



**South  
Derbyshire  
District Council**  
Community &  
Planning Services

Local Development Framework

HRA

# Habitat Regulations

Screening Report  
Draft Local Plan Part 2

Main  
Report

June 2016



South Derbyshire Changing for the better

## EXECUTIVE SUMMARY

- 1.1 Habitats Regulations Assessment (HRA) of spatial development plans is a requirement of the Habitats Directive (92/43/EEC) as set out in the Conservation of Habitats and Species Regulations 2010 (as amended). This report details the Habitats Regulations Assessment for South Derbyshire District Council's Local Plan Part 2. This Plan includes development management policies and non-strategic housing allocations. This report sets out the method, findings and conclusions of the HRA screening assessment undertaken by the Council.
- 1.2 The Following European Site is within the Influence of the Local Plan:
  - The River Mease SAC
- 1.3 The screening exercise has reviewed whether the policies and non-strategic housing sites proposed through the Local Plan Part 2 have potential to affect the River Mease SAC, given the site conservation objectives, condition and sensitivities. The findings of the HRA screening assessment have helped inform the screening assessment for the Draft Local Plan Part 2.
- 1.4 The Adopted Local Plan Part 1 HRA screening assessment ruled out likely significant effects on any European sites, other than the Mease SAC, owing to the distribution of growth proposed and the significant distances of other European Sites from the District Boundary and the nature of the sensitivities of the nearest sites. In respect of the River Mease SAC no development was proposed within that part of the District where either foul or surface water would discharge to the SAC in the Local Plan Part 1 and so likely significant effects (LSE) on the water quality in the SAC were discounted. Nonetheless water quality and drainage policies have been included in the Adopted Local Plan Part 1 to ensure that developments help contribute towards wider water quality improvements required by the Water Framework Directive. Adopted drainage policies will therefore influence development projects which come forward through the Local Plan Part 2.
- 1.5 The screening assessment for the Local Plan Part 2 (set out in this report) indicates that none of the draft policies contained in the Local Plan Part 2 would have any significant effect on the river Mease SAC given the small scale of growth proposed in the Plan, the dispersed nature of development (most of which is located outside of the Mease catchment) and the existing drainage and water quality policies included in the Plan. However as two proposed sites (out of 18 proposed allocations) would fall within the catchment of the SAC this report considers the potential for these sites to affect the integrity of the Mease SAC.
- 1.6 This assessment concluded that both sites (alone and in combination with each other) and other proposed developments in the Mease Catchment would have no likely significant effect on the SAC given that
  - There is only limited potential for growth earmarked within the Plan to increase foul water flows to waste water treatment works within the Mease SAC catchment

and the likely effects of this increased growth would be fully offset through contributions to the River Mease Developer Contribution Scheme (DCS).

- There is no significant potential for growth earmarked within the Plan to increase diffuse water pollution within the River Mease catchment given existing policies included in the Local Plan Part 1.
- Water companies operating in the District have undertaken Habitat Regulations Assessment of their water resource management plans. These have concluded that proposed growth in water demand (associated with new development and changes in demand) will not have any significant impact on water dependent wildlife sites such as the River Mease SAC.

- 1.7 Moreover both proposed Part 2 allocations benefit from planning consent and the HRAs undertaken for both projects concluded that development would have no likely significant effects on the SAC, either alone or in combination with other projects.
- 1.8 The remaining sixteen proposed allocations will not be located within the catchment of the River Mease and will have no effect on the SAC.
- 1.9 The findings of the Habitat Screening Assessment will be subject to consultation with Natural England and other stakeholders as part of the Draft Local Plan Part 2 Consultation.

## 2.0 INTRODUCTION

- 2.1 South Derbyshire District Council is currently preparing its Local Plan Part 2. This document will be one of two key documents to be prepared as part of the South Derbyshire's Development Plan. The other key document is the Local Plan Part 1, which is the overarching document of the Council's Development Plan and provides the planning framework (vision, objectives, spatial development strategy and core policies for spatial planning) that guides development in District over the plan period to 2028. The Local Plan Part 1 was adopted on 13 June 2016 and has been subject to its own Habitat Regulations Screening Assessment. Further information on the Local Plan Part 1 is set out below.
- 2.2 The Local Plan Part 2 (referred to as LP2) will set out development management policies and allocate non-strategic housing sites to meet the objectively assessed needs of the District. The two documents are covered in further detail below:

### **The Local Plan Part 1**

- 2.3 The Local Plan Part 1 sets out a long-term vision, objectives and strategy for the spatial development of South Derbyshire and provides a framework for promoting and controlling development. Put simply it will set out the overall level of future growth and broad locations for development. The Local Plan Part 1 included a vision and a range of Plan objectives to guide development. It also set a target to deliver a minimum of 12,618 homes between 2011-28 and a minimum of 53ha of employment land within the District.
- 2.4 Housing allocations are mainly located as urban extensions to Derby City, Burton on Trent and Swadlincote, with some smaller strategic allocations made to villages in Aston on Trent, Etwall, Hatton, Hilton and Repton. Together these sites would deliver more than 11,000 homes within South Derbyshire within the Plan period. Employment Land Allocations are located at Drakelow, Dove Valley Park (Foston), Hilton, Swadlincote and Woodville.
- 2.5 In addition to allocations a range of further housing policies including a settlement hierarchy affordable housing, housing mix, and thematic policies in respect of Green Belt, design excellence, heritage, biodiversity, landscape character and local distinctiveness, flood risk, sustainable drainage, National Forest and infrastructure (including green infrastructure).
- 2.6 The Part 1 Local Plan sets out a requirement for a further 600 homes to be delivered on non-strategic sites through the Local Plan Part 2 together with a further 450 homes to come forward as 'windfalls between 2011-2028).
- 2.7 The HRA screening report was consulted upon in March 2014. This assessed the potential for the Plan to affect a number of European sites as follows:
- River Mease (within District)
  - West Midlands Mosses (12km from nearest part of District)
  - Bees Nests and Green Clay Pits (17km from nearest part of District)
  - Peak District Dales (17km from nearest part of District)
  - Gang Mine (17km from nearest part of District)
  - Pasturefields Salt Marsh (18.5km from nearest part of District)

- Cannock Chase (20km from nearest part of District)

2.8 Due to the location of strategic housing sites proposed and the distance between proposed developments proposed in the Local Plan Part 1 and having reviewed the conservation objectives for the sites and the issues affecting site condition the Council screened out likely significant effects on all sites. The HRA Screening Report for the Local Plan Part 1 can be viewed on the Council's [website](#).

### **The Local Plan Part 2**

2.9 The Local Plan Part 1 sets out a requirement for 600 homes to be delivered on non-strategic sites within the Plan period. It defines non - strategic sites as being those with less than 100 dwellings. The Plan has identified a total of 18 proposed allocations.

