

# Uppingham Neighbourhood Plan

Habitats Regulations Assessment

Uppingham Town Council

Project number: 60571087 - DR-12084

November 2022

### Quality information

Prepared by	Checked by	Verified by	Approved by
Isla Hoffmann Heap Senior Ecologist	Dr James Riley Technical Director	Dr Max Wade Technical Director	Dr James Riley Technical Director

### Revision History

Revision	Revision date	Details	Authorized	Name	Position
V1	08 November 2022	First issue	JR	James Riley	Technical Director

### Distribution List

# Hard Copies	PDF Required	Association / Company Name

Prepared for:  
Uppingham Town Council

Prepared by:  
AECOM Infrastructure & Environment UK Limited  
Midpoint, Alencon Link  
Basingstoke  
Hampshire RG21 7PP  
United Kingdom

T: +44(0)1256 310200  
aecom.com

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# 1. Introduction

## Background to the Project

- 1.1 AECOM has been appointed by Uppingham Town Council to assist in producing a report to inform the Local Planning Authority's (Rutland County Council) Habitats Regulations Assessment (HRA) of the potential effects of the Neighbourhood Plan for Uppingham Parish (Regulation 14 Draft) on European designated wildlife sites. The objectives of the assessment are to:
- Identify any aspects of the Neighbourhood Plan that would cause an adverse effect on the integrity of European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
  - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.2 The HRA of the Uppingham Neighbourhood Plan (UNP) is required to determine if there are any realistic linking pathways present between a European site and the Neighbourhood Plan and where Likely Significant Effects (LSEs) cannot be screened out, analysis to inform Appropriate Assessment (AA) to be undertaken to determine if adverse effects on the integrity of the European sites will occur as a result of the Neighbourhood Plan alone or in combination.

## Legislation

- 1.3 The need for HRA is set out within the Conservation of Habitats & Species Regulations 2017 (as amended; see below) which relates to the protection of European sites. These can be defined as actual or proposed / candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to European sites.
- 1.4 The HRA process applies the precautionary principle<sup>1</sup> to protected areas. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans and projects may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

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<sup>1</sup> The Precautionary Principle, which is referenced in Article 191 of the Treaty on the Functioning of the European Union, has been defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as: "When human activities may lead to morally unacceptable harm [to the environment] that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis". *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)*

### **Conservation of Habitats and Species Regulations 2017 (as amended)**

The Regulations state that:

*“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.*

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

*“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purpose of the assessment under regulation 105... [which sets out the formal process for determination of ‘likely significant effects’ and the appropriate assessment].”*

### **Figure 1 The legislative basis for Appropriate Assessment**

1.5 It is therefore important to note that this report has two purposes:

- To assist the Qualifying Body (Uppingham Parish Council) in preparing their plan by recommending (where necessary) any adjustments required to protect European sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
- On behalf of the Qualifying Body, to assist the Local Planning Authority (Rutland County Council) to discharge their duty under Regulation 105 (in their role as ‘plan-making authority’ within the meaning of that regulation) and Regulation 106 (in their role as ‘competent authority’).

1.6 As ‘competent authority’, the legal responsibility for ensuring that a decision of LSEs is made, for ensuring an AA (where required) is undertaken, and for ensuring Natural England is consulted, falls on the Local Planning Authority and the Neighbourhood Plan examiner. However, they are entitled to request from the Qualifying Body the necessary information on which to base their judgment and that is a key purpose of this report.

1.7 In 2018, the ‘People Over Wind’ European Court of Justice (ECJ) ruling<sup>2</sup> determined that ‘mitigation’ (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on LSEs. Mitigation should instead only be considered at the AA stage. AA is not a technical term: it simply means ‘an assessment that is appropriate’ for the plan or project in question. As

<sup>2</sup> Case C-323/17

such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case-by-case basis by the Competent Authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted Neighbourhood Plans to be made if they required appropriate assessment.

- 1.8 Over the years the phrase 'Habitats Regulations Assessment' has come into wide currency to describe the overall process set out in the Conservation of Habitats and Species Regulations from screening through to Imperative Reasons of Overriding Public Interest (IROPI). This has arisen in order to distinguish the process from the individual stage described in the law as an 'Appropriate Assessment'. Throughout this report, we use the term Habitats Regulations Assessment for the overall process.

## Report Layout

- 1.9 **Chapter 2** of this report explains the process by which the HRA has been carried out. **Chapter 3** explores the impact pathways relevant to the UNP. **Chapter 4** summarises the LSEs test of the policies and site allocations of the Plan considered 'alone' and 'in-combination (all policies in the UNP are screened for LSEs in **Appendix B**). **Chapter 5** undertakes an appropriate assessment. **Chapter 6** contains the main conclusions and recommendations made in the report.



## 2. Methodology

### Introduction

2.1 This section sets out the approach and methodology for undertaking the HRA. HRAs itself operate independently from the Planning Policy system, being a legal requirement of a discrete Statutory Instrument. Therefore, there is no direct relationship to the National Planning Policy Framework (NPPF) and the ‘Tests of Soundness’.

### A Proportionate Assessment

2.2 Project-related HRA often requires bespoke survey work and novel data generation in order to accurately determine the significance of effects. In other words, to look beyond the risk of an effect to a justified prediction of the actual likely effect and to the development of avoidance or mitigation measures.

2.3 However, the draft Department of Levelling Up Housing and Communities (DLUHC) guidance<sup>3</sup> (described in greater detail later in this chapter) makes it clear that when implementing HRA of land-use plans, the AA should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself:

- *“The comprehensiveness of the [Appropriate] assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources, than is useful for its purpose. It would be inappropriate and impracticable to assess the effects [of a strategic land use plan] in the degree of detail that would normally be required for the Environmental Impact Assessment (EIA) of a project.”*

2.4 More recently, the Court of Appeal<sup>4</sup> ruled that providing the Council (in their role as Competent Authority) was duly satisfied that proposed mitigation could be “*achieved in practice*” then this would suffice to meet the requirements of the Habitat Regulations. This ruling has since been applied to a planning permission (rather than a Plan document)<sup>5</sup>. In this case the High Court ruled that for “*a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of reg 61 of the Habitats Regulations*”.

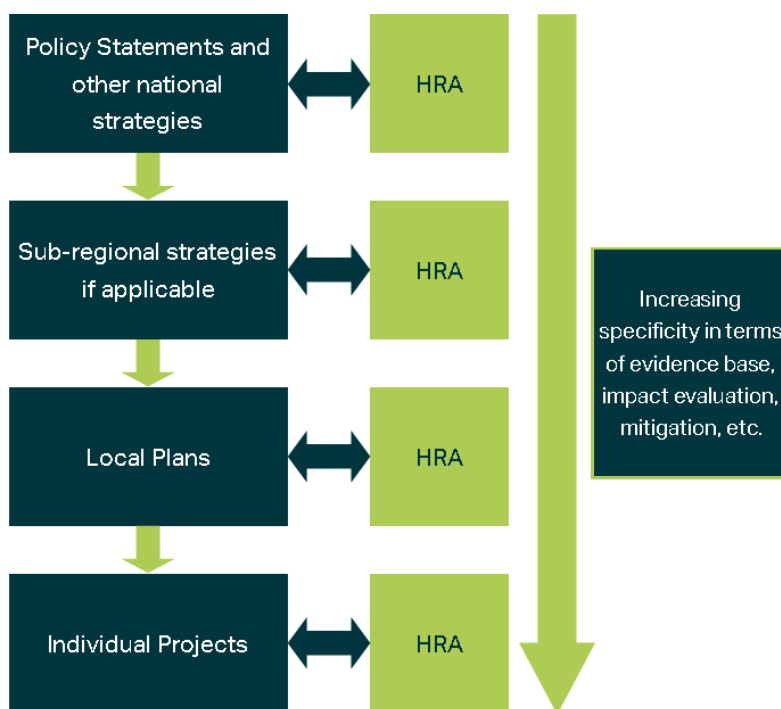
2.5 In other words, there is a tacit acceptance that AA can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers (see **Figure 2** below).

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<sup>3</sup> Department of Levelling Up Housing and Communities (DLUHC), was CLG (2006) Planning for the Protection of European Sites, Consultation Paper

<sup>4</sup> No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17<sup>th</sup> February 2015

<sup>5</sup> High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015



**Figure 2 Tiering in HRA of Land Use Plans**

- 2.6 For a plan the level of detail concerning the allocated developments is usually insufficient to make a highly detailed assessment of significance of effects. For example, precise and full determination of the impacts of a new settlement will require extensive details relating to the design of the development, including the layout of greenspace and the type of development to be delivered in particular locations, yet these data will not be decided until subsequent stages.
- 2.7 The most robust and defensible approach given that few details are available at this stage is to make use of the precautionary principle. In other words, the plan is never given the benefit of the doubt (within reasonable limits); it must be assumed that a policy is likely to have an impact on a European site unless it can be clearly established otherwise.

