The Conservation Objectives for the Humber SPA are available on Natural England’s website<sup>18</sup>
  - The Humber Estuary Ramsar Information sheet (RIS) published by JNCC in 2008 is available here<sup>19</sup>

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<sup>16</sup> [Humber Estuary - Special Areas of Conservation \(jncc.gov.uk\)](https://www.jncc.gov.uk/information-and-services/conservation-objectives-for-special-areas-of-conservation)

<sup>17</sup> [European Site Conservation Objectives for Humber Estuary SAC - UK00300170 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/conservation-objectives-for-special-areas-of-conservation/conservation-objectives-for-humber-estuary-sac)

<sup>18</sup> [UK9006111-Humber-Estuary-SPA-V2019.pdf](https://www.jncc.gov.uk/information-and-services/conservation-objectives-for-special-areas-of-conservation/conservation-objectives-for-humber-estuary-spa)

<sup>19</sup> [UK Humber Estuary RIS2007 \(ramsar.org\)](https://www.ramsar.org/uk/humber-estuary-ris2007)

4.6 Having reviewed the site vulnerabilities outlined in the Humber Estuary Site Improvement Plan (Natural England, 2015), it is considered that the Blaby Local Plan will have no effect on many of the pressures/threats to the site identified below.<sup>20</sup>:

- Coastal Squeeze
- Undergrazing
- Invasive Species
- Natural changes to site conditions
- Public Access/Disturbance
- Fisheries: Fish stocking
- Fisheries: Commercial marine and estuarine
- Direct land take from development
- Air Pollution: impact of atmospheric nitrogen deposition
- Shooting/ Scaring

4.7 Impacts on the Humber Estuary in respect of the above aspects are ruled out due to the local nature of these issues and the significant distance between Blaby District and the Habitats Site. However, two issues identified in the Humber Estuary Site Improvement Plan for which there is a clear pathway between Blaby and the Habitats Site are water pollution and changes in species distribution. These are considered in turn.

#### Water Pollution

4.8 The Site Improvement Plan for the Humber SAC and SPA notes that there is an annual Dissolved Oxygen (DO) sag in the tidal River Ouse which has been present for many years but has shown improvements more recently due to reductions in pollution. The DO sag means that at certain times of year, the water quality thresholds set out in the conservation objectives for the site are not being met. It is possible that the DO sag may cause a barrier to Sea lamprey. These are an annex II species present as a qualifying feature in the SAC but not a primary reason for site selection.

4.9 Sea Lamprey spawn in May-July when they are migrating through the area during the summer months; however, further research is necessary as there is currently not enough evidence available to draw accurate conclusions regarding the impact of the DO sag. It is noted that the SIP states that due to the timing of the DO sag, it is unlikely that River Lamprey (also a qualifying feature) which spawn in April to May are affected.

4.10 There is little published information regarding lamprey sensitivity to DO. Sea Lamprey are known to require well oxygenated gravels to spawn however they can tolerate low oxygen levels because of their low metabolic activity. Nonetheless, poor water quality can often lead to low oxygen levels and could affect lamprey

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<sup>20</sup> Note this also cover the Humber Estuary SPA and is available at [Site Improvement Plan: Humber Estuary - SIP108 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk)

populations. Put simply therefore low oxygen levels could be an indicator of poor water quality.