2.10 In addition to the proposed allocations the Council has updated the settlement boundaries around Swadlincote and Key and Local Service Villages as well as more nucleated rural villages and drafted a range of development management policies on issues including:

- replacement dwellings in the countryside,
- rural workers dwellings,
- residential extensions and householder development,
- residential conversions,
- development in the countryside,
- Agricultural development,
- Trees, Woodland and Hedgerows
- Local Green Space,
- Heritage,
- Swadlincote Town Centre
- Local Centres and Villages (retail policy)
- Telecommunications
- Provision of Education Facilities
- Marina development
- Redevelopment of brownfield land at the former Drakelow Power Station

2.11 The Local Plan Part 2 will not change the distributional strategy or the number of homes to be delivered in South Derbyshire and on this basis Local Plan Part 2 is unlikely to have any effect on European sites located outside of the District (as concluded in the Part 1 Local Plan HRA). Moreover the scale of additional sites included in the Part 2 will be limited in scale. The Local Plan Part 2 will, however, include some non-strategic sites within the catchment of the River Mease SAC which forms part of the southern boundary of the District. In light of this fact there may be potential for Local Plan Part 2 to affect the River Mease SAC. The remainder of this report will review the potential for the Plan (including the proposed site allocations) to affect the River Mease SAC and a proportionate assessment of this Plan is required to satisfy the Habitats Regulations.

## **Purpose of this Report**

2.12 The remainder of this report will set to what extent the Plan could affect the River Mease SAC. The report will consider the following:

- The requirement for HRA and the guidance published to inform the process
- The Screening Process and the findings of the Screening Assessment
- The need for further assessment

## **3.0 Habitat Regulations Assessment and the Part 2 Local Plan**

3.1 Article 6 of EU Habitats Directive on the conservation of natural habitats and of wild fauna and flora (Council Directive 92/43/EEC) requires that:

*'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives... 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 public'.*

3.2 The Conservation of Habitats and Species Regulations 2010 (often referred to as the Habitats Regulations) transpose the Habitats Directive into national law in England and Wales and require that HRA is applied to all statutory land use plans. The aim of the HRA process is to assess the potential effects arising from a plan against the conservation objectives of any European site.

3.3 Reference in this report to 'European sites' should be taken to include the following:

- Special Areas of Conservation (SACs) for habitats and species designated through the EU Habitats Directive;
- Special Protection Areas (SPAs) for the protection of wild birds and their habitats designated through the EU Birds Directive;
- 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 or proposed SPAs.

## **Guidance and Best Practice**

This assessment is being undertaken in line guidance set out in the Habitats Regulations Assessment of Local Development Documents produced by DTA Planning. However, in addition to this guidance this report has been prepared having regard to the following key documents:

- the Habitats Regulations;
- all relevant judgments of the Court of Justice of the European Union, and the Courts in the UK;
- relevant guidance from the European Commission and the UK Government;
- authoritative, relevant decisions, for example, at Government level in Great Britain;
- good practice in undertaking such assessments, such as that published by Natural England, the Countryside Council for Wales and Scottish Natural Heritage and the RSPB.

The Draft Local Plan Part 2 Screening assessment has been carried out in accordance with guidance set out in 'Planning for the Protection of European Sites: Appropriate Assessment' which provides guidance in respect of the Habitat Regulations in preparing land use plans. Section 2.1 of this guidance document summarises the HRA process as comprising of three main tasks:

### **Stage 1: Identifying whether a Plan is likely to have a significant effects**

This stage consists of identifying 'European' sites which could be affected by the Plan and reviewing the conservation objectives for each feature of the site. The changes that policies and proposals in the plan may cause are appraised and the likely effects on the interest feature of each site, either indirectly, directly, alone or in combination with other projects and plans is considered. Where no likely significant effects occur as a result of implementation, no further assessment is required.

### **Stage 2: Appropriate Assessment**

Undertake an assessment of the implications of the plan (those policies and proposals within it identified in stage 1 as requiring further assessment) for each European site likely to be affected, in light of their conservation objectives. Review how the plan in combination with other plans or projects will interact and affect the site when implemented and consider how the effects of the plan on the integrity of the site could be mitigated and consider alternatives. If it can be demonstrated that the plan will not have an adverse effect on the European sites, the plan can be adopted. If the plan is still likely to have an adverse impact on the site(s) the Authority would be required to progress to stage 3 of the process

### **Stage 3: Assessment where no alternatives exist**

The competent authority must demonstrate that there are no alternative solutions to the plan which are less damaging. The competent authority must establish whether there are '*imperative reasons of overriding public interest*' making it necessary to proceed with the plan or policy and identify and agree compensation measures and how these will be monitored.

This document sets out the Council's findings in respect of stage 1 of this process. The following section clarifies the scope of the assessment.

#### **4.0 The Habitat Regulations Screening Process**

4.1 The Council has previously undertaken a Habitat Regulations Screening Assessment on the Local Plan Part 1. This set out in full the scale of growth, its distribution as well as the strategic policies to guide this growth and assessed the potential European sites that could be affected in light of their conservation objectives and their specific vulnerabilities. This assessment indicated that the Local Plan Part 1 would have no likely significant effects (LSE) on European sites within the plans sphere of influence, either alone or in combination with other plans and programmes.

4.2 However, this assessment was produced in 2014 and given that, unlike the Local Plan Part 1, the Local Plan Part 2 does make limited provision for housing in locations where impacts on the River Mease SAC could take place, it was considered appropriate to reconsider the potential for the Plan (as a whole) to impact on the River Mease SAC.

4.3 However, the Council has screened out the potential for LSE on European sites outside of the district, given that these were previously considered in the Local Plan Part 1, which included as assessment of the full growth requirement of the District and concluded that there were no LSE. Moreover it is worth noting that all the sites put forward in the LP2 are small scale (less than 100 with almost all of the 18 sites being 50 homes or less) and located significant distances from the closest European Site. In addition the policies included in Local Plan Part 2 are principally for the purpose of guiding development management decisions and due to their non-strategic nature would be unlikely to deliver growth at levels beyond that proposed in the Plan. On this basis, and having reconsidered the conservation objectives of nearby European sites the Authority has concluded that it would be sufficient to limit the scope of this screening exercise to potential effects on the River Mease only.

