15 Chestnut Lane,

Clifton Campville

Habitats Regulations Assessment: Stage 1 Screening

Client:

Mrs Ann Amsden

Report Reference:

RSE_7589_R2_V1

Issue Date:

December 2023

RammSanderson

ECOLOGY
FLOOD RISK
ARBORICULTURE
HABITATS
TRAINING

CIEEM REGISTERED PRACTICE 2022-2023

PROJECT			
Client:	Mrs Ann Amsden		
Project:	15 Chestnut Lane, Clifton Coalville		
Reference	RSE_7589_R2_V1		
Report Title	Habitats Regulations Assessment: Stage 1 Screening		

DOCUMENT CONTROL			
Originated:	ASp	Principal Ecologist	01/11/2023
Technical Reviewed:	MO MCIEEM, CEnv	Associate Director	21/12/2023
Issued:	MO MCIEEM, CEnv	Associate Director	21/12/2023
Revisions:			

East Midlands: West Midlands: Yorkshire: Northern Ireland

Switch board 0115 930 2493: info@rammsanderson.com: www.rammsanderson.com

DISCLOSURE:

CONTENTS

FIGURES

TABLES

1 INTRODUCTION

1.1 Terms of Reference

i RammSanderson Ecology Ltd (RS) were commissioned by Mrs Ann Amsden (herein referred to as the Applicant) to undertake a Habitats Regulations Assessment (HRA) Stage 1 Screening of the potential impacts to the River Mease Special Area of Conservation (SAC) from the proposed development (the Scheme) of an area of land located to the rear of 15 Chestnut Lane, Clifton Campville (central grid reference: SK 25704 10797) and herein referred to as the Site.

ii The Site falls within the Impact Risk Zone (IRZ) of the River Mease SAC, whereby any planning application except householder applications must be considered for their potential to impact upon the designated site. Whilst the IRZ is associated with the River Mease Site of Special Scientific Interest (SSSI), as the SSSI underpins the SAC designation, its interest features and sensitivities are covered by the IRZ. The IRZ can therefore be used to help in the assessment of potential impacts on the interest features of the SAC. Although householder developments are not listed within the IRZ, Lichfield District Council has requested a HRA Stage 1 screening as part of the planning application for the Scheme.

1.2 The Site Context and Location in relation to the River Mease SAC

i The Site is located just off Chestnut Lane, Clifton Campville, south of Number 15 and measures an approximate area of 599m2. Clifton Campville is a small village in Staffordshire which lies close to the borders of Derbyshire, Leicestershire and Warwickshire (see Figure 1).

ii The context of the road is predominantly residential usage with little in terms of variation from this use. The surrounding context along Chestnut Lane consists of mostly large two-storey dwellings and dormer bungalows, with differing architectural styles. The vernacular is variable, ranging from 'cottage' type properties to modern 80/90s architecture throughout the village due to a host of infill development approved in the late 90s, and through to modern contemporary architecture on Coppice Lane.

iii The Site at present forms part of the garden for Number 15 Chestnut Lane and would be accessed via the driveway between numbers 15 and 19. The Site has been utilised as a private domestic garden for many years.

iv The Site is within the River Mease SAC catchment (Figure 2) and is located 365m south of the river at its closest point. Clifton Coalville dominates the land between the Site and the river. There are no hydrological links between the Site and the SAC (see Figure 3), with the closest watercourses (ditches) located over 250m north of the Site.

1.3 The Scheme

i The Scheme will be for the development of 1no. private residential dwelling, to utilise part of the garden to number 15 Chestnut Lane. The dwelling/plot will be landscaped to compliment the dwelling and the unusual topography.

ii The layout of the Scheme has sought to utilise a previously approved vehicular access from Chestnut Lane. The access road will form a shared access for the Scheme and an additional property to the south of numbers 11, 13 and 15. The access driveway allows for private parking for both properties as well as a turning circle/manoeuvrability space. The Scheme also allows for adequate parking provisions and manoeuvrability within its curtilage, allowing all vehicles to enter and exit the site in a forward-facing gear.

iii Upon entry to the Site, users have the benefit of garage parking or open parking, before heading towards the proposed property entrance.

