

Applying the Habitats Directive

to the Renewable and Low Carbon Energy SPD

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Executive Summary:

This report is an Assessment of the Harrogate District Local Development Framework Renewable and Low carbon Energy Supplementary Planning Document (SPD), to meet the requirements of the Habitats Directive. Harrogate Borough Council, as the relevant competent authority, has prepared it.

The Assessment provides a screening to examine whether the Renewable and Low Carbon Energy SPD is likely to have any significant impacts on a Natura 2000 site, either alone or in combination with other projects and plans, in view of the site's conservation objectives.

The Assessment:

- Provides details of the SPD and its guidance;
- Identifies Natura 2000 sites (in accordance with PPS9, para 6) within and outside the plan area that could potentially be affected by the Renewable and Low Carbon Energy SPD;
- Identifies the characteristics of these sites and their conservation objectives; and;
- Screens the SPD, in combination with other relevant plans or projects, to identify any likely significant effects on the sites.

The Assessment has been undertaken following a precautionary approach in accordance with the Habitats Directive.

Outcome Of Assessment

It can be objectively concluded that the Renewable and Low Carbon Energy SPD is not likely to have any significant effects on any Natura 2000 sites. There is therefore no requirement to proceed to the next stage of an Appropriate Assessment.

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1.0: Introduction

- 1.1 As part of the Harrogate District Local Development Framework (LDF), The Harrogate District Core Strategy was adopted by the Council in February 2009. It sets out the direction and strategy for development and conservation of the District up to the year 2021 and beyond.
- 1.2 Policy EQ1 of the Core Strategy sets out the Councils approach to reducing risks to the environment. This approach includes minimum standards for sustainable construction and design, and sets out the Councils approach for proposals for renewable energy projects.
- 1.3 The purpose of the Renewable and Low Carbon Energy SPD is to build on Policy EQ1 and provide guidance relating to renewable or low carbon energy installations, mainly at the 'micro' scale. The SPD does not suggest specific areas of land, but outlines the potential planning constraints and seeks to steer development to appropriate locations and minimise any negative effects.
- 1.4 The Renewable and Low Carbon Energy Supplementary Planning Document (SPD) is one of suite of SPDs in the LDF that provide guidance for specific types of development in the Harrogate District. Other SPDs include 'Equestrian Development in the Nidderdale Area of Outstanding Natural Beauty' and the 'House Extensions and Garages Design Guide'.
- 1.5 The Draft Renewable and Low Carbon Energy SPD can be viewed at www.harrogate.gov.uk/ldfconsult

2.0: The requirement to carry out an assessment under the Habitats Directive

2.1 This report sets out an assessment of the Renewable and Low Carbon Energy SPD in accordance with Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Flora and Fauna. In order to comply with the Habitats Directive, the Renewable and Low Carbon Energy SPD will be assessed against the conservation objectives of the following Natura 2000 sites:

- Craven Limestone Complex Special Area of Conservation (SAC).
- Kirk Deighton SAC.
- North Pennine Moors SAC and Special Protection Area (SPA).
- Humber Estuary SPA / SAC.

2.2 The relevant extracts from the Directive are set out below for information:

Article 6(3)

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

Article 6(4)

'If in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the member states shall take all compensatory measures necessary to ensure that overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or priority species, the only considerations which may be raised are those relating to human health or public safety, of beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.'

2.3 The purpose of this assessment is to determine whether the Renewable and Low Carbon Energy SPD is likely to have a significant effect on the integrity of the conservation objectives of the international sites. If it is considered that a significant effect is likely to occur as a result of implementing the Renewable and Low Carbon Energy SPD, an Appropriate Assessment (AA) will be necessary.

2.4 An Appropriate Assessment identifies any adverse effect on the integrity of a SPA or SAC and, if they are necessary, identifies mitigation measures that will reduce (ideally eliminate) those effects. If effects cannot be reduced sufficiently then the AA will conclude that an adverse effect on the integrity will occur. If the proposer of a plan or project wishes it to go ahead, then a case for imperative reasons for overriding public interest has to be made to the Secretary of State, and compensatory measures determined.