- 4.11 The Blaby Local Plan will include provisions to deliver significant new residential and commercial development. All new development will include requirements to discharge surface water to an appropriate sustainable drainage system or soakaway as required by building regulations. Similarly, water usage for new developments will need to meet the prevailing standards set out in Part G of the Building Regulations. This will ensure that surface water from sites is subject to appropriate treatment prior to discharge to local watercourses or groundwater. It will also ensure that the volume of foul water generated by new developments is limited in line with mandatory requirements and will be conveyed to existing Wastewater Treatment Works (WwTWs) and should be treated to agreed standards by water companies prior to discharge to the environment.
- 4.12 It is noted that current treatment standards may not be adequate to provide the necessary level of protection to safeguard freshwater habitats and estuaries. To address this the government announced in 2022 that would place a new legal duty on water companies in England to upgrade wastewater treatment works by 2030 in 'nutrient neutrality' areas to the highest achievable technological levels and create a new Nutrient Mitigation Scheme (to be established by Natural England) to protect wildlife and boosting access to nature by investing in projects like new and expanded wetlands and woodlands. Together these schemes will have a significant impact on water quality and should significantly reduce pollution on habitats sites associated with point sources such as sewage outfalls. Coupled with this has recently been a growing awareness that some water companies have failed to treat foul waste to acceptable standards with potential excessive use of combined sewer overflows. A tightening of enforcement will also likely improve water quality in many areas.
- 4.13 It is the responsibility of water companies (who are a Competent Authority) for treating foul water to agreed standards. Any extra pollution loading from new development will require a new Environmental Permit from the Environment Agency which will ensure that this will not lead to a deterioration in the water quality of the receiving watercourse. The Environment Agency have a duty under the Water Framework Directive to ensure that all waterbodies achieve Good Ecological Status and are also required under the Habitats Directive to have regard to the protection and restoration of Habitat Sites in agreeing conditions associated with discharge permits for WwTWs. Water companies are expected to ensure that they operate within the limits set out within that permit. The permitting process provides the necessary safeguards to balance environmental considerations and is subject to a regulatory regime outside of the planning process.
- 4.14 It is also worth noting that the current local plan makes provision for growth up to the period 2029. The New Local Plan's start date will overlap with the adopted local plan and significant development that will come forward in the new plan is already committed by virtue of being allocated in the existing Plan (Circa 5,500 dwellings). Nonetheless the new Local Plan will make provision for significant new growth and will cover the time period to 2042. Almost all development, not already committed is

therefore likely to come forward after 2030 (the date by which water companies are required to deliver improvements to WwTWs).

- 4.15 Given that existing building control requirements require the use of sustainable drainage measures and limits water usage and that it is the responsibility for water companies to manage foul water and treated sewage effluent to agreed environmental standards, and that the Plan will make provision for new development which will substantially be delivered after 2030 (by which time improvements to water treatment infrastructure are required) it is not considered that the emerging Blaby Local Plan will lead to any notable effects on water quality in the Humber Estuary or the lower reaches of the River Trent catchment, which is itself located a very significant distance from the District. It is therefore concluded that the Plan will not have any discernible effect on water quality and in turn Sea Lamprey populations.

### Changes in Species Distribution

- 4.16 The Site Improvement Plan for the Humber SAC and SPA notes that there are declines in populations of SPA bird features due to unknown factors. Further investigation is needed to find the cause(s) of the declines and work to address the issues. River and sea lamprey spawn in freshwater sites many kilometres upstream of the designated site. Further investigations are needed to identify key spawning areas and raise awareness of these areas to prevent deterioration.
- 4.17 It is noted that Natural England have historically responded to a number of screening Assessments prepared by Council's preparing a Local Plans noting that "*Natural England are in the process or reviewing our impact risk zone for Huber (sic) Estuary SAC, this is in light of the River Trent and its tributaries potentially providing functional habitat for River Lamprey and Sea Lamprey*"<sup>21</sup>.
- 4.18 There are no recent records of either of River or Sea Lampreys in any watercourses in Blaby District. Indeed, records of River Lamprey in Leicestershire are confined to the Gwash and its North Brook tributary<sup>2223</sup>. It should be noted that lampreys are relatively poor swimmers and movement can be impeded by obstacles such as weirs or locks. It is possible as obstacles are removed and fish passes delivered, for example through schemes such as the Trent Gateway Scheme<sup>24</sup> Lampreys could migrate further upstream than presently, although this is by no means certain. However, nothing in the Blaby Local Plan will effect the delivery of projects to open up watercourses to migratory fish.
- 4.19 As such the policies and proposals which will be included in the Local Plan will not have any discernible impact on the distribution of River or Sea Lampreys will therefore have no effects on the SAC with regards to changes in species distribution

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<sup>21</sup> Response to Screening Assessment prepared by AVBC 2020 (NE ref 316121)

<sup>22</sup> [Search: SPECIES: Lampetra fluviatilis | Occurrence records | NBN Atlas](#)

<sup>23</sup> [Checklist of VC55 Fish.pdf \(naturespot.org.uk\)](#)

<sup>24</sup> [Trent-Gateway-Brochure-Final-V2.0-200429-LR.pdf \(trenriverstrust.org\)](#)

or on any associated remedial actions that may be proposed in respect of migratory species.