4.4 Of the 18 sites proposed in the Local Plan Part 2, three are located in the Mease catchment. Two, both of which are located in Overseal, have planning consent, but are allocated in order that the principle of development could be supported within these sites should planning permission lapse. The third is a brownfield site located in Woodville. The sites are located at:

1. Valley Road, Overseal (64 dwellings)
2. Acresford Road, Overseal (up to 70 dwellings)
3. Montracon, Woodville (up to 60 dwellings)

4.5 The first two sites have potential to discharge foul water to the main sewerage system and could increase foul flows to Overseal Waste Water Treatment Works. Both sites would also increase surface water generation which could affect water quality in the river. The Montracon site would be served by Milton Waste Water Treatment Works (near Repton to the north) which discharges to a tributary of the River Trent and in effects 'exports' foul

flows out of the Mease catchment. Similarly surface water flows could be discharged to an existing surface water sewer close to the site (depending on capacity and other technical considerations – this would also be ‘exported’ out of catchment. However there may be potential for this site to manage surface water on site and discharge to a local watercourse which would convey the flow to the Mease around 6km to the South.

- 4.6 The other sites and development management policies included in Local Plan Part 2 have been ruled out as having LSE on the River Mease at an early stage. The reasons for screening these sites and policies out are set out in Appendices 3 and 4 of this report)
- 4.7 With the three identified sites within the Mease catchment there is a clear pathway through the foul drainage network and/or via surface waters and given the conservation objectives (set out in Appendix 1 of this report and the Supplementary Advice for Conserving and Restoring Site Features for the River Mease (dated 31 May 2016) there is potential for Local Plan Part 2 to effect the condition of the SAC. The following section sets out the potential for effects on the SAC as a result of implementing the plan in isolation.

## 5.0 Effects Summary – the Plan alone

- 5.1 **Extent of the Feature:** The closest sites proposed for allocation are in excess of 1km from the SAC. There will be no measurable reduction in the extent of the SAC as a result of proposed development.
- 5.2 **Structure and Function -including typical species:** Development will not alter the structure or function of the channel (for example through deepening, changes to the bank profile etc.) or the hydraulic continuity between the river channel and flood plain owing to the distance of proposed non-strategic sites from the SAC and the policies included in the Local Plan Part 2 to generally restrict the scale and nature of developments in the Countryside (land outside of settlement boundaries). Sites would also not affect the riparian habitat surrounding the river.
- 5.3 **Structure and Function – Water Course Flow:** The Plan would make provision for around 134 dwellings within Overseal. Together these could increase foul flows from Overseal Waste Water Treatment Works of around 34,000 litres per day. Additional surface water flows should be trivial given that run off rates will be limited to green field rates on proposed housing sites where these discharge surface water in to the catchment. The Environment Agency has completed a review of the consents (ROCs) for which they are responsible, which were considered to be relevant to the River Mease SAC. This review fixes the volume (and the quality) of water which can be discharged by individual treatment works to ensure that discharges will not have an unacceptable impact on the SAC. Overseal WWTWs currently has headroom to accommodate in excess of 200 homes. The allocations

can therefore be met within the headroom for the treatment works and will not give rise to likely significant effects.

- 5.4 **Structure and Function – Sediment Regime.** The lack of coarse sediment within the banks across river system in South Derbyshire means that the natural supply of gravel to the channel to form riffles and discrete deposits will be restricted. Nonetheless the Plan will not introduce weirs and other impounding structures and will not interrupt coarse sediment supply within the river.
- 5.5 Excessive phosphate-rich fine sediment is currently being supplied to the River Mease from within its catchment, primarily from diffuse sources from both agricultural and urban uses. There are 3 development sites within the SAC which could increase urban diffuse pollution. Of these two have consent and will include appropriate Sustainable Urban Drainage Systems (SUDS) to ensure that treatment (as well as surface water flood risk is managed on site). The details of treatment are reserved but will include specific treatment trains to enhance water quality (including from run off from highways), ensure appropriate maintenance of drainage systems for the life of the development and ensure that a construction environment management plan is produced prior to construction works commencing. Both planning applications have been considered by Natural England, the Environment Agency and the Lead Local Flood Authority. Neither of the proposals were subject to objections from these organisation on water quality or flood risk grounds at determination.
- 5.6 In respect of the Montracon site this is previously developed land. At the time of writing it is unclear whether this scheme would utilise the existing surface water sewer within the vicinity of the site (and hence convey surface water out of catchment) or utilise a SUDS on site. Should on site management of water be proposed this would likely discharge to a watercourse within the River Mease Catchment. Policies in the Local Plan Part 2 (which include strategic policies on site drainage) would ensure that any SUDS would be designed and managed in the interests of water quality, as well as flood risk, with specific reference to the sensitive nature of the Mease. The detail of any SUDS and adoption of this infrastructure would be considered through any planning application submitted to the Council.
- 5.7 **Structure and Function –Thermal Regime:** The allocation and policies in the Plan would have no effect in respect of the Thermal regime of the river
- 5.8 **Structure and Function - Biological connectivity.** Developments are located in excess of 1km from the SAC will have no effect on connectivity within the river or between the river and the flood plain.
- 5.9 **Structure and Function - Invasive, non-native and/or introduced species.** Non-native species constitute a major threat to many river systems. Impacts may be on the river habitat

itself (e.g. damage to banks and consequent siltation) or directly on characteristic wildlife (through predation, competition and disease), or a combination of these. However the site proposed in the Local Plan Part 2 are in excess of 1km from the SAC and no works are proposed within the SAC or any of its tributaries.

- 5.10 **Structure and Function - Key structural, influential and distinctive species.** Development will be located outside of the SAC and will have no direct impact on the habitats or species found within the site. Indirect impacts (for example in respect of water quality) are considered further below.
- 5.11 **Structure and function - including its typical species – Fisheries.** Development will have no effect in respect of fish stocking or fishery management.
- 5.12 **Structure and function - Vegetation structure: riparian zone.** Development will have no effect in respect of activity in the riparian zone and in the river channel
- 5.13 **Structure and function - Cover of submerged macrophytes.** Development will not lead to any removal of submerged vegetation (weed cutting).
- 5.14 **Structure and function – Supporting off site habitat.** Development will not have any direct impact on the River Mease SAC or any of its tributaries. However developments would contribute to the River Mease Developer Contribution scheme and, whilst these contributions specifically seek to address actions in respect of phosphate removal, these actions could also support habitat creation, enhancement and management off site, including within the tributaries of the River Mease.
- 5.15 **Supporting processes (on which the feature relies) Water quality – nutrients.** The management focus is typically on the soluble reactive phosphorus ('SRP') in rivers. However, nitrogen may also be important in river eutrophication and ideally co-limitation would be the management aim. Developments within the catchment will include appropriate measures to ensure that sustainable urban drainage components are included which address water quality impacts as well as flood attenuation. Moreover both proposed allocations, which will discharge foul waste to Overseal WWTWs, will contribute toward actions to reduce phosphate within the SAC. On this basis developments will have no effect as a result of increases in foul water discharges.
- 5.16 **Supporting processes (on which the feature relies) Water quality - organic pollution.** Organic pollution occurs when large amounts of organic matter enter a water course. This could be WWTWs (although the concentrations of BOD are relatively low from this source and are mostly derived from agricultural sources. Given the scale of growth proposed and

subject to level of development being within the permit at WWTWs at Overseal, no significant effects are likely.