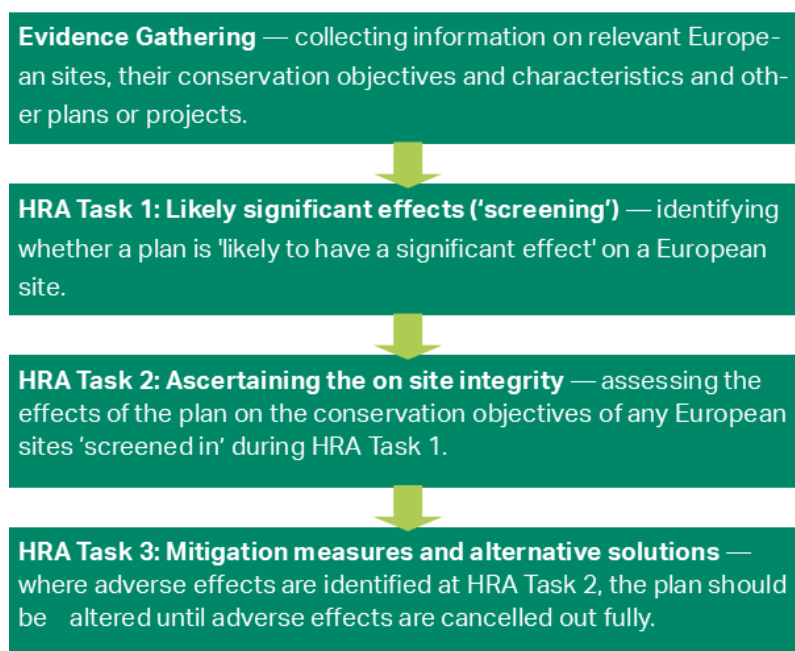
## The Process of HRA

- 2.8 The HRA is being carried out in the continuing absence of formal central Government guidance. The former DCLG (now DLUHC) released a consultation paper on AA of Plans in 2006<sup>6</sup>. No further formal guidance has emerged from the DLUHC since. Natural England have produced their own informal internal guidance and Natural Resources Wales have produced guidance for Welsh authorities on “*the appraisal of plans under the Habitats Regulations*” as a separate guidance document aimed at complementing and supplementing the guidance / advice provided within Technical Advice Note 5: Nature Conservation and Planning<sup>7</sup>.
- 2.9 **Figure 3** outlines the stages of HRA according to the draft DLUHC guidance (which, as Government guidance applicable to English authorities is considered to take precedence over other sources of guidance). The stages are essentially

<sup>6</sup> DLUHC was CLG (2006) Planning for the Protection of European Sites, Consultation Paper

<sup>7</sup> Welsh Government. Technical Advice Note 5, Nature Conservation and Planning (2009)  
<http://gov.wales/topics/planning/policy/tans/tan5/?lang=en> [accessed 01/12/2016]

iterative, being revisited as necessary in response to more detailed information, recommendations and relevant changes to the plan until no LSEs remain.



**Figure 3 Four-Stage Approach to Habitats Regulations Assessment**

## HRA Task 1: Test of Likely Significant Effect (LSEs)

2.10 Following evidence gathering, the first stage of any HRA is a LSEs test - essentially a risk assessment to decide whether the full subsequent stage known as AA is required. The essential question is:

“Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?”

2.11 The objective is to ‘screen out’ those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant impacts upon European sites, usually because there is no mechanism for an interaction with European sites. This task is undertaken in Chapter 4 of this report.

2.12 In evaluating significance, AECOM has relied on professional judgment and experience of working with other local authorities on similar issues. The level of detail concerning developments that will be permitted under land use plans is rarely sufficient to allow for detailed quantification of effects. Therefore, a precautionary approach has been taken (in the absence of more precise information) assuming as the default position that if LSE cannot be confidently ruled out, then the AA is triggered. This is in line with the April 2018 court ruling relating to ‘People Over Wind’ where mitigation and avoidance measures are to be included at the next stage of assessment.

## HRA Task 2: Appropriate Assessment (AA)

2.13 Where it is determined that a conclusion of ‘no LSE’ cannot be drawn, the analysis must proceed to the next stage of HRA known as AA. Case law has clarified that ‘AA’ is not a technical term. In other words, there are no particular

technical analyses, or level of technical analysis, that are classified by law as belonging to AA rather than determination of LSEs.

- 2.14 In July 2019 the Ministry of Housing, Communities and Local Government published guidance for AA<sup>8</sup>. Paragraph: 001 Reference ID: 65-001-20190722m explains: *'Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.'*
- 2.15 As this analysis follows on from the LSEs screening, there is a clear implication that the analysis will be more detailed than undertaken at the previous stage and one of the key considerations during AA is whether there is available mitigation that would entirely address the potential effect. In practice, the AA takes any policies or allocations that could not be dismissed following the high-level screening analysis and analyses the potential for an effect in more detail, with a view to concluding whether there would be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).
- 2.16 A decision by the European Court of Justice<sup>9</sup> concluded that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the LSEs screening stage of HRA. The UK is no longer part of the European Union. However, as a precaution, it is assumed that EU case law regarding HRA will still be considered informative jurisprudence by the UK courts. That ruling has therefore been considered in producing this HRA.
- 2.17 Also, in 2018 the Holohan ruling<sup>10</sup> was handed down by the European Court of Justice. Among other provisions paragraph 39 of the ruling states that *'As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area'* [emphasis added]. This has been taken into account in the HRA process.

### HRA Task 3: Avoidance and Mitigation

- 2.18 Where necessary, measures are recommended for incorporation into the UNP in order to avoid or mitigate adverse effects on European sites. There is considerable precedent concerning the level of detail that a Neighbourhood Plan (NP) document needs to contain regarding mitigation for recreational impacts on European sites. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to the adoption of the

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<sup>8</sup>Available at <https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments> [Accessed: 020/01/2022].

<sup>9</sup> People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

<sup>10</sup> Case C-461/17

NP, but it must provide an adequate policy framework within which these measures can be delivered.

2.19 When discussing ‘mitigation’ for a NP document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the details of the mitigation measures themselves since the NP is a relatively high-level policy document.

## The Scope

2.20 There is no guidance that dictates the physical scope of an HRA of a plan. Therefore, in considering the physical scope of the assessment we were guided primarily by the identified impact pathways rather than by arbitrary “zones”, i.e. a source-pathway-receptor approach. Current guidance suggests that the following European sites should be included in the scope of assessment:

- All sites within the UNP area; and
- Other sites shown to be linked to development within the Uppingham Parish through a known pathway (discussed below).

2.21 Briefly defined, pathways are routes by which development can lead to an effect upon a European site. In terms of the second category of European site listed above, DLUHC guidance states that the AA should be “*proportionate to the geographical scope of the [plan policy]*” and that “*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*” (DLUHC was CLG, 2006, p.6).

2.22 The full details of all European sites discussed in this document, including their qualifying features, Conservation Objectives and threats / pressures to site integrity can be found in Appendix A, whilst their locations are illustrated in Appendix A, Figure A1. The European sites considered in this HRA are summarised in Table 1. It is to be noted that the inclusion of a European site or pathway below does not indicate that an effect will necessarily occur, but rather that these sites / pathways are investigated because there is a potential for interaction.

**Table 1: Physical Scope of the HRA**

European Designated Site	Location	Impact pathways potentially linking to the UNP	Other vulnerabilities listed in Natural England's SIP
<b>Rutland Water SPA</b>	At its closest c. 4.6 km north of Uppingham Parish boundary. At its furthest, the site is c. 10 km from the Parish boundary.	<ul style="list-style-type: none"> <li>- Water abstraction</li> <li>- Inappropriate water levels</li> <li>- Water pollution</li> <li>- Public access and disturbance</li> <li>- Direct impact from 3rd party</li> <li>- Planning permission: general</li> </ul>	<ul style="list-style-type: none"> <li>- Invasive species</li> <li>- Fisheries; freshwater</li> </ul>
<b>Rutland Water Ramsar site</b>	At its closest c. 4.6 km north of Uppingham Parish boundary. At its furthest, the site is c. 10 km from the Parish boundary.	<ul style="list-style-type: none"> <li>- Water abstraction</li> <li>- Inappropriate water levels</li> <li>- Water pollution</li> <li>- Public access and disturbance</li> <li>- Direct impact from 3rd party</li> <li>- Planning permission: general</li> </ul>	<ul style="list-style-type: none"> <li>- Invasive species</li> <li>- Fisheries; freshwater</li> </ul>

## The ‘in Combination’ Scope

2.23 It is a requirement of the Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European designated site(s) in question.

2.24 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans which in themselves have minor impacts are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan would otherwise be screened out because its individual contribution is inconsequential. The overall approach is to exclude the risk of there being unassessed likely significant effects in accordance with the precautionary principle. This was first established in the seminal Waddenzee<sup>11</sup> case.

2.25 For the purposes of this assessment, we have determined that, due to the nature of the identified impacts, the key other plans and projects with potential for in-combination effects are those that are associated with the following impact pathways: water quantity, level, flow, and quality; and disturbance (both recreational pressure, and disturbance from 3<sup>rd</sup> party activities).

2.26 The following plans have been assessed for their in-combination impact to interact with the Neighbourhood Plan:

- Rutland County Council Adopted Local Plan (to 2026)<sup>12</sup> comprising Core Strategy Development Plan Document (DPD), Site Allocations and Policies Development Plan Document (DPD), and Minerals Core Strategy and Development Control Policies Development Plan Document (DPD)
- Rutland County Council Pre-Submission Regulation 19 Local Plan and supporting documents<sup>13</sup>
- Harborough Local Plan (2011 – 2031)<sup>14</sup>
- Corby Council Local Plan Documents<sup>15</sup>
- East Northamptonshire Local Plan Documents<sup>16</sup>
- North Northamptonshire Joint Core Strategy 2011-2031<sup>17</sup>
- Rutland Transport Strategy<sup>18</sup>
- Anglian Water Water Resources Management Plan 2019<sup>19</sup>

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<sup>11</sup> Waddenzee case (Case C-127/02, [2004] ECR-I 7405)

<sup>12</sup> Available at [The Adopted Local Plan | Rutland County Council](#) [Accessed 06/10/2022]

<sup>13</sup> Available at [About the Local Plan | Rutland County Council](#) [Accessed 06/10/2022]

<sup>14</sup> Available at [Adopted Local Plan | Harborough Local Plan 2011-2031 | Harborough District Council](#) [Accessed 06/10/2022]

<sup>15</sup> Available at [Plan Making | North Northamptonshire Council - Corby Area](#) [Accessed 06/10/2022]

<sup>16</sup> Available at [Planning policy | North Northamptonshire Council - East Northamptonshire Area \(east-northamptonshire.gov.uk\)](#) [Accessed 06/10/2022]

<sup>17</sup> Available at [North Northamptonshire Joint Core Strategy 2011-2031 | North Northamptonshire Council - Corby Area](#) [accessed 06/10/2022]

<sup>18</sup> Available at [Transport Strategy | Rutland County Council](#) [Accessed 06/10/2022]

<sup>19</sup> Available at <https://www.anglianwater.co.uk/siteassets/household/about-us/wrmp-report-2019.pdf> [Accessed 06/10/2022]

## 3. Background to Impact Pathways

3.1 The HRA of the UNP has been considered in producing this HRA and identifying the potential pathways of impact. The following pathways of impact are considered relevant to the HRA of the UNP:

- Disturbance:
  - Recreational pressure
  - Disturbance from 3<sup>rd</sup> party activities
- Hydrological Conditions:
  - Water quantity
  - Water level and, flow
  - Water quality
- Atmospheric pollution

### Disturbance

#### Recreational Pressure

3.2 Potentially damaging levels of recreational pressure are already faced by many European sites. Recreational use of a site has the potential to:

- Cause disturbance to sensitive species such as wintering wildfowl;
- Prevent appropriate management or exacerbate existing management difficulties;
- Cause damage through erosion, trampling and fragmentation; and
- Cause eutrophication as a result of dog fouling.