1.4 Scope of the HRA

i Within the UK, SACs are part of The National Site Network and are protected via the *Conservation of Habitats and Species 2017* (as amended, most recently in 2019). These Regulations also set out the process for assessing potential adverse effects on such sites, known as Habitats Regulations Assessment (HRA). Stage 1 in the process required by the regulations is to determine whether the project is likely to have a significant effect on the SAC (known as Screening). If a likely significant effect will arise, then an Appropriate Assessment is required.

ii 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".*

iii This document is intended as Stage 1 Screening of the HRA process, to be provided to Lichfield District Council to assist their judgement. In absence of a formal HRA being compiled by the competent authority, this document (if deemed appropriate) may be adopted by the competent authority.

iv The Scheme requires the granting of planning permission and therefore this document is intended to support that decision by determining whether a significant effect is likely to occur to the River Mease SAC, and whether an Appropriate Assessment of the Scheme proposals are required.

1.5 Relevant Case Law, Plans and Policies

i *The CJEU judgment on the joined Coöperatie Mobilisation for the Environment cases (often referred to as 'the Dutch Nitrogen' cases) affects how the assessment of plans and projects under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') must be interpreted and applied by competent authorities (local planning authorities in relation to planning matters) with regard to river catchments. This judgement has clarified that where a site is already exceeding its environmental limits, further inputs are 'necessarily limited'. Furthermore, the judgement clarifies that plans such as the Nutrient Management Plan (NMP) can only be relied upon as strategic mitigation where there is sufficient certainty actions will be delivered, and the target will be met. The River Mease SAC NMP does not give this certainty and therefore cannot be relied upon as strategic mitigation. Plans and projects that increase phosphate discharges into failing parts of the River Mease Special Area of Conservation (SAC) will have adverse effects on the integrity of the site and cannot proceed, unless they provide their own mitigation – i.e., unless they are nutrient neutral for sites that trigger the need for a nutrient neutrality assessment.*

ii Natural England recently released standing advice (2022) in relation to nutrient neutrality for developments in the River Mease SAC catchment. This advised that new development within the catchment comprising overnight accommodation can cause adverse impacts to nutrient pollution. Such development includes, but is not limited to:

- new homes
- student accommodation
- care homes
- tourism attractions
- tourist accommodation
- permitted development (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- any development not involving overnight accommodation, but which may have non-sewerage water quality implications.

iii There may also be some cases where some forms of development not involving overnight accommodation may cause adverse impacts to nutrient pollution. Natural England have confirmed that development in some catchments, including the catchment areas for the River Mease SAC, cannot proceed if it increases levels of nutrients results in eutrophication. Development can now only proceed if it is 'nutrient neutral' (www.nwleics.gov.uk).

1.6 Other Relevant Projects

i A review of the Lichfield District Council planning portal was undertaken to assess whether any other committed developments could act in combination with the Scheme. There are several on-going planning applications for new residential developments in Clifton Campville. Of most note is Planning Application 22/00160/FUL, located at 36 Chestnut Lane, Clifton Campville. Lichfield District Council has provided several consultee comments on this application that are publicly available on their website (https://planning.lichfielddc.gov.uk/online-applications) and which have been used to support this HRA Stage 1 Screening.