- 5.17 **Supporting processes (on which the feature relies) Adaptation and resilience.** The Plan will ensure that SUDS make allowances for climate change in sizing attenuation on proposed housing sites. Developments will not lead to any fragmentation of habitats and would be unlikely to have any impact of the ability of the SAC to adapt to climate change.
- 5.18 **Supporting processes (on which the feature relies) Water quality - other pollutants.** Elevated levels of copper, zinc and lead concentrations have been observed in stream sediments that are in proximity to A class roads with hotspots at crossings with the A42, other A roads and pollution from urban development. The elevated levels of sediment contaminants coupled with the high residence time of fine sediment in the Mease is a problem. Unmitigated development is likely to increase other pollutants. However sites will include appropriate Sustainable Urban Drainage Systems (SUDS) to ensure that treatment (as well as surface water flood risk) is managed on site. The details of treatment are reserved matters but will include specific treatment trains to enhance water quality (including from run off from highways, for example through permeable paving and oil interceptors); ensure appropriate maintenance of drainage systems for the life of the development and ensure that a construction environment management plan is produced prior to construction works commencing.
- 5.19 **Supporting processes (on which the feature relies) Conservation measures** Development would help support conservation measures within the SAC, by ensuring that where increases in foul flows occur a developer contribution to deliver actions in the River (including those within the Natura 2000 Site improvement Plan) can be delivered. Contributions related to housing proposals would primarily seek to ensure sufficient phosphates were removed from the SAC to ensure that no net effects from increased levels of foul water from homes would occur, although in delivering actions to remove phosphate indirect benefits which benefit the condition of the SAC could also be delivered, for example in respect of could be delivered. The two schemes proposed for allocation in the Plan which would discharge to a WWTWs at Overseal would provide around £50,000 to be spent on conservation works within and adjacent to the SAC or in the tributaries with connectivity to the Mease.

### **Local Plan Policies**

- 5.20 Most of development management policies included in the Plan will set criteria to influence the nature of development, rather than make provision for growth. Where development is supported, for example small scale residential developments such as agricultural workers dwellings or replacement homes in the countryside, development will occur through lower tier planning applications which will need to adhere to strategic policies included in the Part 1 Local Plan. As such, given the scale of development which could be supported through LP2 polices and having regard to the policy requirements in the Local Plan Part 2 (including

in respect of sustainable urban drainage) there are no identified likely significant effects on the SAC. Further consideration of the policies is set out at Appendix 3 of this document.

## **6.0 Effects Summary – Plan in Combination**

- 6.1 Having reviewed the potential effects of the plan in isolation it is clear that the Plan will have no discernible effects on many of the issues identified within Natural England's Supplementary Advice on Conserving and Restoring Site Features.
- 6.2 However developments proposed in the Local Plan Part 2, whilst not significant in isolation, could have effects in combination with other growth, particularly in respect of:
- Water Quality Nutrients.
  - Water Quality - Other Pollutants
  - Water Quality - Organic pollution
  - Water Course Flow
  - Sediment Regime
  - Conservation measures
- 6.3 These will be considered in turn with reference to other plans and policies outlined in Appendix 3.

### **Water Quality**

- 6.4 In addition to the 130 homes proposed in the Local Plan Part 2 for South Derbyshire there are around 2,200 homes proposed in North West Leicestershire in North West Leicestershire District Council's proposed Local Plan. However there is no requirement to consider plans for which there have been no formal applications under an approvals process. Given the early stage of this plan (it is yet to be submitted) the potential for effects could be discounted. However the Authority has sought to provide an indication of how Local Plan Part 2 could act in combination with the proposals in this document should it be adopted in due course. There are no housing or employment sites proposed in Lichfield within the adopted Lichfield Local Plan and no minerals or waste sites currently identified in the Mease catchment within Derbyshire's emerging Minerals and Waste Local Plans. There is however a minerals allocation proposed in Leicestershire's emerging Minerals Local Plan. This site already has planning consent and will extend the life of a clay stocking and blending facility at Donington Island to 2017. The Habitat Regulations Assessments for the above Plan (and indeed planning application) have concluded that no significant effects are likely from this minerals site in respect of the Mease.
- 6.5 It is also worth noting that all of the Development Plans reviewed (Adopted and emerging) within the Mease catchment include policies to ensure the delivery of sustainable urban

drainage systems which will help ensure water is treated on site prior to discharge to a receiving watercourse.

- 6.6 In respect of foul water flows the proposals in North West Leicestershire's Local Plan would not discharge to Overseal WWTWs and so would not lead to the headroom at this works being exceeded. Instead proposals in North West Leicestershire will discharge to Packington and Measham WWTWs. There is understood to be capacity at both works to accommodate the increase foul flows likely. Moreover developments across the Mease Catchment will be required to make a contribution in line with the River Mease Developer Contribution Scheme (DCS). This will ensure that any growth proposed across the whole of the catchment of the River Mease (which discharges to treatment works within the SAC or its tributaries) can fund actions to remove phosphate from the river equivalent to that which would be added by new development. On this basis new growth will have no net impact in respect of increased phosphate within the river.

### **Water Course Flow**

- 6.7 The Environment Agency has completed a Habitat Regulations review of the consents (ROCs) for the River Mease. This confirms that the River Mease remains closed to further summer abstractions. There have also been changes to water company abstractions as a result of this review of consents and sustainability reductions made by water companies, delivered to reduce abstractions from the catchment. In terms of discharges to the river the increased flows associated with growth could change flows levels, although these would not exceed the volumetric 'headroom' or 'capacity' available for new development within the specific limits of the existing wastewater treatment work consents (which, as previously noted, have been subject to a Habitats Regulations Assessment Review of Consents). Moreover, it is understood that Severn Trent is evaluating the prospect of exporting foul flows from Packington and Measham out of catchment. Indeed the River Mease DCS2 states the following:

*Severn Trent, Environment Agency and Natural England have assessed the options to meet the SAC conservation objectives in relation to flow and phosphate, and agree that pumping sewage effluent from Packington and Measham sewage works out of the Mease catchment is the most effective long term solution.*

*The primary reason to move flow out of the River Mease catchment would be to ensure the SAC flow targets are met. In addition this will also remove phosphate for which the River Mease is currently failing to meet the SAC target.*

*All parties are committed to working together to progress the development of an appropriate scheme with a view to it being included in the next round of the asset management planning process for scrutiny within the 2019 Periodic Review.*

*It is fully accepted by all parties that implementation of such a solution will take time and would be subject to appropriate scrutiny by OFWAT in respect of the necessary investment costs by Severn Trent Water being passed onto their customers.*

- 6.8 Given both sites in South Derbyshire already have planning consent clearly both the Environment Agency and Natural England have concluded that the proposed development now allocated in the Local Plan Part 2 will not give rise to significant effects either alone or in combination with other development in respect of water course flows.