3.3 Different types of European sites (e.g. coastal, heathland, chalk grassland) are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects of recreation can be complex.

3.4 Disturbance effects for birds can have an adverse effect in various ways, with increased nest predation by natural predators as a result of adults being flushed from the nest and deterred from returning to it by the presence of people and dogs likely to be a particular problem. A literature review on the effects of human disturbance on bird breeding found that 36 out of 40 studies reported reduced breeding success as a consequence of disturbance<sup>20</sup>. The main reasons given for the reduction in breeding success were nest abandonment and increased predation of eggs or young. Over years, studies of other species have shown

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<sup>20</sup> Hockin, D., M. Oundsted, M. Gorman, D. Hill, V. Keller and M.A. Barker (1992) – Examination of the effects of disturbance on birds with reference to its importance in ecological assessments. *Journal of Environmental Management*, **36**, 253-286.



- that birds nest at lower densities in disturbed areas, particularly when there is weekday as well as weekend pressure<sup>21</sup>.
- 3.5 Studies have shown that birds are affected more by dogs and people with dogs than by people alone, with birds flushing more readily, more frequently, at greater distances, and for longer (Underhill-Day, 2005). In addition, dogs, rather than people, tend to be the cause of many management difficulties, notably by worrying grazing animals and can cause eutrophication near paths. Nutrient-poor habitats are particularly sensitive to the fertilising effect of inputs of phosphates, nitrogen, and potassium from dog faeces<sup>22</sup>.
- 3.6 Underhill-Day (2005) summarises the results of visitor studies that have collected data on the use of semi-natural habitats by dogs. In surveys where 100 observations or more were reported, the mean percentage of visitors who were accompanied by dogs was 54.0%.
- 3.7 However, these studies need to be treated with care. For instance, the effect of disturbance is not necessarily correlated with the impact of disturbance, i.e. the most easily disturbed species are not necessarily those that will suffer the greatest impacts. It has been shown that, in some cases, the most easily disturbed birds simply move to other feeding sites, whilst others may remain (possibly due to an absence of alternative sites) and thus suffer greater impacts on their population<sup>23</sup>. A recent literature review undertaken for the RSPB<sup>24</sup> also urges caution when extrapolating the results of one disturbance study because responses differ between species and the response of one species may differ according to local environmental conditions. These facts have to be taken into account when attempting to predict the impacts of future recreational pressure on European sites.
- 3.8 It should be emphasised that recreational use is not inevitably a problem. Many European sites are also National Nature Reserves or nature reserves managed by Wildlife Trusts and the RSPB. At these sites, access is encouraged and resources are available to ensure that recreational use is managed appropriately. In fact Rutland Water SPA is 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<sup>25</sup>.
- 3.9 Where increased recreational use is predicted to cause adverse impacts on a site, avoidance and mitigation should be considered. Avoidance of recreational impacts at European sites involves location of new development away from such sites; Local Plans (and other strategic plans) provide the mechanism for this. Where avoidance is not possible, mitigation will usually involve a mix of access

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<sup>21</sup> Van der Zande, A.N., J.C. Berkhuizen, H.C. van Letesteyn, W.J. ter Keurs and A.J. Poppelaars (1984) – Impact of outdoor recreation on the density of a number of breeding bird species in woods adjacent to urban residential areas. *Biological Conservation*, **30**, 1-39.

<sup>22</sup> Shaw, P.J.A., K. Lankey and S.A. Hollingham (1995) – Impacts of trampling and dog fouling on vegetation and soil conditions on Headley Heath. *The London Naturalist*, **74**, 77-82.

<sup>23</sup> Gill et al. (2001) - Why behavioural responses may not reflect the population consequences of human disturbance. *Biological Conservation*, **97**, 265-268

<sup>24</sup> Woodfield & Langston (2004) - Literature review on the impact on bird population of disturbance due to human access on foot. *RSPB research report* No. 9.

<sup>25</sup> Available at <http://publications.naturalengland.org.uk/file/6490629538578432> [Accessed 06/10/2022]

management, habitat management and provision of alternative recreational space:

- *Access management* – restricting access to some or all of a European site - is not usually within the remit of the Council and restriction of access may contravene a range of Government policies on access to open space, and Government objectives for increasing exercise, improving health etc. However, active management of access is possible, for example as practised on nature reserves.
- *Habitat management* is not within the direct remit of the Council. However, the Council can help to set a framework for improved habitat management by promoting cross-authority collaboration and S106 funding of habitat management.
- *Provision of alternative recreational space* can help to attract recreational users away from sensitive European sites and reduce additional pressure on them. Some species for which European sites have been designated are particularly sensitive to dogs, and many dog walkers may be happy to be diverted to other, less sensitive, sites. However, the location and type of alternative space must be attractive for users to be effective.

3.10 Development near European sites has the potential to result in increased recreational use of these sites. The types of recreational pressures differ between European sites, dependent on site-specific qualifying features and sensitivities. For sites designated for woodland, impacts of recreational use may encompass Mechanical / abrasive damage.

### Mechanical and Abrasive Damage

3.11 Most types of terrestrial European designated sites can be affected by trampling, which causes soil compaction and erosion. Motorcycle scrambling and off-road vehicle use are particularly significant contributors to erosion. There have been several papers published that empirically demonstrate that damage to vegetation in woodlands and other habitats can be caused by vehicles, walkers, horses and cyclists:

- Wilson and Seney<sup>26</sup> examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although the results proved difficult to interpret, it was concluded that horses and hikers disturbed more sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.
- Cole<sup>27,28</sup> conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow and grassland communities (each tramped between 0–500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks, indicating some

<sup>26</sup> Wilson, J.P. & Seney, J.P. (1994) Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. *Mountain Research and Development* 14:77-88.

<sup>27</sup> Cole, D.N. (1995a) Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. *Journal of Applied Ecology* 32: 203-214.

<sup>28</sup> Cole, D.N. (1995b) Experimental trampling of vegetation. II. Predictors of resistance and resilience. *Journal of Applied Ecology* 32: 215-224.

vegetation recovery. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular plants other than grasses, sedges, rushes and ferns) were considered least resistant. Cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks but recovered well after one year, indicating that these were most resilient to trampling in the long-term. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling, and it was concluded that these would be the least tolerant of a regular cycle of disturbance.

- Cole<sup>29</sup> conducted a follow-up study (in four vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier trampers caused a greater reduction in vegetation height than lighter trampers, but there was no difference in effect on cover.
- Cole and Spildie<sup>30</sup> experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse traffic was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance but recovered rapidly. Higher trampling intensities caused more disturbance.

## Disturbance From Third Party Activities

3.12 The Site Improvement Plan<sup>31</sup> identifies that ‘cumulative impacts from unregulated third party activities like private firework displays in properties adjacent to the SPA, hot air balloon flights, and private aircraft flights (including microlites and military aircraft flights) are unknown. An investigation is needed to better understand the frequency of these disturbances and the cumulative impacts of these activities on the waterbirds using Rutland Water’.

3.13 As detailed in the Recreational Pressure section above, human activity can affect birds either directly (e.g. by causing them to flee) or indirectly (e.g. through damaging their habitat). Human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas etc.) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death.

3.14 Recreational pressure is not the only potential source of disturbance. Construction work taking place immediately adjacent to the designated site or functionally linked land could cause disturbance and displacement of the

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<sup>29</sup> Cole, D.N. (1995c) Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.

<sup>30</sup> Cole, D.N. & Spildie, D.R. (1998) Hiker, horse and llama trampling effects on native vegetation in Montana, USA. *Journal of Environmental Management* 53: 61-71.

<sup>31</sup> Available at <http://publications.naturalengland.org.uk/file/6533830980927488> [Accessed 06/10/2022]

designated birds. While any impact relating to demolition and construction activities will be temporary (in that birds would return once construction work ceased and the disturbance stimulus was removed) the resulting effect on population survival could be significant if it occurs during the winter/passage period and prevents birds from using feeding areas on which they rely. It should be noted that operational activities are unlikely to be temporary in nature and thus the impact of these activities could result in a more severe adverse reaction from designated bird features.

- 3.15 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e. 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage they also found that the density generally was lower along busier roads than quieter roads.
- 3.16 A recent study on recreational disturbance on the Humber assesses different types of noise disturbance on waterfowl referring to studies relating to aircraft (see Drewitt 1999 ), traffic (Reijnen, Foppen, & Veenbaas 1997), dogs (Lord, Waas, & Innes 1997; Banks & Bryant 2007 ) and machinery (Delaney et al. 1999; Tempel & Gutierrez 2003). These studies identified that there is still relatively little work on the effects of different types of water-based craft and the impacts from jet skis, kite surfers, windsurfers, etc. (see Kirby et al. 2004 for a review). Some types of disturbance are clearly likely to invoke different responses. In very general terms, both distance from the source of disturbance and the scale of the disturbance (noise level, group size) will both influence the response (Delaney et al. 1999 ; Beale & Monaghan 2005 ). On UK estuaries and coastal sites, a review of WeBS data showed that, among the volunteer WeBS surveyors, driving of motor vehicles and shooting were the two activities most perceived to cause disturbance (Robinson & Pollitt 2002) .
- 3.17 Additionally, animals can be disturbed by the movement of ships. For instance, a DTI study of birds of the North West coast noted that: "Divers and scoters were absent from the mouths of some busier estuaries, notably the Mersey... Both species are known to be susceptible to disturbance from boats, and their relative scarcity in these areas... may in part reflect the volume of boat traffic in these areas" .
- 3.18 Disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.
- 3.19 The factors that influence a species response to a disturbance are numerous, but the three key factors are species sensitivity, proximity of disturbance sources and timing/duration of the potentially disturbing activity.