ii Response dated 22/02/2022

iii *"The River Mease is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). Damage is currently being caused to the River Mease by poor water quality, exacerbated by pollution, run-off, siltation, abstraction, and invasive non-native species. Development that falls within the water catchment of the Mease SAC, increases foul or surface water discharge, increases the stress on sewage treatment works, or increases the level of phosphate in the watercourse must complete a Habitat Regulation Assessment (HRA). If any mitigation is necessary, an Appropriate Assessment (AA) will be required. The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured prior to approval of development from any development which increases the stress on sewage treatment works or increases the level of phosphate in the watercourse. As this development falls within the rivers catchment and proposals for this development result in an increase of foul water discharge (the construction of a new dwelling), an Appropriate Assessment (AA) is required. The applicant is required to submit the information requested above from a suitably qualified ecologist regarding; impacts and measures of avoidance to the River Mease SAC. This assessment should consider impacts of the development on the qualifying features for designation and provide enough information to the LPA that an Appropriate Assessment can be adequately completed. As the competent authority the LPA will need to prepare the AA based on information submitted by the applicant. The AA should be prepared once sufficient evidence has been submitted by the developer. Following Natural Englands Standing Advice the development scheme must be revised so that a non-mains drainage solution can be proposed; a package treatment plant, septic tank or sealed cesspit which will not result in any harmful discharges of foul water from the application site into the River Mease or its tributaries. If a package treatment plant, septic tank is used, additional treatment and mitigation measures are required. This is because effluent discharging from package treatment plants and septic tanks will contain high phosphate levels meaning, so additional measures are needed to ensure the discharge is of an appropriate quality before it enters the water environment. Full information will be necessary to assess impact on the European Site prior to any planning decision being made."*

iv Response dated 27/07/2023

v *The proposal intends to deal with foul drainage through the installation of a sealed foul water cesspool. This option in its nature is sealed and does not leach effluent, meaning additional buffers are not required. The effluent will be discharged outside of the catchment area of the River Mease SAC. The site is significantly buffered from the river by hard boundaries including fields, roads, and built development.*

vi *Refer to document 'HSC 55000 (BRIDGWATER) (Rev.B)' for the schematic of the chosen off mains drainage sealed unit.*

vii *Refer to documents 'Location 2023-02-12 12 Cesspool' and 'Location Block Plans_A3_2023 02 12 Cesspool' for the location plans of the proposed scheme.*

viii *Refer to document 'EA - Biomarsh Environmental WCL 01.04.2025' for demonstration of the chosen off mains drainage product suppliers' registration under the Waste (England and Wales) Regulations 2011 from the Environment Agency.*

ix *Lichfield District Council has collected and considered all relevant information in relation to both the development proposed, the European Sites in consideration, the qualifying features of these sites and known vulnerabilities of the sites in order to undertake a robust assessment of likely impacts in accordance with the requirement of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).*

x *During Appropriate Assessment it was determined that the mitigation proposed was proportional to fully account for the determined scale and scope of likely impacts and will be included as part of the development. Although the site is in proximity to the designated site, overall, based upon the information provided and with the mitigation in place it is considered the development would not result in a significant impact in isolation, or considering other plans and projects.*

xi *The proposed mitigation can be secured by the Competent Authority (Lichfield District Council) via and appropriately worded planning condition. The evidence has sufficiently considered the likely and reasonably foreseeable effects, and with mitigation the proposal will not have an adverse effect on the integrity of the European Site. The proposed development will not impact upon the qualifying species of the River Mease European Site or on habitats which the qualify species are reliant; and,*

xii *The proposed development will not prevent, or-else hinder, the delivery of the River Mease European Sites conservation objectives.*

2 THE RIVER MEASE SAC

2.1 River Mease Designation and Qualifying Criteria

i The River Mease flows approximately 25 km westward from the Coal Measures of north-west Leicestershire, across predominantly rural and agricultural land through Derbyshire and Staffordshire, to its confluence with the River Trent at Croxall. The lowland river is relatively un-modified and contains a diverse range of physical features within its channel, such as riffles, slacks, pools, bankside tree cover and vegetated margins. The features provide suitable habitat for spined loach, bullhead, white clawed crayfish (WCC) and otter all of which are qualifying features of the SAC. Additionally, the river contains the qualifying habitat 'Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation (Rivers with floating vegetation often dominated by water crow-foot). A summary of the designation criteria is provided in Table 1.