### **Sediment Regime**

- 6.9 The Part 1 Local Plan includes a number of policies to ensure sites are supported by SUDS that deliver water quality improvements. In addition the Local Plan Part 1 includes policies to safeguard the River Mease SAC/SSSI. These requirements have been reflected in the consented planning schemes for the sites at Acresford Road and Valley Road, Overseal. Similarly these policies will also influence any housing scheme which comes forward at Montracon. In addition North West Leicestershire's Draft Local Plan includes specific policies on Sustainable Urban Drainage and the River Mease Special Area of Conservation. There is therefore an adequate policy framework in the South Derbyshire Local Plan and adopted and emerging Local Plans of neighbouring authorities to protect the River Mease from negative effects associated with surface water flows.

### **Conservation measures**

- 6.10 The proposed development schemes in South Derbyshire in combination with proposals in North West Leicestershire could support mitigation to remove phosphates from the River in line with the River Mease DCS2. In particular a number of long term measures included in the DCS could also have wider benefits that could restore and enhance the natural river function which in turn will improve water quality and the river ecosystem. Cumulatively it is likely that the DCS2 would free up potential to deliver around 3,000 homes and could generate in excess of £1million in developer contributions (note at the time of writing DCS2 has not been adopted by local planning authorities in the Mease catchment and is in draft only). Although much of this money would be directed towards short term measures to reduce phosphate, these contributions are also likely to support schemes included in the River Mease Restoration Plan.

## **7.0 HRA Conclusions**

- 7.1 This report outlines the scope of the South Derbyshire Local Plan Part 2. It has been undertaken in accordance with best practice and guidance and has been informed by the previous Habitat Regulations for the South Derbyshire Local Plan Part 1, which considered the potential for the Council's Growth Strategy to affect European sites.
- 7.2 The Screening process for the Part 2 HRA has focused solely on the River Mease SAC, which is located within the District. Sites located outside of the District have previously been considered in the Part 1 HRA and given the Plan as a whole (including the totality of the district's housing and employment need and the spatial distribution of development) would have no effect on these sites, further appraisal in respect of non-strategic sites and development management policies is not considered necessary.

- 7.3 Further appraisal in respect of the River Mease was considered appropriate, however, unlike the Part 1 Local Plan, a number of sites are included in the Local Plan Part 2 that would lead to growth in the catchment of the River Mease. These could lead to increased foul and surface water generation and could impact on water quality, increase sediment loads in the river, or alter flows.
- 7.4 This assessment has concluded that these sites will not lead to likely significant effects either alone or in combination with proposals in other emerging plans or programmes. Similarly the policies included in the Local Plan Part 2 would not make provision for significant growth within the District and indeed will seek to control the level of development away from proposed housing allocations.
- 7.5 However where growth does come forward, either through allocations, or elsewhere (for example as windfalls) environmental effects associated with growth will largely be controlled through existing policies included in the Local Plan Part 1 including Policy SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE3 (Biodiversity), and Policy INF7 (Green Infrastructure). In complying with these policies any development which would increase foul flows to Waste Treatment Works within the Mease Catchment is required to make a contribution to the River Mease Developer Contribution Scheme in order that development does not lead to increased phosphate levels in the SAC.
- 7.6 It is worth further noting that two of the proposed allocations included in the Local Plan Part 2 already have planning consent and have therefore been subject to a HRA screening exercise at the project level as part of the development management process. Both assessments have concluded that schemes will not have likely significant effects on the SAC alone or in combination. The remaining site in the Mease catchment is located on the watershed for the catchment around 6km to the north of the SAC. Foul flows will be exported out of catchment for treatment at Milton WWTWs. Surface water flows could be exported out of catchment, as surface water sewers serve the location around the site and discharge outside of the Mease catchment. However there is potential for this site to utilise SUDS. This could increase surface water flows to the SAC, although would not be likely to have a significant effect given the policies in place in the Part 1 Local Plan. In any case, any specific planning application on this site would be subject to HRA.
- 7.7 In respect of the potential for growth to act in combination with other Plans no adopted land use plans in neighbouring Authorities will give rise to any growth. North West Leicestershire District Council is preparing a Plan which once adopted could deliver a further 2,200 homes in the catchment of the Mease. However, at the present time this document has only been published in draft and has yet to be submitted. However even if this development was committed the Draft Plan includes similar requirements to those in the South Derbyshire Local Plan Part 1 to secure SUDS as part of developments and require

contributions to the River Mease DCS. On this basis development at the level proposed would not lead to likely significant effects in combination with Local Plan Part 2.

- 7.8 The findings of this report will be subject to consultation with Natural England, The Environment Agency and wider stakeholders.

## Conservation Objectives for the River Mease SAC

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

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

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

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

### **Qualifying Features:**

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

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

S1149. *Cobitis taenia*; Spined loach

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

## Appendix 2: Other Plans that could have in effects in combination with the Part 2 Local Plan

Other Plans	Comments
River Trent Catchment Flood Management Plan	Sets out an overarching strategy for managing flood risk along the whole of the River Trent Catchment including its tributaries. The CFMP breaks up the catchment into 10 policy units and sets out Internationally designated sites within each. Policies were subject to Appropriate Assessment (Regulation 48) under The Conservation (Natural Habitats &c) Regulations, 1994, to ensure the policies selected will not damage natural habitats.
South Staffordshire Water PLC Water Resources Plan 2015 -40	Sets out how water resources will be managed between 2015-40 taking into account factors such as population growth and climate change. The Plan identifies sufficient water supply to meet identified needs. No impacts on the any Natura 2000 sites are identified.
Severn Trent Water Limited Water Resource Plan Asset Management Period 2015-40	Sets out a strategy for 2015-40. Seeks to reduce the overall demand for water and to make the best use of existing water resources through a more flexible and sustainable supply system. The Plan seeks to address environmentally unsustainable levels of water abstraction by reducing the amount of water taken from the environment, by providing local environmental improvements and by providing alternative sources of water supply where necessary. No unsustainable abstraction are identified in the East Midlands Water Resource Zone and subject to sustainability reductions proposed, no significant impacts on Natura 2000 sites are likely.
The Tame Anker, and Mease Catchment abstraction licensing strategy 2013	<p>Sets out how the Environment Agency will manage water resources in the Tame, Anker and Mease catchments. It provides information on how existing abstraction are regulated and whether water is available for further abstraction. The strategy also details with how the EA will deliver requirements under the Water Framework Directive, ensuring no ecological deterioration to rivers. The strategy highlights that the Mease catchment has been assessed through the Habitats Directive Review of Consents and will remain closed to further abstraction in the summer until further reviews.</p> <p>The strategy notes that there have been changes made to two water company licenses as a result of the Review of Consents and a memorandum of understanding (MOU) has been set up amongst a group of farmers abstracting from groundwater to improve water use efficiency and therefore reduce abstraction. Any new applications for abstraction licenses will require a Habitats Directive Risk Assessment to review the potential impact on the River Mease SAC.</p>
Derby and Derbyshire Minerals Local Plan	Sets out land use policies for all the mineral resources in Derbyshire, including sand and gravel, crushed rock,