## Water Quantity, Level, Flow and Quality

- 3.20 The water supply rate and water level within European sites are important determinants of their overall condition and associated qualifying features.

Hydrological processes are critical in influencing habitat characteristics and all vegetation is dependent on the adequate water supply to varying degrees.

3.21 Maintaining a steady water supply is of critical importance for many SPAs, SACs, and Ramsar sites. A constant supply of water (within natural seasonal fluctuations) is fundamental to maintaining the ecological integrity of sites. For example, too little water supply from surface waterbodies and groundwater sources might lead to the drying of terrestrial habitats. There are two mechanisms through which urban development might negatively affect the water supply to European sites:

- The supply of new housing with potable water may require increased abstraction of water from surface waters and groundwater bodies. Depending on the level of water stress in the geographic region, this may reduce the water levels in European sites sharing the same hydrological catchment.
- The proliferation of impermeable surfaces in urban areas increases the volume and speed of surface water runoff. As traditional drainage systems often cannot cope with the volume of stormwater, sewer overflows are designed to discharge excess water directly into watercourses. Often this pluvial flooding results in downstream inundation of watercourses and the potential flooding of wetland habitats.

3.22 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions. In addition, diffuse pollution, partly from urban run-off has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable conditions of European sites.

3.23 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:

- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration. The decomposition of organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen;
- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life; and

- Increased discharge of treated sewage effluent can result both in high levels of macroalgal growth, which can smother the mudflats of value to SPA birds and in greater scour (as a result of greater flow volumes).
- 3.24 At sewage treatment works, additional residential development increases the risk of effluent escape into aquatic environments in addition to consented discharges to the catchment. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.
- 3.25 Uppingham is located within the East Midlands Water Resource Zone that is supplied by Southern Trent Water, and as such water supplied to Uppingham does not come from the Anglian Water owned Rutland Water reservoir.

## 4. Likely Significant Effects Test (LSEs)

- 4.1 This chapter provides a high-level assessment of potential impacts arising from the UNP and evaluates whether there is a realistic pathway linking to the Rutland Water SPA and Ramsar site. Where LSEs cannot be excluded using the best available evidence base, the relevant impact pathways need to be taken forward to Appropriate Assessment (AA) for a more detailed analysis.

### Policy Screening

- 4.2 All policies included within the UNP were screened for LSEs (see Table 2).
- 4.3 Those policies that are identified as green in the Likely Significant Effects Test column have been screened out from LSE. Those that are identified as orange in the Likely Significant Effects Test column have been screened in and as such will be subject to Appropriate Assessment.

**Table 2 Likely Significant Effects Test of Uppingham Neighbourhood Plan Policies**

Policy Number/ Name	Policy Detail	Likely Significant Effects Test
<p><b>Policy GP1 - General principles for sustainable development</b></p>	<p>(a) As appropriate to their scale, nature and location, all development proposals must:</p> <ul style="list-style-type: none"> <li>i) be appropriately located;</li> <li>ii) be of an appropriate scale and demonstrate a high standard of design;</li> <li>iii) have regard to their setting and the character of the local area;</li> <li>iv) not unacceptably affect the amenity of nearby residents;</li> <li>v) provide for sustainable transport modes (e.g. walking and cycling);</li> <li>vi) respect the local built, social, cultural, historic and natural heritage assets, and</li> <li>vii) demonstrate practical efforts to achieve (or preferably exceed) design and construction standards for sustainable development, to minimise CO2 emissions.</li> <li>viii) where practical, include provision for the charging of electric vehicles.</li> </ul> <p>(b) Landowners, developers and applicants should engage with the Town Council and the local community early on in the formulation of proposals. In accordance with RCC policy, pre-application discussions for larger scale development proposals (e.g. 10+ houses or commercial development over 500m2) should involve appropriate consultation with the Town Council and local residents, in advance of an application being submitted. It is expected that RCC will apply the policies of this NP in giving any pre-application advice.</p>	<p>No Likely Significant Effects. Whilst this policy identifies types of development, it identifies sustainable development. By definition, sustainable development will not result in likely significant effects on a designated site. There are no linking impact pathways present.</p>
<p><b>Policy H1 (overall housing numbers and densities)</b></p>	<p>Sites are allocated to meet the indicative dwelling requirement of between up to 510 new dwellings during the Plan Period. On these sites, development should make the most efficient use of land, but density, design and layout must also respond to local character, context and distinctiveness. The overall density on the sites should be around 25 dwellings per hectare. Cumulative densities below this figure will not normally be supported, but it is accepted that variations may be justified based on the character of the surrounding area).</p>	<p>Potential Likely Significant Effects. This policy provides for 510 net new dwellings during the plan period. Potential linking impact pathways include:</p>



	<ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3<sup>rd</sup> party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy H2. The provision of infrastructure associated with new housing</b></p> <p>Development must be accompanied by necessary investment in infrastructure, including roads, drainage, services, utilities, education, open spaces, health &amp; community facilities and inclusive IT provision, to meet the needs resulting from the increase in population that will be the result of development.</p>	<p>No Likely Significant Effects. This policy identifies the requirement for the provision of the infrastructure associated with new housing. It identifies the need for the provision of open spaces which have the potential to divert recreational activities away from sensitive European sites. There are no linking impact pathways present.</p>
<p><b>Policy H3 The timing of development</b></p> <p>(A) It is expected that the development of the housing and mixed use sites allocated in this Neighbourhood Plan will be implemented in a timely manner. Development proposals will only be supported where land is to be used effectively and where they enable and do not prejudice possible future development and infrastructure opportunities on adjoining sites or nearby land.</p> <p>(B) For sites with an outline permission the Town Council will advise the County Council that it will not support applications for renewal unless there is clear evidence that there have been clear and justifiable reasons for any delay in implementation.</p> <p>(C) Where development on a site has not commenced within 5 years of the making of the Neighbourhood Plan or does not have a detailed planning permission/reserved matters approval, the Town Council will use the option to review the Neighbourhood Plan to consider alternative locations where there is a better prospect of development.</p>	<p>No Likely Significant Effects. This policy relates to the timing of development and the need for sites to be implemented in a timely manner. There are no linking impact pathways present.</p>

<p><b>Policy H 4: Proposed site allocations to meet the indicative dwelling requirement</b></p>	<p>The following six sites are allocated to meet the dwelling requirement Short and medium term (to commence within 5 years)                  U-HA1 Land off Leicester Road (in front of Cricket Club). For 125 dwellings                  U-HA2 Ayston Road. For 40 dwellings                  U-HA3 Leicester Road (N&amp;S). For 163 dwellings                  U-HA4 Uppingham Gate mixed use site. For 65 dwellings                  Longer term (to commence within 3 to 8 years, subject to the access requirements)                  U-HA5 Beeches for 60 dwellings                  U-HA6 Goldcrest for 60 dwellings</p>	<p>Potential Likely Significant Effects.                  This policy allocates site allocations within the Plan. Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy U-HA1 Site Allocation land off Leicester Road (in front of Cricket Club)</b></p>	<p>The capacity of this 8.37 Ha (5.02 Ha developable) site is for up to 125 dwellings. The development should:</p> <ol style="list-style-type: none"> <li>Provide a range of housing sizes, including single storey dwellings;</li> <li>Provide at least 30% affordable homes working with local providers;</li> <li>Adopt high quality design, materials, open space and landscaping;</li> <li>Include a separate access to the cricket club from Leicester Road;</li> <li>Retain potential for a future road connection from Leicester Road to Stockerston Road.</li> </ol>	<p>Potential Likely Significant Effects.                  This policy allocates site U-HA1 for up to 125 houses. The policy also provides a development management policy. Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy U-HA2 Site Allocation at land off Ayston Road</b></p>	<p>The capacity of this 4.19Ha (3.04Ha developable) site is for up to 40 dwellings. The development should provide:</p> <ol style="list-style-type: none"> <li>A mix of housing to include 50% of dwellings as 2/3-bed bungalows, semi-detached and detached market dwellings catering for first time buyers,</li> </ol>	<p>Potential Likely Significant Effects.                  This policy allocates site U-HA2 for up to 40 houses and green</p>

	<p>families, and older persons; (b) Provide at least 30% affordable homes working with local providers;</p> <p>(c) Public open space incorporating a new local play area;</p> <p>(d) High quality design, materials, open space and landscaping reflective of surrounding built form and materials which are local to the area, including ironstone and red brick;</p> <p>(e) Enhanced tree planting and landscaping along the northern boundary of the site and retention of existing vegetation, specifically around the boundary of the site;</p> <p>(f) A single vehicular access point off Ayston Road;</p> <p>(g) The proposed commercial/retail development land to the north of the site.</p>	<p>space. The policy also provides a development management policy. Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy U-HA3. Site Allocation for land off Leicester Road (North)</b></p>	<p>The capacity of this 5.9 Ha. site is up to 163 dwellings. The development, should provide: (a) A mix of housing to include a range of bungalows, semi-detached and detached market dwellings catering for first time buyers, families, and older persons; (b) Provide at least 30% affordable homes working with local providers (c) Access in the form of a roundabout on Leicester Road; (d) Public open space to meet County Council standards and local aspirations with ownership transferred to UTC in line with the development opposite; (e) High quality design, materials, open space and landscaping reflective of surrounding built form and materials; (f) Enhanced tree planting and landscaping; (g) A single vehicular access point off Leicester Road via new roundabout.</p>	<p>Potential Likely Significant Effects.</p> <p>This policy allocates site U-HA3 for up to 163 houses and green space. The policy also provides a development management policy. Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy U-HA4 site allocation for land at Uppingham Gate (Part of mixed-use development).</b></p>	<p>The 3.3 Ha. site has capacity for up to 65 dwellings. (a) The mix of house types should comprise 40 houses and 25 bungalows. (b) A masterplan will be required setting out in detail how the housing element of the site is to be developed and how this links to other components of the mixed-use development. (c) The site must be developed in such a way that it will enable access to be provided to the future site 2 (Policy U-HA5 – Land off The Beeches/Hazel Close).</p>	<p>Potential Likely Significant Effects.</p> <p>This policy allocates site U-HA4 for up to 65 dwellings. The policy also provides development management policy.</p>

