# Habitat Regulations Assessment (HRA)

**Draft Screening Opinion for the Burcot and Clifton Hampden Neighbourhood Development Order**

**10 February 2023**

## INTRODUCTION

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2017 and needs to ensure that Neighbourhood Development Orders have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance1, also referred to as Natura 2000.
2. This Screening Assessment relates to a Neighbourhood Development Order that will be in general conformity with the strategic policies within the development plan2 (the higher level plan for town and country planning and land use). This Screening Assessment uses the Habitats Regulations Assessment of South Oxfordshire District Council’s Local Plan3 as its basis for assessment. From this, the Local Authority will determine whether the Burcot and Clifton Hampden Neighbourhood Development Order is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and projects and, therefore, whether an ‘Appropriate Assessment’ is required.

## LEGISLATIVE BASIS

1. Article 6(3) of the EU Habitats Directive provides that:

*“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

1 Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

2 The South Oxfordshire Local Plan 2035 (December 2020).

3 South Oxfordshire Local Plan Habitats Regulations Assessment Report (March 2019)

The Conservation of Habitats and Species Regulations 2017 state:

*63 — (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

1. *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
2. *is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*
3. *A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.*
4. *The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.*
5. *It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.*
6. *In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*
7. *In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.*
8. *— (1) Subject to paragraphs (2) and (3), the assessment provisions apply to the making of a neighbourhood development order.*
9. *Regulation 64 (Considerations of overriding public interest) does not apply to the making of a neighbourhood development order.*
10. *Paragraph (1) does not apply to a neighbourhood development order made before 28th December 2018.*
11. *Subject to paragraph (5) the review provisions apply to a neighbourhood development order unless—*
	1. *the development permitted by that order was completed before 28th December 2018; or*
	2. *the development permitted by that order has been completed before the site became a European site or a European offshore marine site.*
12. *The reference to regulation 64 in the review provisions does not apply to a neighbourhood development order.*
13. *This regulation applies in relation to England only.*

## CONSULTATION

* 1. In accordance with Regulation 63(2) of the Conservation of Habitats and Species Regulations 2017 this draft screening opinion will be subject to consultation with the appropriate nature conservation body.

## EUROPEAN SITES

* 1. The HRA of the South Oxfordshire Local Plan used a screening distance of 17km to identify European sites which could be affected by development. This distance has been subject to consultation with Natural England and reflects the average travel to work distance in the district. As such, the same distance has been applied in this HRA screening.
	2. The following European sites lie wholly or partly within 17km of neighbourhood development order sites and have been taken into consideration:

## Little Wittenham SAC – Approximately 3km (South Oxfordshire District Council)

* 1. One of the best-studied great crested newt sites in the UK, Little Wittenham comprises two main ponds set in a predominantly woodland context (broadleaved and conifer woodland is present). There are also areas of grassland, with sheep grazing and arable bordering the woodland to the south and west. The River Thames is just to the north of the site, and a hill fort to the south. Large numbers of great crested newts Triturus Cristatus have been recorded in the two main ponds, and research has revealed that they range several hundred metres into the woodland blocks.
	2. The main pressures and threats to this site include the impacts of public access and disturbance, and invasive fish species upon great crested newt. With regard to the types of development that may be brought forward in the Local Plan, visitor disturbance could impact the site.

## Cothill Fen SAC – Approximately 9km (Vale of White Horse District Council)

* 1. Cothill Fen is designated as a SAC for its calcium-rich, spring fed fens and alder woodlands on floodplains.
	2. The main pressures and threats to this site include the impact of water pollution and hydrological changes, as well as air pollution and the impact of atmospheric nitrogen deposition upon the calcium-rich waterfed fens.

## Oxford Meadows SAC – approximately 12km (Oxford City)

* 1. Oxford Meadows is designated as a SAC for its lowland hay meadows and creeping marshworts. The main pressures and threats to this site include the impacts of hydrological changes and the invasive species of Crassula upon creeping marshwort.