Table 1: Summary of River Mease SAC Qualifying Criteria/Reasons for Designation

	Qualifying Feature	Natural England[1]	JNCC[2]	Natura 2000[3]
Annex I Habitats	Plant	Water courses of plain to montane levels with the River water-crowfoot *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation	Water courses of plain to montane levels with the River water-crowfoot *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation	Water courses of plain to montane levels with the River water-crowfoot *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation
Annex II Species: Primary Reason	Fish	Spined loach *Corbitis taenia* European bullhead *Cottus gobio*	Spined loach *Cobitis taenia* European bullhead Cottus gobio	Spined loach *Cobitis taenia* European bullhead Cottus gobio
Annex II Species: Qualifying feature	Invertebrates	WCC *Austropotamobius pallipes*	WCC *Austropotamobius pallipes*	WCC *Austropotamobius pallipes*
Annex II Species: Qualifying Feature	Mammals	Eurasian otter *Lutra lutra*	Eurasian otter *Lutra lutra*	Eurasian otter *Lutra lutra*

1 Natural England, 2005. EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora Citation for Special Area of Conservation (SAC) River Mease. Available at: http://publications.naturalengland.org.uk/publication/6217720043405312 [Accessed 08.03.19]
2 JNCC, Date Unknown. River Mease. Available at: http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0030258 [Accessed 08.03.19]
3 Natura 2000, 2015. Natura 2000 – Standard Data Form, River Mease. Available at: http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030258.pdf [Accessed 12.03.19]

2.1.2 Current Threats and Pressures

ii According to Natural England's Site Improvement Plan for the site, River Mease SAC currently faces the following threats/pressures of potential relevance to this HRA[4]:

- Water pollution: elevated phosphate levels from sewage treatment works could contribute to eutrophication, causing proliferation of algal growth and a decline in the abundance and/or diversity of characteristic flora and fauna. Increased ammonia levels may also affect juvenile recruitment of spined loach and bullhead;
- Drainage: drains and other discharges affect the naturalised flow pattern, causing water levels to rise and fall with increased rapidity, affecting the habitats and species present;
- Inappropriate weirs, dams and other structures:
- Invasive species:
- Siltation: increased siltation smothers gravel beds and fine sand which form the spawning habitat of bullhead and spined loach respectively; and
- Water abstraction: alters the naturalised flow pattern, potentially affecting the qualifying species at their various life stages.

iii Of these, Table 2 below summarises three pertinent priorities regarding the Scheme.

Table 2: Summary of Pertinent Site Improvement Priorities

Priority	Feature Affected	Measures for Improvement	Relevant Actions
1 – Water Pollution	H3260 Rivers with floating vegetation often dominated by water-crowfoot, S1092 White-clawed (or Atlantic stream) crayfish, S1149 Spined loach, S1163 Bullhead, S1355 Otter	Reduce the levels of nutrients by controlling point and diffuse pollution sources	Implementation of the Nutrient Management Plan. Ensure use of the Developers Contribution Scheme is enforced.
2 – Drainage	H3260 Rivers with floating vegetation often dominated by water-crowfoot	Understand and better manage drainage discharges	Ensure appropriate Sustainable Urban Drainage Schemes (SuDS) are included within all new developments.
5 - Siltation	H3260 Rivers with floating vegetation often dominated by water-crowfoot, S1092 White-clawed (or Atlantic stream) crayfish, S1149 Spined loach, S1163 Bullhead, S1355 Otter	Work with land managers to reduce siltation levels	Offer agreements in appropriate locations to assist with preventing runoff

[4] Natural England. (2014) Site Improvement Plan: River Mease (UK0030258) (SIP196). [Available at: http://publications.naturalengland.org.uk/publication/6640857448972288 - accessed 14/01/2021].