	<p>Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy U-HA5. Site allocation for land to the East of The Beeches.</b></p> <p>This site may be developed for up to 60 dwellings, but development should not commence until after access is resolved from the Uppingham Gate site (Site Allocation U-HA4).</p>	<p>Potential Likely Significant Effects.</p> <p>This policy allocates site U-HA5 for up to 60 dwellings. The policy also provides development management policy.</p> <p>Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy U-HA6 Goldcrest. Site Allocation for land off Goldcrest/Firs Avenue</b></p> <p>This site may be developed for up to 60 dwellings, but it must have proper access (primarily not through Firs Avenue) before any construction can be started</p>	<p>Potential Likely Significant Effects.</p> <p>This policy allocates site U-HA6 for up to 60 dwellings. The policy also provides development management policy.</p> <p>Potential linking impact pathways include:</p>

	<ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy OH1: Affordable housing</b></p> <p>Residential developments of 10 or more dwellings will be required to make provision, on site, for 30% of the scheme’s total capacity as affordable housing. Developments of between 6 to 9 dwellings may make contributions in the form of off-site contributions in line with the National Planning Practice Guidance. Affordable housing must:</p> <p>(a) be of a combination of sizes and tenures to meet proven local and affordability housing need, including the number of bedrooms, property type and floor space;</p> <p>(b) where affordable home ownership is included, ensure the properties meet a range of relevant local demand and local affordability;</p> <p>(c) be equivalent in standard and siting to typical open market properties of the same floorspace/number of bedrooms/general type;</p> <p>(d) be well integrated with open market housing through layout, siting, design and style. (e) to be located on sites with reasonable access to town facilities. Management arrangements must be agreed with Rutland County Council and Uppingham Town Council. There is a strong preference for locally based management and priority.</p>	<p>No Likely Significant Effect. This is a development management policy in relation to affordable housing provision. There are no linking impact pathways.</p>
<p><b>Policy OH2: Meeting local needs and providing flexibility</b></p> <p>New housing development on sites for 10 or more dwellings should include a range of house types and sizes to reflect the population, structure, existing housing stock and identified housing needs. Homes, suitable for young families and older people would be welcomed. However, smaller properties must include flexible spaces to enable adaptation:</p> <ul style="list-style-type: none"> <li>- as families grow and more space is needed;</li> <li>- to enable people to work from home; and</li> <li>- to enable carers and relatives to support elderly people.</li> </ul>	<p>No Likely Significant Effect. This is a development management policy providing for meeting local needs and flexible provision. There are no linking impact pathways.</p>

	New housing proposals must also take account of meeting identified needs for a growing ageing population by providing appropriate accommodation, including extra care and other forms of supported housing.	
<b>Policy OH3: Self-build and custom housebuilding</b>	Proposals for self-build and custom build housing, to be occupied as homes by those individuals who have commissioned or built them, will be supported where they are in conformity with all other relevant local and national policies and there is proven demand.	No Likely Significant Effect. This is a development management policy outlining requirements for self-build and custom housebuilding. There are no linking impact pathways.
<b>Policy OH4 Infill housing</b>	Proposals for new housing on infill sites (up to 9 dwellings) will be supported where they: (a) Satisfy Policy SP5 of the Rutland Site Allocations and Policies DPD; (b) Satisfy the following locally based criteria, where applicable to the location: (c) Are appropriate to the surroundings, taking into account: the character of parts of Uppingham with established dwellings set in large plots. the Conservation Area, listed buildings, archaeology, open spaces and Local Green Spaces; (d) Are not located outside the Planned Limits of Development in the current, or future Local Plans; (e) There is no unacceptable impact on the residential amenity of nearby dwellings; (f) It would not prejudice the operation of nearby commercial or industrial premises.	No Likely Significant Effect. This is a development management policy relating to infill housing. No quantum, or location of housing is identified. There are no linking impact pathways.
<b>Policy OH5: Design and access standards</b>	Proposals for new housing developments proposals will be expected to: (a) Make a positive contribution to the local distinctiveness and character of Uppingham. Proposals should reinforce local identity and not have an adverse impact on the street scene and the landscape/townscape character of the area, taking account of valued landscape, townscape and heritage characteristics, including views; (b) Be of an appropriate scale, density and massing, using materials reflecting the area;	No Likely Significant Effect. This is a development management policy relating to infill design and access standards. There are no linking impact pathways.

	<p>(c) Provide sufficient private amenity space, suitable to the type and scale of development;</p> <p>(d) Retain and incorporate important on-site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancements;</p> <p>(e) demonstrate compliance with the Manual for Streets guidance and relevant Rutland County Council highways standards and guidance;</p> <p>(f) Perform positively against national sustainability standards</p> <p>(g) Ensure that streets and spaces are attractive, safe, easy to use and navigate and that they encourage people to walk and cycle including connectivity to Town Centre to encourage integration, utility and recreation opportunities.</p> <p>(h) Ensure that parking is well integrated and does not dominate the street scene;</p> <p>(i) Ensure safe and easy access for emergency vehicles;</p> <p>(j) Include ducting or other appropriate measures to enable (current and future) householder choice on IT services.</p> <p>(k) Where practical, include provision for the charging of electric vehicles.</p> <p>As part of its consultative role on planning applications and in support of the Neighbourhood Plan, the Town Council will require an individual design review on any development of 25 dwellings or more or any single building of more than 1000sqm. Such reviews should be carried out by an appropriately qualified independent body and conducted within the design review guidelines of this plan at the applicant's expense.</p>	
<p><b>Policy C&amp;H1: Central Conservation Area</b></p>	<p>Development proposals within or adjoining the Central Conservation Area will only be supported where:</p> <p>(a) They comply with the County Council's conservation and heritage policies including those for listed buildings;</p> <p>(b) Construction materials and finishes complement the surrounding area and the character and heritage of the immediate environment;</p> <p>(c) If appropriate to the building/location, modern replacement/new build materials should also visually complement the immediate environment;</p>	<p>No Likely Significant Effect. This is a development management policy relating to heritage (Central Conservation Area). There are no linking impact pathways.</p>

	<p>(d) In the case of commercial property alterations and frontages, they complement the heritage of the immediate environment with suitable wall mounted signage;                  € In the case of enhancement of the street furniture, signage and street lighting, it is of a heritage appearance but also has regard for energy conservation and public safety.                  Any infrastructure improvements to the Central Conservation Area should complement the distinctive heritage/character and be as unobtrusive as possible. Such developments should not hinder their community use for events.</p>	
<p><b>Policy C&amp;H2: Other designated heritage assets, including Listed Buildings, Important Open Spaces &amp; Frontages and archaeological sites.</b></p>	<p>(1) Proposals affecting Designated Heritage Assets will only be supported where they satisfy the requirements of the Rutland Core Strategy Policy CS22 and the Rutland Site Allocations &amp; Policies DPD Policy SP20.                  (2) Development will only be supported where it does not have an adverse impact on an Important Open Space and/or Important Frontage as shown on the Policies Map of the Rutland Site Allocations &amp; Policies DPD and the Uppingham Neighbourhood Plan.                  (3) Proposals affecting archaeological sites and areas of archaeological potential, or their settings should demonstrate that they:                  (a) have taken into account the impact on above and below ground archaeological deposits, as recorded by Historic England and Rutland/Leicestershire County Councils;                  (b) identify mitigation strategies to ensure that evidence which could contribute to the understanding of human activity and past environments is not lost; and                  (c) include an appropriate desk-based assessment or, if necessary, a field evaluation.                  Measures should be taken to minimise impacts of development upon the historic landscape character of the area.</p>	<p>No Likely Significant Effect.                  This is a development management policy relating to heritage (Other designated heritage).                  There are no linking impact pathways.</p>
<p><b>Policy TC1: Primary Retail Frontages</b></p>	<p>Class E (commercial, business and service) and F2 (local community) uses will be supported within the Primary Shopping Area. Proposals for other uses in the identified primary shopping frontages will only be permitted where it is demonstrated that the proposal:</p>	<p>No Likely Significant Effect.                  This is a development management policy relating to primary retail frontages.</p>



	<p>(a) will not result in an adverse cluster of other uses in the primary shopping area;</p> <p>(b) will retain a 'shop-like' appearance with an active frontage;</p> <p>(c) will not harm the predominantly retail character of the primary shopping areas; and</p> <p>(d) will provide a direct service to the public.</p> <p>The primary shopping frontages comprise those shown on the map below with extensions on High Street West (Nos. 1,3,7,9,11 &amp; 13) and Queen Street (Nos 3 &amp; 5).</p>	There are no linking impact pathways.
<b>Policy Protecting and enhancing the role of Uppingham Market Place</b>	<b>TC2:</b> Development proposals to enhance the appearance, functioning and role of Uppingham Market Place will be supported provided that they do not have an adverse effect on heritage assets, parking provision and traffic/pedestrian safety. Developments which would adversely affect the heritage and character of Market Place and its critical role at the heart of the community, will be resisted.	No Likely Significant Effect. This is a development management policy relating to protecting the role of Uppingham Market Place. There are no linking impact pathways.
<b>Policy TC3: Enabling innovation and investment in the town centre</b>	Proposals to create dedicated town centre premises, either through conversion or new build, to accommodate new businesses will be supported provided that other Neighbourhood Plan policies can be satisfied. This will include upper floors, where, when appropriate, residential uses will be encouraged.	No Likely Significant Effect. This is a development management policy relating to enabling innovation and investment in the town centre. There are no linking impact pathways.
<b>Policy Preferred locations for larger convenience stores</b>	<b>OR1:</b> The provision of additional food/convenience stores, of an appropriate scale to meet the growing needs of Uppingham will be supported as part of a mixed-use development on an appropriate site.	No Likely Significant Effect. This is a development management policy relating to preferred locations for larger convenience stores. There are no linking impact pathways.
<b>Policy Employment</b>	<b>BE1: Land</b> Land at Uppingham Gate is proposed for Class B2, B8 and/or E(gi), (gii) and (giii) uses, including small start-up units. Other employment generating uses	Potential Likely Significant Effects.