(Adopted 2000 updated 2002)	industrial limestone and coal outside of the Peak District National Park. It was adopted in April 2000 and covers the period up to 2006 although most of the policies within the plan have been saved beyond September 2007 and continue to form part of the Development Plan. It aims to provide for the future supply of minerals, whilst ensuring that the environment is satisfactorily protected. Saved Policy MP6 sets out policy on nature conservation. The plan does not allocate any minerals sites within the River Mease Catchment.
Minerals Plan: Towards a Strategy for Sand & Gravel	The new Minerals Local Plan (being jointly prepared with Derby City Council) will replace the existing Minerals Local Plan (adopted in 2000 and amended in 2002). It will set out the overall need and location of minerals sites in the County although there are no proposed minerals sites within the River Mease Catchment.
Leicestershire Minerals Development Framework	The Leicester Minerals and Waste Local Plan allocates a single minerals site within the Mease catchment. This is a stocking and blending facility at Donington Island and may result in an impact on the SAC as water discharged from the site flows to the Hooborough Brook. An application to extend the life of the existing clay stocking facility until the end of 2017 has been submitted. Surface water from the Donington Island site drains via a culvert system which connects the settling pond adjacent to the northern perimeter boundary to Hooborough Brook. Drainage ditches collect surface water from the Donington stocking yard and divert it to the settlement pond system adjacent to south of the site. Once surface water has been subjected to treatment in the settlement ponds it migrates, via a culvert system, eventually to Hooborough Brook. Sewage or foul drainage associated with the Donington Island development is limited to two toilets and a wash basin, provided in the office block. Three personnel use the toilet facilities on a daily basis, and the toilets and wash basin drain into a septic tank located in the ground. The sewage removed from the septic tank is disposed of outside of the Mease catchment. The plan includes a further policy (Policy DM7: Sites of Biodiversity/ Geodiversity Interest) to ensure that development does not have adverse effects on the integrity of the SAC.
South Derbyshire Par1 Local Plan	No strategic housing or employment allocations are proposed within the Mease catchment. A number of policies are included in the Plan, which includes Policy SD3 (Sustainable Drainage) which requires that all relevant developments within the catchment of the River Mease, support the delivery of the River Mease Water Quality (Phosphate) Management Plan, by means of financial contribution, in order that the unmitigated addition of phosphorous does not lead to deterioration of the Mease Special Area of Conservation. This policy also sets out a requirement for SUDS provision on development sites that mimic natural drainage patterns and improve river water quality. BNE3 (Biodiversity) which seek to deliver long term plans to restore the River Mease Site of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC) to a more natural condition and improve water quality. INF7 further requires that all proposals for development within the catchment for the River Mease will need to demonstrate that they will have no adverse effects on the integrity of the Special Area of Conservation (SAC), either alone or in combination with

	other proposals, and will contribute to long-term objectives to improve the condition of the site.
North West Leicestershire Local Plan	Previous draft of the plan indicated housing allocation at Money Hill (Land north of Ashby de la Zouch 1750 homes) and at Ashby Road and Leicester Road Measham (420 dwellings) subject to the provisions of Policy EN2 “River Mease Special Area of Conservation”, which seeks to ensure that new development does not affect water quality within the SAC including by ensuring that financial contributions towards mitigation included in the River Mease Developer Contribution are secured.
Lichfield District Council Local Development Framework (2008-29)	The Lichfield District Council Local Plan does not include any allocations within the Mease catchment. Core Policy 13 (our Natural Resources) highlights that financial contributions towards mitigating impact of development may be required whilst Policy NR8 (River Mease Special Area of Conservation) indicates that Development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Mease Special Area of Conservation.
HS2 (Phase 2 Initial Preferred Scheme),	The eastern leg of the route crosses the River Mease SAC (in North West Leicestershire) and discussions have been held between the Environment Agency and Natural England. As a result the route was selected and detailed elements of its design brought forward on the basis of it having no adverse impact on the rivers conservation status.

<b>Appendix 3: Policy Assessment</b>			
<b>Draft Local Plan Part 2 Policy</b>		<b>Comments</b>	<b>Likely Significant effect</b>
SDT1	Settlement Boundaries and Development	This policy reviews the settlement boundaries around Swadlincote and larger and more nucleated villages in the District. Changes have been made to settlement boundaries including redrawing these around the proposed non-strategic housing allocation sites within Overseal (see below). Elsewhere changes are minor compared to those currently set out in the Adopted Local Plan and would not be expected to lead to any notable development in the villages of Overseal, Netherseal, Smisby or Lullington.	No
H23	Non-Strategic Housing Allocations	This policy set out the location of 18 non-strategic housing sites. Of these, two are located in Overseal which is within the Mease catchment and is served by Overseal Waste Water Treatment Works. The potential for sites to have likely significant effects on the Mease SAC is considered in Appendix 4. There are no non-strategic housing allocations proposed in the villages of Netherseal, Smisby or Lullington.	See Appendix 4
H24	Replacement Dwellings in the Countryside	This policy seeks to make provision for the development of replacement dwellings in the countryside. The policy sets out a number of criteria requiring the scale, footprint and location within the site of any replacement dwelling to be comparable with the dwelling being replaced. Moreover the number of homes justified on the basis of a similar policy included in the 1998 Adopted Local Plan has average around 5 per annum in recent years across the whole of South Derbyshire. Given that new dwellings would simply replace existing homes; would be comparable in size and location and would be limited in number, it is unlikely that this policy would lead to any discernible increase in foul or surface water generation in the Mease catchment.	No
H25	Rural Worker Dwellings	This policy makes provision for the delivery of agricultural and other rural workers dwellings in the Countryside where justified by a particular business or economic activity. The criteria included in the policy seeks to strictly control the number of dwellings in order to protect the Countryside, and a similar policy in the Adopted 1998 Local Plan has resulted in 2-3 proposals being permitted each year across the whole of the District. Should proposals come forward and they can connect to mains drainage, schemes would be expected to do so where technically feasible or viable as required by Policy SD3 of the Part 1 Local Plan. In such cases a contribution against the River Mease DCS would be required. Where it is not possible to connect to mains drainage,	No