2.1.3 Conservation Objectives

iv The overall conservation objective in respect of the habitats and/or species for which the site has been designated is provided as:

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

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

3 STAGE 1: LIKELY SIGNIFCANT EFFECT – SCREENING

i In assessing the proposals for Likely Significant Effect (LSE), the screening stage is required to consider the direct and indirect impacts to the integrity of the European Site. The European Site Qualifying Features and their Conservation Objectives are taken into consideration during this process.

ii In respect of indirect impacts on the qualifying species and habitats present within the SAC, screening is to consider land that is outside the European Site but which is functionally linked to it. Also considered is whether impacts to the mobile (qualifying) species outside the European Site could occur as a result of the Scheme. This is made on review of the Site Conservation Objectives for its qualifying habitats and species as identified within the supplementary advice (Natural England 2016). The main potential impact pathways on European Sites are:

Direct Impact Pathways:

- Land Take
- Hydrological – water pollution, siltation, drainage
- Air Quality
- Recreational

Indirect impact Pathways:

- Impacts on Functional Land Outside Site
- Impacts on species outside Site

iii In accordance with the requirements of an HRA and following the ruling made in by the Court of Justice of the European Union, *People over Wind and Sweetman v Coilite Teoranta (C-323/17*), consideration of the LSE as part of the Stage 1 screening are made in the absence of mitigation that would not be adopted as routine for a development of this nature (i.e. assessment of the proposals themselves in the absence of 'additional' mitigation designed to reduce LSE on the designation). This means that the design measures set out in Section 1.3 have not been considered during the Stage 1 screening.

3.1.2 In Combination Assessment

iv For each potential impact pathway identified, other projects will be considered as to whether they act in combination with the proposed Scheme to produce a LSE on the integrity of the SAC.

v Table 3 below summarises the screening of potential impacts for likely significant effects.

Table 3: Likely Significant Effects Screening of Potential Impacts

Impact Pathway	Impact	Potential for Likely Significant Effects	Rationale
Land Take	Loss of habitat within the SAC.	No	The Site is located 365m from the SAC and no land take within the boundaries of the SAC will take place. As no land take is proposed, no in-combination impact could occur.
Hydrology	Increase in nutrients entering River Mease SAC from local water treatment. Potential impacts of construction on hydrological function of the SAC and the habitats and species it supports.	No	The proposed method for wastewater treatment is for a Marsh sealed cess pool system with a capacity of 25,000 litres to be installed which will not allow for any passing effluent. The cess pool will then be emptied via a specialised waste removal companies and tankers that will be stored away from the SAC. The company will be registered with the Environment Agency that will dispose of the waste at a local sewage treatment plant which is classed as a safe disposal location and therefore no in-combination impact could occur.
Air Quality	Generation of construction or operational outputs such as dust which may result in damage to habitats associated with the SAC,	No	The SAC is located ~365m from the Site, making it very unlikely any dust or other such potential pollutants would accumulate and deposit within the SAC. As the Scheme is for a single residential development, the net increase in vehicles on local roads is unlikely to result in increases in air pollution above existing baseline levels. The only committed developments of relevance to the Scheme are for single residential developments, all of which are likely to result in no appreciable change in the levels of pollutants entering the SAC, therefore any in combination impacts are likely to be indistinguishable from background variations.
Recreation	Impacts to habitats and species within the SAC and its functionally linked land through	No	The Scheme is for a single residential development which is unlikely to result in increased recreational pressures on the SAC.