<p><b>and Mixed Use Uppingham Gate</b></p>	<p>– and uses meeting local housing aspirations/needs will also be supported provided that:</p> <ul style="list-style-type: none"> <li>(a) They address the local market, complementing rather than competing with facilities in Rutland and Corby, reducing the need for travel out of Uppingham to access services;</li> <li>(b) The design is of a high standard, including aesthetics, layout and energy efficiency, with reference to the NPPF;</li> <li>(c) Landscaping is incorporated within the development, including the A47 frontage, the East and South boundaries, building upon existing hedges, trees, verges and ditches;</li> <li>(d) Appropriate infrastructure is provided, including IT and electric vehicle charging points.</li> </ul> <p>The other uses which may be acceptable include:</p> <ul style="list-style-type: none"> <li>(1) A food supermarket of an appropriate size and design.</li> <li>(2) Accommodation for older people, including market housing and extra care units. The plan supports the development of 32 elderly person apartments, which are not part of the residential dwellings figure.</li> <li>(3) Entertainment, leisure and recreation facilities.</li> <li>(4) Mixed use so as to provide access to the East side of the town.</li> </ul> <p>Any development on the eastern (currently undeveloped section) of the site, or beyond must include a new junction with the A47 which meets Highway Authority requirements. Access roads within the development must be designed to be capable of being extended to enable possible future development of land to the south and east.</p>	<p>This policy allocates and provides development management policy for Land at Uppingham Gate is proposed for Class B2, B8 and/or E(gi), (gii) and (giii) uses, including small start-up units. Other employment-generating uses and uses meeting local housing aspirations/needs will also be supported.</p> <p>Potential linking impact pathways for any residential element of mixed-use development include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy BE2: Commercial and community development junction of A47 and Ayston Road</b></p>	<p>Approximately 1.67 Ha of land is proposed for mixed use development, subject to:</p> <ul style="list-style-type: none"> <li>(a) Access arrangement, preferably a single shared road to be agreed with RCC;</li> <li>(b) A high standard of design with a landmark building and associate landscaping to create an attractive entry point to Uppingham, from the north;</li> <li>(c) The creation of a satisfactory functional relationship with the proposed new housing to the south.</li> </ul>	<p>Potential Likely Significant Effects.</p> <p>This policy allocates and provides development management policy for the commercial and community development junction of A47 and Ayston Road.</p>

	<p>Potential linking impact pathways for any residential element of mixed-use development include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy BE3: Station Road Industrial Estate</b></p> <p>Development will be supported provided that it supports the continued use of land and premises at Station Road for Class B2, B8 and E(gi), (gii) and/or (giii) uses. In particular, development of the following changes and improvements will be encouraged.</p> <ul style="list-style-type: none"> <li>- Explore public ownership of all the highway and upgrade of road surface;</li> <li>- Modernise and increase quantity of street lighting;</li> <li>- Surface water drainage improvements;</li> <li>- Improved access at the entrance to Station Road;</li> <li>- Introduction of a pressure pad/sensor warning light system at the London Road junction;</li> <li>- Improved signage on London Road and at the entrance to Station Road;</li> <li>- Fibre to the premise Broadband connections;</li> <li>- Better traffic management and improved parking;</li> <li>- A commercial electric vehicle charging station subject to appropriate access</li> </ul> <p>Development proposals should not prejudice or prevent the potential for a new future point of access or egress from the eastern section of the industrial estate.</p>	<p>No Likely Significant Effect. This policy support development that allows for the continued land use at the Station Road Industrial Estate. It also provides development management policy. There are no linking impact pathways.</p>
<p><b>Policy BE4: The Welland Business Zone</b></p> <p>Proposals for commercial and business development will be supported provided that:</p> <ul style="list-style-type: none"> <li>(a) The footprint of the garden centre/related uses) is not extended into open countryside;</li> <li>(b) Access and parking arrangements satisfy the requirements of the highway authority;</li> </ul>	<p>No Likely Significant Effect. This policy support development that allows for the continued land use at the Welland Vale Business Zone. It also provides a development management policy.</p>

	<p>(c) The activity does not create noise, smells or pollution;                  (d) The design of any new or converted buildings is appropriate to a rural setting.</p>	<p>There are no linking impact pathways.</p>
<p><b>Policy Information technology and communications</b></p>	<p><b>BE5:</b> (1) All residential and employment schemes on sites allocated in this Plan will be expected to incorporate provision for fibre cables to the premises, information technology and communications infrastructure at current or future standards and to allow for future investment and improvement. Owner and/or occupier needs and preferences should be taken into account in                  (2) Other development proposals, including infill residential sites, retail, commercial and employment premises should make the maximum possible provision for owner determined fibre to the premise information technology and communications infrastructure taking account of location, the land/premises involved and the scale of the development.</p>	<p>No Likely Significant Effect. This is a development management policy relating to information technology and communication. There are no linking impact pathways.</p>
<p><b>Policy BE6: Proposed tourism development</b></p>	<p>Proposals which support the visitor economy in Uppingham, which are in accordance with other relevant Neighbourhood Plan policies, will be supported where they:                  (a) make provision appropriate in use and character to the town and its rural setting; or                  (b) support or enhance existing tourist and visitor facilities; or                  (c) support the retention and enhancement of existing overnight accommodation and the provision of new overnight accommodation; or                  (d) provide new tourism provision and initiatives which would also benefit local communities and support the local economy.                  Sustainable rural tourism development of an appropriate scale and use which utilises the conversion of existing buildings and well-designed new buildings in the countryside will also be supported where it is located adjacent to, or closely related to, the town.</p>	<p>Potential Likely Significant Effects. This policy supports tourism development. Whilst no type, location or quantum of development is identified this type of development has the potential to link to European sites. Potential linking impact pathways include:</p> <ul style="list-style-type: none"> <li>• Disturbance (recreational pressure and disturbance from 3rd party activities)</li> <li>• Water Quantity, Level, Flow and Quality</li> </ul>
<p><b>Policy Providing the scope</b></p>	<p><b>TR1:</b> Development proposals around the edge of Uppingham will be supported where they can satisfy other relevant Neighbourhood Plan policies and where they can contribute to new or improved road connections.</p>	<p>No Likely Significant Effect. This is a development management policy relating to</p>

<p><b>for new/improved road connections</b></p>	<p>Development proposals will not be supported where they prejudice the potential for new or improved road connections.</p> <p>Proposals which would generate significant additional traffic and/or which would generate additional HGV traffic will require a Transport Assessment or Statement.</p>	<p>providing the scope for new/improved road connections. There are no linking impact pathways.</p>
<p><b>Policy TR2: Providing safer walking and cycling and public transport</b></p>	<p>Development proposals will be supported only where they incorporate measures to increase the provision of safe walking and cycling routes around the town, and better public transport. The following needs should be addressed:</p> <ul style="list-style-type: none"> <li>(a) Access to schools, shops, community facilities and open spaces.</li> <li>(b) Access to employment locations.</li> <li>(c) Access to bus stops and public transport.</li> <li>(d) Access to public rights of way.</li> <li>(e) Access needed to provide integration/ access and recreation.</li> </ul> <p>Development should, where possible, facilitate the provision of safer road crossings and better traffic management to improve the environment for pedestrians and cyclists.</p>	<p>No Likely Significant Effect. This is a development management policy relating to providing safer walking and cycling and public transport. There are no linking impact pathways.</p>
<p><b>Policy TR3: Town centre car parking</b></p>	<p>Development proposals will be supported where they incorporate improvements to the access, signage and usability of town centre car parking, including the provision of electric vehicle charging points. The potential to reconfigure existing on and off-street parking should also be considered.</p>	<p>No Likely Significant Effect. This is a development management policy relating to town centre parking. There are no linking impact pathways.</p>
<p><b>Policy TR4: Improved facilities for public transport and coaches</b></p>	<p>A County Council improvement scheme to address the problems caused by the present design of the roundabout at the top of Seaton Road will be supported. A review and possible re-design of the present bus interchange and access to it would also be supported.</p>	<p>No Likely Significant Effect. This is a development management policy relating to improved facilities for public transport and coaches. There are no linking impact pathways.</p>

<p><b>Policy CF1: Community facilities &amp; local services</b></p>	<p>The Plan identifies the following community facilities and local services:</p> <ul style="list-style-type: none"> <li>- Library</li> <li>- Town Hall</li> <li>- Community Uppingham Football Club</li> <li>- Uppingham Bowls Club</li> <li>- Uppingham Cricket Club</li> <li>- Uppingham Library</li> <li>- Uppingham Scout Hall</li> <li>- Uppingham Church of St Peter and St Paul (C of E)</li> <li>- Uppingham Methodist Church</li> </ul> <p>The improvement and extension of these buildings and the creation of new facilities will be supported, subject to compliance with other Neighbourhood Plan policies.</p> <p>The community facilities in the Uppingham will be protected. Where planning consent is required, the loss of such facilities will not be supported unless:</p> <ul style="list-style-type: none"> <li>(a) alternative provision of equivalent or better quality facilities (with community support evidenced by pre-application consultation and/or local surveys) is made; or</li> <li>(b) it is evident that there is no reasonable prospect of the facility being retained; or</li> <li>(c) it is evident that the service or facility is no longer economically viable; or</li> <li>(d) there is no demonstrable evidence of local use of that service or facility.</li> </ul>	<p>No Likely Significant Effect. This is a development management policy relating to Community facilities &amp; local services. There are no linking impact pathways.</p>
<p><b>Policy CF2: Investment in new and improved community facilities and services</b></p>	<p>Direct investment in infrastructure and/or development related funding must be provided as part of new housing development (of over 11 dwellings) to ensure that community facilities and services (including health and education) are able to meet the needs of a growing population.</p> <p>Proposals for new and improved community facilities will be supported on sites which are accessible to the local community, where the requirements of other applicable NP policies can be met.</p> <p>This clause applies to provision associated with new housing and other development, other investment in new sites/facilities and existing locations</p>	<p>No Likely Significant Effect. This is a development management policy relating to investment in new and improved community facilities and services. There are no linking impact pathways.</p>