## ASSESSMENT

* 1. As required under Regulation 63(2) of the Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’), the applicant (Burcot and Clifton Hampden Parish Council) provided the required information to enable South Oxfordshire District Council to determine whether the assessment under Regulation 63 is required. Consideration has been given to the potential for the development proposed by the Neighbourhood Development Order to result in significant effects associated with:

## Physical loss of/damage to habitat:

* 1. Any development resulting from the Neighbourhood Development Order will be located within the neighbourhood area.
	2. The proposed Neighbourhood Development Order sites are not within a European site or its identified impact zone, therefore loss of habitat from within the boundaries of a European site can be ruled out.
	3. Loss of habitat from outside of the boundaries of a European site could still affect the integrity of that site if it occurs in an area used by the qualifying species of the site (e.g. for off-site breeding, foraging or roosting). Little Wittenham SAC has mobile species (great crested newt) amongst their qualifying features that could travel outside of the site to make use of other areas of habitat.
	4. The HRA (March 2019) produced alongside the Local Plan 2035 states that great crested newts will travel away from their breeding ponds, during the terrestrial phase of their lifecycle, but not large distance. 500 metres is considered an appropriate buffer distance inside which great crested newts might be found, from their breeding location. The site listing for Little Wittenham SAC states that great crested newts have been found to range several hundred metres into the site’s woodland. Research has found that great crested newts at Little Wittenham SAC migrate within woodland and not over-winter in the arable farmland. All of the woodland within 500 metres of the ponds at Little Wittenhan SAC is within the SAC boundary. Therefore, potential loss of or damage to offsite habitats associated with Little Wittenham SAC can be screened out of further assessment.

## Non-physical disturbance e.g noise/vibration or light pollution

* 1. The most recent HRA of the emerging South Oxford Local Plan (March 2019) states: ‘Using a precautionary approach, we have assumed that the effect of noise, vibration and light are most likely to be significant if development takes place within 500 metres of a European site with qualifying features sensitive to these disturbances, or known off-site breeding, foraging or roosting areas.’
	2. None of the European sites are within 500 metres of the designated neighbourhood area. Therefore, effects in relation to noise, vibration and light pollution can be screened out of further assessment.

## Air pollution

* 1. Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen (N) availability that can then affect plant health, productivity and species composition. In terms of vehicle traffic, nitrogen oxides (NOx, i.e. NO and NO2) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NOx can cause eutrophication of soils and water.
	2. Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 1 (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself.
	3. The only European site within 17km of the Burcot and Clifton Hampden NDO that is within 200m of strategic roads is Oxford Meadow SAC (A34, M40). As highlighted above, the Burcot and Clifton Hampden NDO is approximately 12km from the Oxford Meadow SAC.
	4. The South Oxfordshire HRA sets out how SODC commissioned Atkins to model the effects of the Local Plan on traffic flows within the District. The modelling resulted in the HRA concluding that the South Oxfordshire Local Plan will not result in adverse effects on the integrity of Oxford Meadow SAC as a result of air pollution, either alone or in- combination with other plans. In reaching this conclusion the HRA highlights previous work undertaken demonstrates that a substantial amount of additional traffic could be accommodated on the A40 without adverse impacts to the integrity of the SAC, including growth from other local authorities. Given the modest scale of the development proposed in the NDO and the distance between the Oxford Meadows SACs and the Burcot and Clifton Hampden NDO site (12km), the potential impact associated with the SACs can be screened out of further assessment.