	increased trampling, litter, dog walking, visual disturbance, vandalism.		There is no direct pathway between the Site and the SAC. The SAC is a long, linear feature with existing footpaths meaning that a single residential development is unlikely to result in an increase in trampling, vandalism etc. The only committed developments of relevance to the Scheme are for single residential developments, all of which are likely to result in no appreciable change in the levels of recreational disturbance impacting the SAC, therefore any in combination impacts are likely to be indistinguishable from background variations.
Impacts on Functional Land outside of the Site	Areas of land occurring outside the SAC, which is critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which SAC has been designated.	No	The SAC is designated for aquatic and riparian species of plant and animal. As the Site is located ~365m from the SAC, and the village of Cliton Coalville exists between the Site and the SAC, the Site is not functionally linked to the SAC. As no impacts would occur, no in-combination impact could occur.
Impacts on Species outside of the Site	Direct or indirect impacts on qualifying species of the SAC – otter, wcc, water crowfoot, spined loach and bullhead.	No	The Site is an existing garden to number 15 Chestnut Lane and consists of grassland, scrub and trees. No watercourses or waterbodies are present. As the Site is located ~365m from the SAC, and the habitats present within the Site are not suitable for any of the qualifying species of the SAC, no impacts would occur. As no impacts would occur, no in-combination impact could occur.

4 CONCLUSION

i No additional drainage will occur into the River Mease SAC. The Scheme is to use sealed cess pools that will be collected and removed from site, and disposed of at a local sewage treatment. As such all LSE's have been screened out and impacts on the SAC deemed nugatory,

5 FIGURES

Figure 1: Site Context & Location Plan

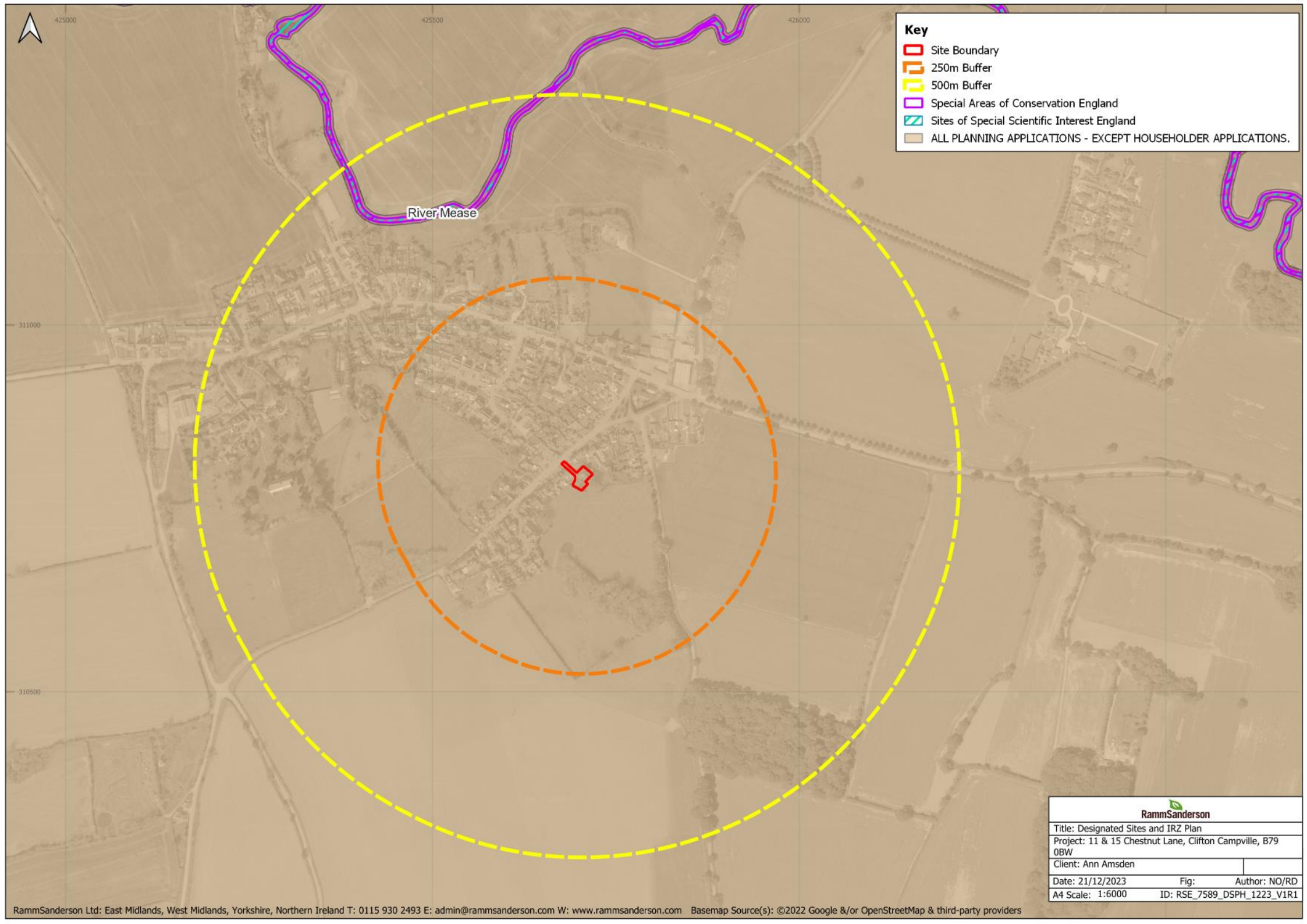
Figure 2: River Mease SAC/ SSSI Impact Risk Zone