		proposals would be expected to ensure that appropriate non-mains foul drainage would be incorporated into the scheme in accordance with Policy SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure). This policy would ensure that the environmental impacts of non-mains solutions are minimised. Moreover a HRA would be required at the development stage to ensure that the design, sizing and location of any non-mains drainage solution would not give rise to LSE on the SAC.	
H26	Residential Gardens and Countryside	This policy seeks to control the change of use of agricultural or other undeveloped land to garden land. Given the nature of the policy it is unlikely to lead to any increase in foul or surface water generation, including within the Mease Catchment.	No
H27	Residential Extensions and other householder development	This policy seeks to set out design criteria to guide householder development including extensions. It is unlikely that this policy would lead to any discernible increase in water usage or increased surface water generation given the requirements of Policy SD2 and SD3 of the Part 1 Local Plan and building regulations requirements set out in Approved Document H, (Drainage and Waste Disposal) in respect of soakaways.	No
H28	Residential Conversions	This policy makes provision for the reuse of redundant or underutilised farm or other commercial buildings within existing settlements or within the Countryside. It sets out criteria which will need to be met for this type of development to be acceptable in principle. Development would be unlikely to have any discernible impact on surface water generation (as the building would already be present). The change of use however, could in some instances increase foul drainage, or in some cases require the provision of new foul drainage infrastructure. In rural locations this could be through non-mains drainage. Where mains drainage will be utilised a contribution against the DCS would be required. In respect of non-mains drainage policy SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure) would ensure that the environmental impacts of non-mains solutions are minimised. Moreover a HRA would be required at the development stage to ensure that the design, sizing and location of any non-main drainage solution would not give rise to LSE on the SAC.	No
BNE5	Development in the Countryside	This policy seeks to strictly control development in the countryside. It does however make provision for infill within smaller villages not covered by settlement boundaries. Where limited growth is supported by this policy development would be expected to conform with Policy SD2 (Flood Risk) and Policy SD3(Sustainable Water Supply, Drainage and Sewerage Infrastructure). These would ensure that contributions are made to the River Mease DCS where a connection to the foul sewer network is	No

		feasible. Where it would not be possible to connect to the mains sewer, existing Part 1 Local Plan policies would ensure that the environmental impacts of non-ains solutions were minimised. These policies would also require that surface water is dealt with on site through the use of SUDS including soakaways. Moreover a HRA would be required at the development stage to ensure that the design, sizing and location of any non-mains drainage solution would not give rise to LSE on the SAC.	
BNE6	Agricultural Development	This policy seeks to restrict the development of agricultural buildings to those which are necessary to support an agricultural business. It also seeks to control the scale of new agricultural buildings to that which is required by the business. It is unlikely that agricultural shed would increase foul flows. They could however increase surface water generation. However Policies SD2 and SD3 of the Part 1 Local Plan require the use of SUDS in new development.	No
BNE7	Marina Development	There are no navigable water ways in the Mease catchment, the closest being the River Trent and the Trent and Mersey Canal. The policy would not have any potential for impacts on the River Mease	No
BNE8	Trees, Hedgerows and Woodland	This policy seeks to safeguard trees, hedgerows and woodlands which could be affected by development and promotes the sensitive design of development proposals to minimise their loss. It also promotes the use of trees which can contribute towards air quality improvements in urban areas.	No
BNE9	Local Green Space	This policy will seek to designate local green spaces. Such green spaces will benefit from greater protection through the planning system. It will not lead to increased development and the designation will have no effect on the SAC.	No
BNE10	Advertisements and Visual Pollution	This policy seeks to control (minimise) the amount of clutter such as signage, advertisements and street furniture in the public realm.	No
BNE11	Heritage	This policy seeks to ensure that new development does not have a detrimental impact on heritage (including archaeological) assets including their setting. It will not lead to any development and seeks to ensure that where it does come forward, development is designed with heritage in mind.	No
BNE12	Shopfronts	This is a policy to ensure that shopfronts in historic areas reflect local townscape character. It would have no effect on the River Mease SAC	No
BNE13	Former Drakelow Power Station	This policy seeks to support the regeneration of a large brownfield site adjacent to Burton on Trent and to the immediate east of the River Trent. It is located outside of the Mease catchment and surface and foul water would not have a pathway to the	No

		Mease.	
RTL1	Swadlincote Town Centre	This policy seeks to support retail, leisure and office uses within Swadlincote Town Centre. The town centre is located outside of the River Mease Catchment and surface and foul water would not have a pathway to the Mease	No
RTL2	Swadlincote Town Centre Potential Redevelopment Sites	This policy seeks to the redevelopment of a number of potential sites to retail, leisure office and residential uses within and adjacent to the proposed town centre boundary All sites are located outside of the River Mease Catchment and surface and foul water would not have a pathway to the Mease.	No
RTL3	Local Centres and Villages	This policy seeks to provide policy to guide development management decisions for small scale retail development, including through resisting the loss of retail facilities in existing communities. There are no specific proposals to increase retail facilities in Overseal, or other villages in the Mease catchment, and it is unlikely that retail schemes will come forward in these areas, but if they do they would need to reflect the scale of the settlement in which they are located in accordance with the Policy. Where proposals come forward, and these increase foul drainage discharging to mains, any development would need to contribute towards the River Mease DCS. Where surface water is generated this would need to conform with Policies SD2 and SD3 of the Part 1 Local Plan, both of which require that developments utilise sustainable drainage. Where surface water does discharge to the combined sewer (and would be treated at treatment works within the catchment) a financial contribution would need to be paid in accordance with the DCS.	No
INF11	Telecommunications	This policy supports the continued roll out of telecommunication infrastructure in South Derbyshire. Given the number of developments (typically one or two applications are received annually) and the nature of projects it is unlikely that these would affect the SAC.	No
INF12	Educational Facilities	This policy supports the delivery of a new secondary school around the edge of Derby to support large scale growth in the Derby Urban Area. Development would not increase surface or foul water in the Mease catchment.	No

