

Bournemouth, Dorset & Poole

**Waste Plan
Pre-Submission Draft**

**Non-Technical Summary
of the
Assessment under the Conservation of
Habitats and Species Regulations,
2017.**

Prepared for the Waste Planning Authority

**By Dr Annabel King, Senior Ecologist
Dorset County Council**

November 2017

Waste Plan Pre-Submission Draft – Habitats Regulations Assessment Non-Technical Summary

1. Introduction

Dorset County Council, Bournemouth Borough Council and the Borough of Poole are jointly preparing the Bournemouth, Dorset and Poole Waste Plan.

The plan, when complete and adopted, will set out the vision and objectives, spatial strategy, core policies and development management policies for waste development in the plan area. In addition it will include site specific allocations to deliver the spatial strategy. The publication of the Waste Plan Pre-Submission Draft is the final stage in the preparation process in which comments are invited on soundness and legal compliance, before the plan is submitted to the Secretary of State in early 2018.

It is a duty under the Conservation of Habitats and Species Regulations 2017 (the Habs Regs) for the plan making body, the County Council, to undertake an assessment of the implications of the Plan for habitats and wildlife designated at a European level, known as a Habitats Regulations Assessment (HRA). The HRA assesses the effect of the plan on the conservation objectives of the relevant European sites. The relevant European sites are: Special Areas of Conservation (and candidate SACs), Special Protection Areas (and potential SPAs) and Ramsar sites which may be affected by the plan.

There are several stages to the Habitats Regulations Assessment process:

- **Screening:** This stage determines whether the plan (policies, allocated sites and other spatial allocations) would have a likely significant effect on a European site, either on its own or in combination with other plans. A significant effect can be any effect that may reasonably be predicted as a consequence of the plan that may affect the conservation objectives of the features for which the wildlife site is designated, but excluding trivial or inconsequential effects. Case law (Dilly Lane/Justice Sweetman (CO/7623/2007)) has established that proposed mitigation may be considered at this stage in a Habs Regs Assessment.
- **Appropriate Assessment:** If likely significant effects are identified, the plan options must be subject to Appropriate Assessment to ascertain whether there will be an adverse effect on site integrity, in view of its conservation objectives.
- **Mitigation Measures and Alternative Solutions:** Where an Appropriate Assessment shows that a plan would adversely affect a European site or the effects are uncertain, an investigation of mitigation measures to lessen the effects to an insignificant level, or alternative solutions which avoid any effects, should be considered.
- **Exceptional Circumstances.** If it is not possible to conclude that there are no adverse effects and it is not possible to change the plan during the course of the Appropriate Assessment, then the County Council (as the plan making body) may only proceed to adopt the plan in closely defined circumstances. The County Council must be satisfied that, if there are no alternative solutions, the plan must be carried out for imperative reasons of overriding public interest (IROPI). The County Council may write to the Secretary of State for his opinion, and he may give direction prohibiting agreement with the plan.

2. Guidance on drafting policy to avoid conflict with the Habitats Regulations

Current guidance on limiting the risk of conflict is that where likely significant effects on a European site have been identified, 'the plan making body should look to introduce measure to eliminate or reduce them. To carry weight, such mitigation should preferably be included in the policy wording where policies are distinguishable from other text'. In other words each policy should be as self-contained as possible in referring to the conflict pathway and the European site. Changes to the wording of the policy or the introduction of a specific criterion within the policy may be sufficient to ensure no likely significant effects and this is the approach adopted in the Draft Waste Plan, as recommended by Natural England.

3. Screening Issues

There are three ecological issues, identified through discussion with Natural England and first set out in the Bournemouth, Dorset and Poole Mineral Strategy (2014), which are key factors that help to determine the likelihood of significant effects on the relevant European sites, arising from activities facilitated through the Draft Waste Plan.

- i. **Displacement of recreation:** our understanding of the impact of human and related recreational activity on European heathlands in particular, has grown in the past decade. It is now considered a serious issue which generally threatens the integrity of these sites. If there is already public access on any site to be brought forward for mineral working, an assessment of the existing contribution to recreation in the locality will be needed, the extent to which development would deflect existing recreation patterns towards heathlands, and what mitigation in the form of alternative areas could be brought forward.
- ii. **Proximity:** in general, the closer a waste site allocation to a European site, the more likely there are to be significant effects on that site. Such effects may result from a range of factors including habitat fragmentation, loss of dispersal corridors, and indirect effects such as dust, noise, gaseous emissions (particularly NO₂, NO_x, SO_x and ammonia) and nutrient enrichment.
- iii. **Species:** species characteristic of European sites are often found beyond the boundaries of the sites, sometimes in considerable numbers and with functional links to the sites. This applies particularly to sand lizard and smooth snake. In addition, nightjar habitually forage long distances from their breeding places on heathlands and features in the wider landscape, such as semi-natural woodlands and improved grasslands, may be important to them. Other Annex 1 species such as woodlark and Dartford warbler must also be considered.

However there may also be opportunities for long term ecological gain through site allocation. This may be achieved where, for example, restoration of landfill sites could offer opportunity for the establishment of priority habitats that may contribute to the management of European sites by providing habitat links.

4. Screening Exercise Results

The Habitats Regulations Assessment identified sites and policies where mitigation was required to enable a conclusion of no likely significant effect. These were:

- Sites:
 - Inset 1 – Woolsbridge Industrial Estate
 - Inset 7 – Eco Sustainable Solutions
 - Inset 10 – Binnegar Environmental Park
- Policies 1-9 and 11

Certainty that likely significant effects can be avoided has been provided by mitigation summarised below and provided and discussed in detail in the main body of the Habs Regs Assessment:

- Site specific wording inserted into the text of Policy 3 (Sites allocated for waste management development) addressing specific concerns about effects on species related to the European sites and from proximity to the European sites (related to gaseous emissions).
- Inserting wording into the text of policies 3, 4, 5 and 6 stating that proposals will only be permitted where there will be no adverse effect on the integrity of the relevant European sites.
- Including wording in the accompanying text of all policies where likely significant effects were discussed, stating that proposals must comply with Policy 18 (Biodiversity and Geological Interest).
- Including a statement about the need for further assessment under the Habs Regs in the development considerations of all sites where likely significant effects were discussed.

The assessment of all other policies (10 and 12-24) plus the vision, all objectives and the spatial strategy concluded that they would not lead to likely significant effects on the European sites.

An assessment of in-combination effects concluded that the plan (policies, allocated sites and other spatial allocations) would not lead to any likely significant effects on European sites when considered along with development arising from any other plans or policies.

5. Conclusion

It is concluded that, providing the recommended additions and changes in wording to policy, accompanying text and development guidelines are incorporated as above, the Draft Pre-Submission Waste Plan, October 2017, is compliant with the Conservation of Habitats and Species Regulations, 2017.