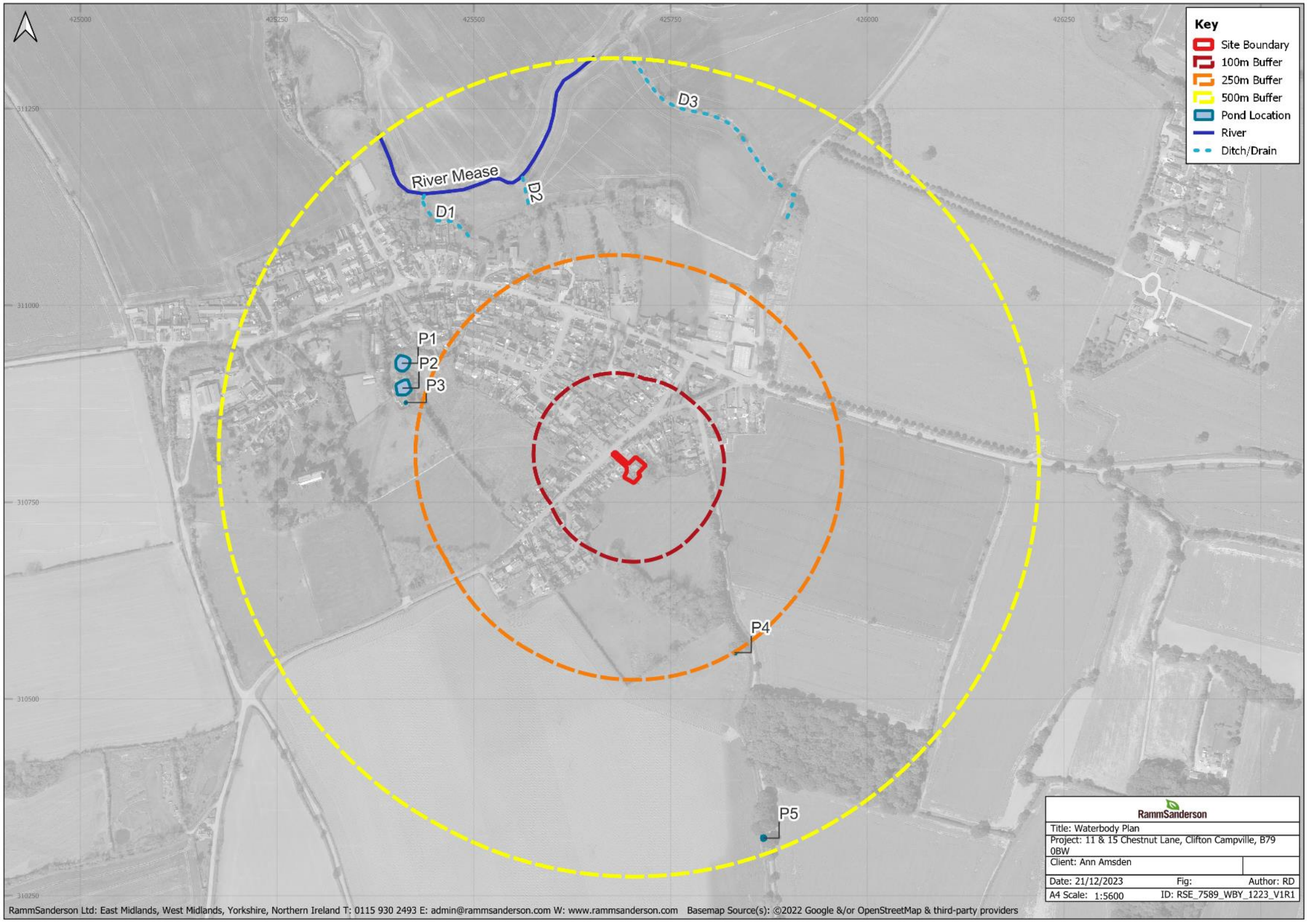
Figure 3: Waterbody/Watercourse Plan

RammSanderson

Title: Site Context Plan		
Project: 11 & 15 Chestnut Lane, Clifton Campville, B79 0BW		
Client: Ann Amsden		
Date: 21/12/2023	Fig:	Author: RD
A4 Scale: 1:500		ID: RSE_7589_STC_1223_V1R1

EPSG:27700 OSGB36 / British National Grid


Key
Site Boundary
250m Buffer
500m Buffer
Special Areas of Conservation England
Sites of Special Scientific Interest England
ALL PLANNING APPLICATIONS - EXCEPT HOUSEHOLDER APPLICATIONS.
River Mease
425000
425500
426000
311000
310500
RammSanderson
Title: Designated Sites and IRZ Plan
Project: 11 & 15 Chestnut Lane, Clifton Campville, B79 0BW
Client: Ann Amsden
Date: 21/12/2023
Fig:
Author: NO/RD
A4 Scale: 1:6000
ID: RSE_7589_DSPH_1223_V1R1
RammSanderson Ltd: East Midlands, West Midlands, Yorkshire, Northern Ireland T: 0115 930 2493 E: admin@rammsanderson.com W: www.rammsanderson.com
Basemap Source(s): ©2022 Google &/or OpenStreetMap & third-party providers



RammSanderson

Title: Waterbody Plan	
Project: 11 & 15 Chestnut Lane, Clifton Campville, B79 0BW	
Client: Ann Amsden	
Date: 21/12/2023	Fig: Author: RD
A4 Scale: 1:5600	ID: RSE_7589_WBY_1223_V1R1

6 REFERENCES

i BS 42020:2013 Biodiversity – Code of Practice for Planning and Development 2013: The British Standards Institution.

ii David Tyldesley and Associates, 2012 River Mease Special Area of Conservation Water Quality Management Plan Developer Contribution Scheme.

iii Department of Communities & Local Government, 2012. National Planning Policy Framework, London: DCLG.

iv DTA Ecology (2016a) River Mease Special Area of Conservation Water Quality Management Plan Developer Contribution Scheme 2

v Environment Agency (2011). River Mease SAC Water Quality (Phosphate) Water Quality Management Plan

vi Natural England (2014). Site Improvement Plan River Mease

vii Natural England (2012). River Mease SSSI/SAC Restoration Plan

viii Natural England (2022) Development Proposals within the River Mease Catchment: Interim Advice for Local Planning Authorities.

ix Office of the Deputy Prime Minister, 06/2005. Government Circular: Biodiversity and Geological Conservation - Statutory Obligations and their impact within the planning system. London: ODPM.