### **Elenydd SAC (Elan Valley)**

4.20 This site is located in Wales and so the Conservation Objectives for this site follow a slightly different format for those published for sites located in England. The Core Management Plan which includes the Conservation Objectives for Elenydd SAC are published by the Countryside Council for Wales<sup>25</sup>

Section 4.7 of the Core Management Plan highlights that the favourable conservation status of the SAC is affected by the following key vulnerabilities:

- Water clarity;
- Water quality;
- Hydrology;
- Air quality;
- Disturbance;
- Grazing pressure;
- Burning;
- Erosion;
- Peat erosion; and,
- Drainage

4.21 The emerging Blaby Local Plan will have no effect in respects of most of the above issues due to the local nature of these. Impacts in respect of Water Clarity, Water Quality (associated with catchment wide issues such as agricultural runoff and other diffuse runoff), Air Quality, Disturbance, Grazing Pressure, Burning, Erosion, Peat Erosion and Drainage are extremely unlikely given the distance between Blaby District and the habitats Site.

4.22 However, as in the case of Rutland Water, abstractions from Dolmynach Reservoir and other Elan Valley Reservoirs is supplied into Severn Trent's Strategic Grid Water Resource Zone. The bulk export is currently around 320 Ml of partially treated water per day. In principle therefore, there is limited potential for water abstracted by Dŵr Cymru (Welsh Water) (DCWW) to meet the needs of homes and Businesses in Blaby. However, in practice water from the Elan Valley is exported to Frankley Water Treatment works in South West Birmingham to meet the needs of the Birmingham Urban Area.

4.23 A review of Severn Trent Water's emerging Water Resource Management Plan (2024) indicates that they are confident that the Elan Valley reservoirs will continue to maintain this supply and indicates that even during 1 in 200 year drought scenarios DCWW can meet its bulk supply obligations.

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<sup>25</sup> [2013 01 29 Elenydd SAC management plan\\_Eng\\_\(naturalresources.wales\)](https://naturalresources.wales/2013-01-29/Elenydd-SAC-management-plan-Eng)

4.24 The future increase in water supply demand facilitated by the policies and proposals of the Blaby Local Plan have been fed into the process of preparing the WRMP. Moreover, this plan is subject to a Habitat Regulations Assessment which will ensure that abstractions will not adversely affect the interest features of the site. It is therefore considered that the increased demand in water supply to facilitate the policies and proposals of the Blaby Local Plan will have no effect on the Elenydd SAC the with regards to water abstraction either alone or combination with other plans.