<p><b>Policy CF3: Potential new crematorium</b></p>	<p>Proposals for the development of a new crematorium within the Plan Area will be supported provided that:</p> <ul style="list-style-type: none"> <li>(a) The site has good road, cycle and pedestrian access;</li> <li>(b) The design is of high quality, appropriate to a rural setting and achieves maximum environmental standards;</li> <li>(c) Open areas, landscaping, hedges and woodlands provide a high-quality countryside setting, to create a peaceful site and maximising habitat creation. The design process should be collaborative, including local consultation and subject to an independent design review, to ensure that the above requirements are met.</li> </ul>	<p>No Likely Significant Effect. This policy relates to a potential new crematorium. No location or extent is provided, merely support and development management policy. There are no linking impact pathways.</p>
<p><b>Policy OS1: Protect and enhance existing open spaces</b></p>	<p>(a) The Plan designates the area of land listed below as open spaces which will be protected. (They are shown on the map).</p> <ul style="list-style-type: none"> <li>1 Tod's Piece</li> <li>2 Tods Piece allotments</li> <li>3 Leicester Road allotments</li> <li>4 Ash Close Green</li> <li>5 Hog Hill</li> <li>6 Beast Hill</li> <li>7 Ayston Road Green and connecting footpath</li> <li>8 The Beeches playgrounds and village green</li> <li>9 The Elms playgrounds and village green</li> <li>10 The Firs playground (Linnet Court) and green corridor between Old &amp; New Lime Trees</li> <li>11 Queens Road Green</li> <li>12 Newtown Crescent Green</li> <li>13 Bayley Close Green</li> <li>14 Stockerston Crescent Greens</li> <li>15 London Road Cemeteries (South View and The Lawn)</li> <li>16 Leicester Road Cemetery</li> <li>17 Land within and the South of The Elms (recently completed housing scheme)</li> </ul>	<p>No Likely Significant Effect. This is a development management policy relating to the protection and enhancement of existing open spaces. Open spaces have the potential to divert recreational pressures away from sensitive European sites. There are no linking impact pathways.</p>

	<p>(b) Development proposals which enhance or improve existing sites will be supported.</p> <p>(c) Development proposals which would reduce the quality or quantity of these facilities will only be supported if existing facilities are replaced at a better quality or quantity and in a sustainable location.</p> <p>The policy also covers the incidental and amenity open spaces within housing areas which, although smaller, are all nonetheless important to the community.</p> <p>This policy will also apply to open spaces created within the proposed new housing sites</p>	
<p><b>Policy OS2: Open space provision within new housing developments</b></p>	<p>(a) Larger scale new housing development (10+ dwellings) should include the provision of:</p> <ul style="list-style-type: none"> <li>(i) Green spaces to meet the recreation needs arising from the development and for the benefit of wildlife;</li> <li>(ii) Green corridors to help bring the countryside into the built environment;</li> <li>(iii) Tree planting and other landscaping using native species to enhance the appearance.</li> </ul> <p>Provision of larger open spaces should be made within or adjoining the development unless it is not practical or viable to do so and agreement has been reached on that point with the Town and County Councils. In such circumstances, land and/or a commuted sum should be made available to those authorities to enable appropriate provision to be made.</p> <p>All incidental or amenity open space provision must be within the new development</p> <p>(b) The level of provision should be in accordance with the standards operated by Rutland County Council, set out in the adopted Site Allocations &amp; Policies DPD Policy SP22.</p> <p>(c) Arrangements must be put in place for the long term maintenance of any open spaces created or enlarged/improved</p>	<p>No Likely Significant Effect.</p> <p>This is a development management policy relating to open space provision within new housing developments. Open spaces have the potential to divert recreational pressures away from sensitive European sites.</p> <p>There are no linking impact pathways.</p>



4.4 Most policies relate to development management, implying that they are not associated with linking impact pathways. However, eleven policies provide for a development that could be linked to a sensitive European site (Rutland Water) due to potential links and are screened in for further assessment. These are:

- Policy H1 (overall housing numbers and densities). This policy provides for 510 net new dwellings during the plan period.
- Policy H 4: Proposed site allocations to meet the indicative dwelling requirement. This policy allocates site allocations within the Plan.
- Policy U-HA1 Site Allocation land off Leicester Road (in front of Cricket Club). This policy allocates site U-HA1 for up to 125 houses. The policy also provides a development management policy.
- Policy U-HA2 Site Allocation at land off Ayston Road. This policy allocates site U-HA2 for up to 40 houses and green space.
- Policy U-HA3. Site Allocation for land off Leicester Road (North). This policy allocates site U-HA3 for up to 163 houses and green space.
- Policy U-HA4 site allocation for land at Uppingham Gate (Part of mixed-use development). This policy allocates site U-HA4 for up to 65 dwellings.
- Policy U-HA5. Site allocation for land to the East of The Beeches. This policy allocates site U-HA5 for up to 60 dwellings
- Policy U-HA6 Goldcrest. Site Allocation for land off Goldcrest/Firs Avenue. This policy allocates site U-HA6 for up to 60 dwellings.
- Policy BE1: Employment Land and Mixed Use – Uppingham Gate. Supports mixed-use development at this location including residential. No quantum of residential development is provided.
- Policy BE2: Commercial and community development junction of A47 and Ayston Road. Supports mixed-use development at this location including residential. No quantum of residential development is provided.
- Policy BE6: Proposed tourism development. This policy supports tourism development. Whilst no type, location or quantum of development is identified this type of development has the potential to link to European sites

4.5 Potential linking impact pathways discussed are:

- Disturbance: Recreational pressure;
- Disturbance: From Third-Party Activities; and,
- Changes to water quantity, level, flow, and quality.

## 5. Appropriate Assessment

- 5.1 Due to the relatively small quantum of development provided within the UNP and the distances from the Neighbourhood Boundary to Rutland Water SPA and Ramsar site (between 4.6 and 10km), it is considered that there is not potential for linking impact pathways in isolation. The following assessment is undertaken with in-combination effects in mind.

### Disturbance: Recreational Pressure

- 5.2 At its closest, Rutland Water SPA and Ramsar site is located c. 4.6 km north of Uppingham Parish boundary. At its furthest, the site is c. 10 km from the Parish boundary. The SPA and Ramsar site are potentially vulnerable to recreational pressures. It is noted in the Site Improvement Plan that issues arising from recreational pressure are at present a threat and are currently not adversely impacting upon the SPA and Ramsar site.
- 5.3 As previously detailed, the area of the SPA and Ramsar site coincides with Rutland Water SSSI. The SSSI contains three units, all of which are listed as being in 'Favourable' condition<sup>32</sup>.
- 5.4 Rutland Water is a large public water supply reservoir built in 1975. It is owned and operated by Anglian Water and remains an active water supply reservoir. In addition to its function as a key water supply reservoir, it is also extensively used for a variety of non-motorised water sports such as sailing, windsurfing, kayaking, canoeing, and stand-up paddleboarding attracting visitors from across the country. The site includes a café, parking, and toilet facilities. Water sports are limited to the eastern extent of the reservoir, away from the bird interest features to the west of the reservoir.
- 5.5 Circa 45% of the site is a wildlife reserve managed with wildlife in mind by Leicestershire and Rutland Wildlife Trust. Two visitor centres are provided along with associated parking provisions. The site contains an extensive network of managed pathways and public rights of way leading to viewing points around the reservoir for bird watching and to the shoreline.
- 5.6 Figures from Anglian Water suggest that the site welcomes c. 1 million visitors a year. The site is heavily managed for recreational activities to occur alongside the internationally important wildlife site and its features without adversely affecting them.
- 5.7 There is no identified evidence to suggest that local growth will result in an adverse effect on Rutland Water designated site as a result of increased recreational activities on the site. Recreational visitors come from great distances to enjoy the facilities at the site and activities appear to be sufficiently managed to enable the international site to continue to meet its conservation objectives. Nonetheless, the actual recreational capacity of the site is not known, and any increase in recreational threat, no matter how small, has the potential to turn the current threat from recreational activities within the site into a pressure that

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<sup>32</sup> Available at: [SSSI detail \(naturalengland.org.uk\)](https://naturalengland.org.uk) [Accessed 05/10/2022]

impacts upon the designated features and the ability of the site to maintain its conservation objectives.

- 5.8 Rutland County Council's (RCC) current adopted Core Strategy sets out the overall housing target for Uppingham up to 2026. This was followed in 2014 by the Council's Site Allocation and Policies Development Plan Document (DPD). At the time of writing (November 2022) RCC are in the early stages of developing a new Local Plan. This will cover housing, education provision, transport infrastructure, healthcare provision, provision for leisure facilities, and open and green spaces. No further details are available. The quantum of housing provided within the UNP is beyond that provided in the current adopted Core Strategy and as such cannot be de facto assessed under the overarching current Core Strategy HRA assessment.
- 5.9 However, in 2020, an HRA was undertaken of the then emerging Pre-Submission Draft RCC Local Plan (which has since been withdrawn)<sup>33</sup>. This assessed the then new housing quantum to be delivered within Rutland. The HRA detailed that whilst new local housing provision has the potential to increase the recreational threat/ pressure within the Rutland Water SPA and Ramsar site to a very small extent (in comparison to the national visitors to the site), the access patterns within the site are well understood, recreation within the site is well managed and visitor capacity can be managed within the site. The site itself is privately owned and managed, and as such the number of visitors to the site can be managed, as can the location and timing of activities within the site.
- 5.10 Rutland's' Core Strategy policy CS24- Rutland Water provides detail to ensure that development provided by the Core Strategy does not result in adverse effects on the integrity of Rutland Water. This policy is in relation to development within the Rutland Water Area which is defined as comprising the reservoir and its immediate surroundings. Uppingham is located outside of the Rutland Water Area. Further, RCC's Site Allocation and Policies DPD provides additional protection to the designated site in the form of Policy SP26 – Rutland Water Recreation Areas. This includes text that states that '*New development will be limited to small scale recreation, sport and tourist uses within the five defined Recreation Areas. In all cases it will need to be demonstrated that the development within the designated Recreation Areas would: c) not be detrimental to the special nature conservation interests of Rutland Water (including the conservation objectives for the RAMSAR site, Special Protection Area and Site of Special Scientific Interest and the requirements of the Habitats Regulations)...*'.
- 5.11 Neither the HRA of the Pre-Submission Draft RCC Local Plan, the existing Rutland Core Strategy, RCC's Site Allocation and Policies DPD nor the current adopted Uppingham Neighbourhood Plan have identified the need for avoidance or mitigation strategies to ensure that adverse effects on integrity do not result. As such, based on the currently available information, it is considered that local increases in residential development are not considered to be of concern with regard to increased recreational pressure at Rutland Water SPA and Ramsar site. It can be concluded that the development provided within the UNP will not result in an adverse effect on integrity.