<b>Appendix 4: Site Appraisals</b>		
<b>Draft Local Plan Part 2 Proposed Allocation</b>	<b>Comments</b>	<b>Likely Significant effect</b>
Moor Lane, Aston on Trent (S/0271) around 40 dwellings	Development is small scale, located 19km from the Mease SAC. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	No
Jacksons Lane, Etwall (S/0284) - around 52 dwellings	Development is small scale, located 19km from the Mease SAC. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	No
Derby Road, Hilton (S/0023) - around 40 dwellings	Development is small scale, located 18.5km from the Mease SAC. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	No
Station Road, Melbourne (S/0109) - around 22 dwellings	Development is small scale, located 12km from the Giliwiskaw Brook (a tributary of the Mease SAC). There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	No
Station Road, Melbourne (S/0256) - around 24 dwellings	Development is small scale, located 12km from the Giliwiskaw Brook (a tributary of the Mease SAC) and 14.5km from the Mease. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries, given that the site is located outside of the catchment.	No
Acresford Road, Overseal (S/0250) - around 70 dwellings	<p>This site is located within the River Mease Catchment and is located 250m from the Hooborough Brook (a tributary of the Mease) and 1.5km from the SAC. The site has planning consent for 70 homes. The site would generate around 19,000 litres of waste water per day and a developer contribution will be collected in line with DCS2 or any similar document in place at the time of the reserved matters application. Subject to the collection of this contribution at the prevailing rate set out in the proposed DCS2 the site would be likely to have no impact as a result of increase foul flows to Overseal Waste Water Treatment Works (which has confirmed headroom to accommodate flows).</p> <p>In respect of surface water the details of measures to address this issue are reserved and will be subject to a reserved matters application in due course. The decision notice issued by the Authority includes numerous conditions concerning site drainage,</p>	No

	<p>including the need for multiple treatment trains, preference towards discharging surface water to ground and maintenance and long term management of SUDS. Subject to the inclusion of appropriate conditions in respect of surface water treatment there were no objections to this application from Natural England, the Environment Agency or Derbyshire County Council (as Lead Local Flood Authority). Given the conditions attached to the permission and given the requirements of Policies SD2 and SD3 of the Adopted Part 1 Local Plan appropriate SUDS to manage potential effects on the River would ensure that this proposal would have no likely significant effect on the SAC. The HRA screening assessment for the Planning application reflects this conclusion.</p>	
Valley Road, Overseal (S/0022) - around 64 dwellings	<p>This site was allowed on appeal by the Planning Inspectorate and has consent for 64 dwellings. The site would generate around 19,000 litres of waste water per day and a developer contribution will be collected in line with DCS1, which was in place at the time the scheme was refused by the Authority and allowed on appeal. Subject to the collection of this contribution as required in DCS1 the site would be likely to have no impact as a result of increased foul flows to Overseal Waste Water Treatment Works (which has confirmed headroom to accommodate flows).</p> <p>In respect of surface water the details of measures to address this issue are reserved and will be subject to detailed consideration in due course. The decision notice issued by Inspectorate includes a number of conditions in respect of SUDS and site drainage and Policies SD2 and SD3 will also inform any future scheme to manage drainage on the site. No objections were received from Natural England, the Environment Agency or Lead Local Flood Authority in respect of this application.</p>	No
Milton Road, Repton (S/0101) - around 40 dwellings	<p>Development is small scale, located 14.5km from the Gilwiskaw Brook and 15km from the Mease SAC at its closest point. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.</p>	No
Mount Pleasant Road, Repton (S/088) - around 24 dwellings	<p>Development is small scale, located 14.0km from the Gilwiskaw Brook and 15km from the Mease SAC at its closest point. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.</p>	No
Off Kingfisher Way, Willington (S/0266) -	<p>Development is small scale, located 16km from the Mease SAC at its closest point.</p>	No

around 50 dwellings	There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	
Oak Close, Castle Gresley (S/0239) - around 55 dwellings	Site is located 4.5km to the north of the SAC. It is around 700m to the north of the watershed for the catchment. As such surface water would not have a pathway to the SAC. In respect of foul drainage this would be treated at Coton Park Waste Water Treatment Works and would therefore not be discharged to the River Mease SAC or any of its tributaries.	No
Linton Road, Rosliston (S/0154) - around 20 dwellings	The site is located 1.5km to the north of the watershed for the River Mease SAC. As such surface water would drain away from the catchment. In respect of mains connected foul water drainage development this would be conveyed to Clay Mills and discharged into the Trent	No
Linton Road, Rosliston (S/0160) - around 14 dwellings	The site is located 1.5km to the north of the watershed for the River Mease SAC. As such surface water would drain away from the catchment. In respect of mains connected foul water drainage development this would be conveyed to Clay Mills and discharged into the Trent	No
Midland Road, Swadlincote (S/0133) - around 57 dwellings	The site is located 1200m to the north of the watershed for the SAC. Foul water would be treated at Stanton Waste Water Treatment works and would discharge to a tributary of the River Trent. There would be no pathway by which surface or foul water would get into the Mease	No
Cadley Hill, Swadlincote (S/0161) - around 99 dwellings	The site is located over 2km to the north of the watershed for the SAC. Foul water would be treated at Stanton Waste Water Treatment Works and would discharge to a tributary of the River Trent. There would be no pathway by which surface or foul water would get into the Mease.	No
Land north of Scropton Road, Scropton (S/0291) - around 10 dwellings	Site lies 19km to the north of the River Mease SAC. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	No
Montracon Site, Woodville (S/0292) - around 60 dwellings	The site is located just within the watershed for the River Mease SAC, although it is located 6km from the SAC. Foul water in this location would be exported out of catchment and treated at Milton Waste Water Treatment Works. In respect of surface water, there are surface water sewers in this area and connection to these would export water out of catchment. However there is potential for surface water to be attenuated on site and discharge to local watercourses which would ultimately discharge into the SAC. However given the small scale and nature of the development	No

	<p>proposed (60 homes) and having regard to the scale of the site, which is around 5ha, there would be potential to accommodate appropriate Sustainable urban drainage on site in accordance with Policies SD2 and SD3 of the Adopted Part 1 Local Plan. The use of SUDS could help address water quality impacts as well as flood risk and ensure that diffuse pollution including the unmitigated generation of phosphate rich sediments would not occur.</p> <p>Further consideration of the proposed drainage scheme would be undertaken through the HRA of any planning application.</p>	
Stenson Fields (S/0206) - around 50 dwellings	Development is small scale, located 16km from the Giliwiskaw Brook (a tributary of the Mease SAC) and 18.5km from the Mease. There would be no pathway by which surface or foul water would get into the Mease or any of its tributaries given that the site is located outside of the catchment.	No

South Derbyshire District Council  
Community and Planning Services

Local Development Framework

**Habitat Regulations, Screening Report  
Draft Local Plan Part 2**

**MAIN REPORT**