## 5.0 Findings of initial screening Assessment work

- 5.1 A review of the likely effects of implementing the emerging Plan has been undertaken by Blaby District Council and this has concluded that there is no potential for the Plan (or more accurately the development it delivers) to effect either Ensor's Pool SAC or the River Mease SAC either alone or in combination with other projects or plans. This is because of the distance between Blaby District and the 'sites' and the nature of the vulnerabilities which could affect the interest features of those sites. Clearly, given that the emerging Local Plan will have no effect on a Habitats site, it cannot reasonably contribute to an adverse effect in combination with other plans and projects. Therefore, the emerging local plan can be screened out of any further assessment as part of the Habitat Regulations Assessment process.
- 5.2 In respect of the Rutland Water (SAC), Humber Estuary SAC, SPA and Ramsar site and Elenydd SAC, a review of those sites has revealed a potential pathway via which development in Blaby could affect those habitat sites (despite in some instances these sites being located a considerable distance from Blaby District). All these cases are related to hydrological changes with impacts resulting from abstractions to meet future water needs (Rutland Water and Elenydd) or sewage effluent discharges and potential water quality effects (Humber Estuary sites).
- 5.3 The water industry is heavily regulated and water companies are the competent authorities for safeguarding habitats sites in respect of their activities. Licences to abstract water and to discharge treated sewage effluent are granted by the Environment Agency with input from Natural England, and their activities are subject to their own habitat regulations assessment process. Moreover, the licences and permits issued to control these processes are forward looking, take account of the growth now proposed in Blaby's Plan (and indeed other Local Authority Development Plans) and are subject to strict limits to protect the integrity of European Sites their interest features. They are also subject to ongoing review and where potential adverse effects are identified on habitat Sites water companies are expected to make changes to how they operate to safeguard these sites.
- 5.4 Therefore, although a pathway exists whereby the Blaby Plan could affect the interest features of the sites reviewed, in practice measures are already in place to protect these sites as a result of growth in Blaby and other nearby local authority areas. Nonetheless Blaby District Council will continue to work with local water companies to ensure that they are aware of the scale, location and phasing of growth to ensure the necessary infrastructure needed to serve new development can be delivered in a timely way.

## 6.0 Conclusions and Next Steps

- 6.1 In accordance with best practice guidance, Stage 1 (Screening) of a Habitats Regulations Assessment has been undertaken to determine whether the future implementation of the Blaby Local Plan is likely to result in significant effects on the following Habitats Sites:
- Ensors Pool SAC
  - The River Mease SAC
  - Rutland Water (SPA and Ramsar)
- 6.2 In addition, consideration has been given to the potential for the Plan to affect the following sites located a significant distance from Blaby owing to the identification of a clear impact pathway:
- Humber Estuary (SAC, SPA and Ramsar)
  - Elenydd SAC (Elan Valley)
- 6.3 Based on a review of the available evidence, it is concluded that the Blaby Local Plan will not have a likely significant effect on any of the reviewed sites either alone or in combination with other plans and projects. Blaby District Council, as the Competent Authority responsible for preparing a New Local Plan, does not therefore propose to undertake a stage 2 Habitat Regulations Assessment (Appropriate Assessment).
- 6.4 In accordance with best practice guidance, the findings of this initial assessment will be provided to Natural England as the statutory nature conservation body. Blaby District Council will review the comments received from Natural England and will look to use these to inform the future approach to discharging obligations under the Habitats Regulations.
- 6.5 As the emerging Plan has not been fully defined any changes to the scope of the Blaby Local Plan Review will be subject to further screening, where necessary, to determine if there are any material changes to our proposed approach to growth which means that the Plan could give rise to a likely significant effect on a European Site either alone or in-combination with other plans and projects.

## **Appendix 1: Natural England Response to Draft Screening Report Conclusions**

Date: 12 December 2023  
Our ref: 458913  
Your ref: n/a



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**BY EMAIL ONLY**

Dear Kevin

**Planning consultation: Habitat Regulations Assessment ahead of Pre-Submission Consultation (Regulation 19) for prospective Local Plan  
Location: Blaby District Council**

Thank you for your consultation on the above dated 28 November 2023 which was received by Natural England on 28 November 2023.

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.

Natural England agrees with the outputs put forward in the Local Plan Habitats Regulations Assessment: Interim Screening Report. There is no potential for the Plan (or more accurately the development it delivers) to affect either Ensor's Pool SAC or the River Mease SAC either alone or in combination with other projects or plans. We also note that the potential impact pathways are identified for the water dependent features of Rutland Water (SAC), Humber Estuary SAC, SPA and Ramsar site and Elenydd SAC as a result of the Plan (or the development it delivers). We agree with the outcome of the report, that these impacts will be managed via the existing measures in place put upon the water industry.

As such Natural England agrees with the conclusion that Blaby Local Plan will have no Likely Significant Effects on any of the reviewed sites either alone or in combination with other plans and projects.

If you have any queries relating to the advice in this letter please contact me on 07920 881 956.

Yours sincerely

Lucy Collins  
Planning & Environment Lead Advisor  
East Midlands Area Team