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<sup>33</sup> Wood (2020). Rutland County Council Local Plan Habitats Regulations Assessment.

## Disturbance: From Third-Party Activities

5.12 As detailed in the Recreational Pressure Screening for Likely Significant Effects section, recreational threats within the Rutland Water Area stem from regional visitors rather than local visitors. Rutland's Core Strategy policy CS24- Rutland Water provides detail to ensure that development provided by the Core Strategy does not result in adverse effects on the integrity of Rutland Water. This policy is in relation to development within the Rutland Water Area which is defined as comprising the reservoir and its immediate surroundings. Uppingham is located outside of the Rutland Water Area.

## Water Quantity, Level, Flow, and Quality

5.13 Rutland Water is a large public water supply reservoir built in 1975. It is owned and operated by Anglian Water and remains an active water supply reservoir. The 2011 Water Cycle Study<sup>34</sup> details that Rutland Water has a small natural upstream catchment with small inputs from the River Gwash and the Egleton Brook. The majority of the water within the reservoir is pumped from the River Welland and the River Nene. Uppingham is located within the headwaters of the River Welland and as such a link exists between the designated site and development in Uppingham.

5.14 The water levels within the reservoir are extensively managed by Anglian Water for the purposes of public water supply management. The Site Improvement Plan<sup>35</sup> identifies that to date abstraction and associated fluctuations in water levels within the reservoir are not affecting the bird populations within the site. However, planned increases in abstraction will alter the water levels within the site and appropriate compensatory mitigation has been provided in the form of mitigation waterbodies. The European Site Conservation Objectives: supplementary advice on conserving and restoring site features<sup>36</sup> states that *'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 and will provide alternative habitats to off-set the negative impacts on the non-breeding water bird assemblage when the new water abstraction regime is implemented.'*

**5.15 The 2011 Water Cycle Study identifies that Uppingham is located in the East Midlands Water Resource Zone, supplied by Severn Trent Water. As such water supply to Uppingham is not managed by Anglian Water which owns and manages Rutland Water, and as such, there is no potential linking impact pathway present between Uppingham and Rutland Water site as a result of increased water demand stemming from an increase in development identified by the UNP. There is no potential for adverse effects on integrity.**

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<sup>34</sup> Available at [Water and flooding | Rutland County Council](#) [accessed 01/11/2022]

<sup>35</sup> Available at <http://publications.naturalengland.org.uk/file/4556196973379584> [accessed 01/11/22]

<sup>36</sup> European Site Conservation Objectives: supplementary advice on conserving and restoring site features. Rutland Water Special Protection Area (SPA) Site code: UK9008051 Available at <http://publications.naturalengland.org.uk/file/6490629538578432> [accessed 04/11/2022]

5.16 According to the Water Industry Environment Programme (WINEP), Uppingham is served by Uppingham Wastewater Treatment Works (WwTW) which discharges into Uppingham Brook located on the upper reaches of the River Welland<sup>37</sup>. As detailed above, water is pumped from the River Welland to Rutland Water, and as such, there is the potential for a linking impact pathway between development provided by the Neighbourhood Plan in Uppingham and Rutland Water. The Water Framework Directive (WFD) identifies that Uppingham Brook has deteriorated from Moderate Ecological Status in Cycle 1 (2009 – 2014), to Bad Ecological Status during Cycle 2 (2013 - 2019). The Upper Brook is currently (WFD Cycle 3) identified as being in Bad Ecological Status, in part due to its elevated phosphate levels. Phosphate inputs into the Brook primarily stem from discharges from sewage treatment works and agricultural inputs<sup>38</sup>. However, **Natural England issued a letter to competent authorities in March 2022 identifying internationally designated sites that they deemed to be potentially at risk from increased nutrient levels. Rutland Water was not identified as one of these waterbodies, and as such the Bad Ecological Status within Uppingham Brook linking to Rutland Water is not considered to result in an adverse effect on integrity of the designated site and associated features.**

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<sup>37</sup> Available at [Water Industry National Environment Programme \(data.gov.uk\)](https://data.gov.uk) [accessed 02/11/2022]

<sup>38</sup> Available at [Phosphate RNAG in Uppingham Brook | Catchment Data Explorer](#) [accessed 02/11/2022]

## 6. Conclusions

6.1 HRA was undertaken of the Neighbourhood Plan for Uppingham Parish (Regulation 14 Draft) (UNP). A Likely Significant Effects test was undertaken of Plan policy and site allocation in relation to Rutland Water SPA and Ramsar site. Potential linking impact pathways considered are:

- Disturbance: Recreational pressure;
- Disturbance: From Third-Party Activities; and,
- Changes to water quantity, level, flow, and quality

6.2 Following appropriate assessment, it was concluded that there are no realistic linking impact pathways between the UNP and any internationally designated sites (Rutland Water SPA and Ramsar site) and as such it can be concluded that no adverse effects on integrity would arise alone or in combination.

# Appendix A Background to European sites

## A.1 Map





## A.2 Rutland Water SPA and Ramsar site

### Introduction

6.3 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. The reservoir is by area the largest water body in England and by capacity, It combines extensive areas of open water with a complex of wetland and lakeside habitats, including lagoons, islands, mudflats, reedswamp, marsh, old meadows, pastures, scrub and mature woodland. The terrestrial and marsh habitats occur primarily at the western end of the reservoir. Broad-leaved semi-natural woodland in the area of the former Burley fish ponds is dominated by species of willows *Salix spp.* and poplars *Populus spp.*, while elsewhere mixed deciduous small woodlands have been widely planted. Areas of grassland include old ridge and furrow pastures which in the more poorly drained areas contain such characteristic plants as lady's smock *Cardamine pratensis* and marsh marigold *Caltha palustris*. Marsh dominated by rushes *Juncus spp.* occurs at the edges of the lagoons, while stands of common reed *Phragmites australis* and bulrush *Typha latifolia* have been planted in shallow water. The plant communities of the drainage dykes are characterised by bulrush, branched bur-reed *Sparganium erectum* and mare's-tail *Hippuris vulgaris*, while those of the lagoons include pondweeds *Potamogeton spp.*, Canadian waterweed *Elodea canadensis* and spiked water-milfoil *Myriophyllum spicatum*. The diversity and management of terrestrial, marsh and aquatic habitats at Rutland Water have made it one of the richest reservoir locations for wintering and passage wildfowl in Britain being particularly notable for its numbers of mallard, shoveler, gadwall, teal, wigeon, pochard, tufted duck and goldeneye. The diversity of waders using the site on passage is outstanding for an inland site, while the diversity of the population of breeding waterfowl is of increasing significance. The area of the SPA and Ramsar site, coincides with Rutland Water SSSI. The SSSI contains three units, all of which are listed as being in 'Favourable' condition<sup>39</sup>.

### SPA Qualifying Features<sup>40</sup>

6.4 Designated for its Annex I species:

- A051 (Non-breeding (NB)) *Anas strepera*; Gadwall
- A056 (NB) *Anas clypeata*; Northern shoveler
- Waterbird assemblage
  - A005(NB) *Podiceps cristatus* Great crested grebe
  - A050(NB) *Anas penelope*: Eurasian wigeon
  - A051(NB) *Anas strepera*: Gadwall
  - A052(NB) *Anas crecca*: Eurasian teal
  - A056(NB) *Anas clypeata*: Northern shoveler
  - A061(NB) *Aythya fuligula*: Tufted duck

<sup>39</sup> Available at: [SSSI detail \(naturalengland.org.uk\)](https://naturalengland.org.uk/SSSI-detail) [Accessed 05/10/2022]

<sup>40</sup> Available at: <http://publications.naturalengland.org.uk/file/6752614733578240> [Accessed 05/10/2022]

- A067(NB) *Bucephala clangula*: Common goldeneye
- A070(NB) *Mergus merganser*: Goosander
- A125(NB) *Fulica atra*: Common coot

## Conservation Objectives<sup>41</sup>

*'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'

## Ramsar Site Features<sup>42</sup>

6.5 Principal Features: A very large artificial, freshwater reservoir, fringed by a mosaic of wetland habitats which display succession from open water to semi-natural mature woodland. The most interesting semi-terrestrial habitats occur mainly at the western end of the lake and include lagoons, reed swamp, marsh and damp meadows. Stands of *Phragmites* and *Typha* have been planted in shallow parts of the lagoons, whilst deeper areas support *Potamogeton*, *Elodea* and *Myriophyllum*. Counts of wintering water birds regularly exceed 20,000 individuals (21,427\*), including internationally important numbers\* of *Anas strepera* (1,498) and *A. clypeata* (511) and nationally important numbers of several other *Anatidae*. The area is also of regional importance for breeding and passage birds. About 15km of shoreline at the western end of the lake are managed as a nature reserve by the Leicestershire and Rutland Trust for Nature Conservation.

\*All figures are average peak counts for the five winters 1987/88 to 1991/92.

## Threats / Pressures to Site Integrity<sup>43</sup>

6.6 The following threats and pressures to the integrity of Rutland Water SPA and Ramsar site are identified in Natural England's Site Improvement Plan:

- Water abstraction
- Inappropriate water levels

<sup>41</sup> Available at: <http://publications.naturalengland.org.uk/file/6533830980927488> [Accessed 05/10/2022]

<sup>42</sup> Available at: [UK046D93 \(ramsar.org\)](http://uk046D93.ramsar.org) [Accessed 05/10/2022]

<sup>43</sup> Available at: <http://publications.naturalengland.org.uk/file/4556196973379584> and [UK046D93 \(ramsar.org\)](http://uk046D93.ramsar.org) [Accessed 05/10/2022]

- Direct impact from 3rd party
- Invasive species
- Water pollution
- Planning permission: general
- Public access and disturbance
- Fisheries; freshwater