## Increased recreational pressure

* 1. The most recent HRA of the emerging South Oxford Local Plan (March 2019) states: ‘*Natural England’s Site Improvement Plans record the threats and pressures relevant to each European site. Public access or disturbance are not identified as current threats or pressures at the following sites, despite their lying close to large settlements: Aston Rowant SAC, Hartslock Wood SAC, Cothill Fen SAC, and Oxford Meadow SAC.’4*
	2. The HRA of the South Oxfordshire Local Plan 2035 sets out that the potential for effects depends upon the scale of development proposed and the features for which the site is designated. However, as a conservative estimate, it is assumed that any development within 7 km of a sensitive site could have impacts due to recreation. Where site specific information indicates that development beyond 7 km could produce recreation impacts, this will be taken into account; for example, at Little Wittenham SAC, where development in the eastern fringes of the Vale of White Horse District could be relevant.
	3. The NDO sites are approximately 3km from Little Wittenham SAC, which is part of a larger site managed by the Earth Trust as a nature reserve. The areas which are most important to the population of great crested newts (GCN) have restricted access which is designed to prevent conflicts between the visiting public, the newts and their habitat. The South Oxfordshire HRA concludes that the increase in visitor numbers arising from development in the South Oxfordshire Local Plan in combination with other plans and projects would not have an adverse effect on the integrity of Little Wittenham SAC. Given the modest scale of the development proposed in the NDO and Earth Trust’s management of the site, likely significant effects in relation to visitor pressure and the impact of recreation can be ruled out and do not need to be considered further.

## Changes to hydrological regimes

* 1. European sites at which aquatic or wetland environments support qualifying features have the potential to be affected by changes in water quantity or quality. The European sites close to Burcot and Clifton Hampden NDO with aquatic or wetland habitats, or those identified as sensitive to changes in water quality or quantity, are:
		+ **Cothill Fen SAC (9km):** has calcium rich springwater-fed fens that have been identified as sensitive to water pollution and hydrological changes.

4 South Oxfordshire Local Plan 2035 Habitats Regulation Assessment (March 2019), available from [https://data.southoxon.gov.uk/ccm/support/dynamic\_serve.jsp?ID=1670533189&CODE=0CB](https://data.southoxon.gov.uk/ccm/support/dynamic_serve.jsp?ID=1670533189&CODE=0CB90C6B9ECD6BE1C0A4B61F9C07CAB4) [90C6B9ECD6BE1C0A4B61F9C07CAB4](https://data.southoxon.gov.uk/ccm/support/dynamic_serve.jsp?ID=1670533189&CODE=0CB90C6B9ECD6BE1C0A4B61F9C07CAB4)

* + - **Oxford Meadows SAC (12km):** lowland hay meadow, identified as sensitive to hydrological changes.
		- **Little Wittenham SAC (3km):** its ponds support great crested newts, but changes to water quality or quantity have not been identified as an issue at this site – the site has therefore been screened out.
	1. The types of development that have the potential to affect water quality

/ quantity or flow regimes at sensitive European sites are residential or employment development that would involve significant increase in demand for water supply and treatment, and infrastructure development that requires significant excavation in proximity to watercourses or groundwater. Given the modest scale of the development proposed in the NDO, likely significant effects in relation to potential to affect water quality / quantity or flow regimes at sensitive European sites can be screened out.

## In combination effects

* 1. The Council has considered the HRA of the Local Plan 2035 (March 2019) in respect of the potential in combination effects of the proposals in the Burcot and Clifton Hampden Neighbourhood Development Order. As the South Oxfordshire Local Plan covers the period from 2011 to 2035, the quantum of development proposed in the Local Plan includes some completed and committed development (committed development includes sites under construction, with planning permission, made neighbourhood plan allocations and allocations carried forward from the Local Plan 2011 and Core Strategy). Paragraphs 4 to 36 of this assessment have considered how the development proposed in the Burcot and Clifton Hampden Neighbourhood Development Order is unlikely to have significant effects on Natura 2000 sites.
	2. With regard to the conclusions of paragraphs 4 to 26, it is considered that the Burcot and Clifton Hampden Neighbourhood Development Order, taking into account other relevant plans and projects, is not likely to give rise to significant in-combination effects.

## CONCLUSION

* 1. The Burcot and Clifton Hampden NDO is unlikely to have significant effects on Natura 2000 sites, either alone or in-combination with other plans or projects, therefore, an Appropriate Assessment for the Burcot and Clifton Hampden NDO is not required.

**Authorised by: Tim Oruye**

**Signed:** 

**Date: 11/05/2023**