2.5 Figure 1 shows the stages that are necessary when applying the Habitats Directive to Local Development Documents (LDDs). Note that the Appropriate Assessment stage is only required where there is likely to be a significant effect on international sites.

Figure 1:

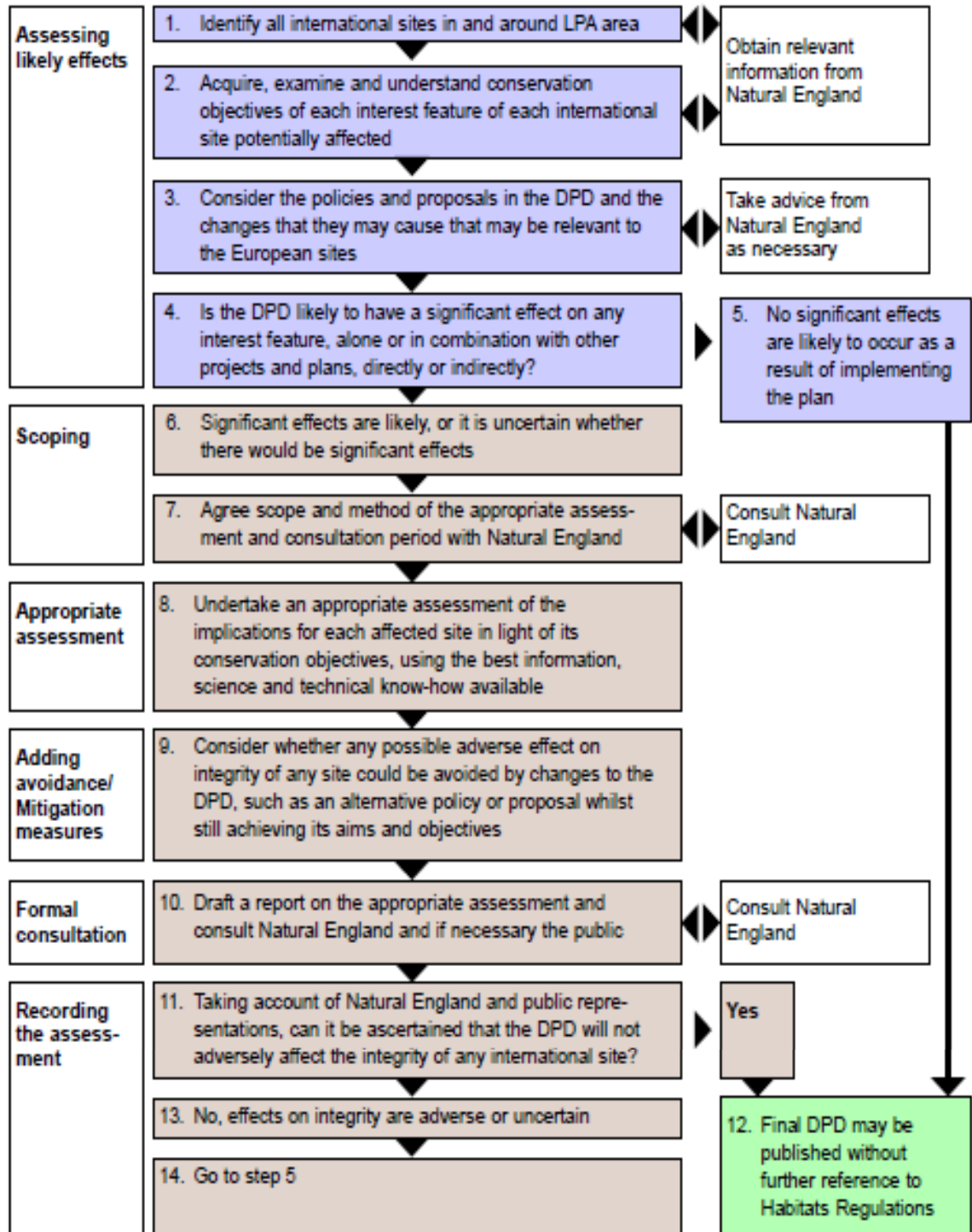
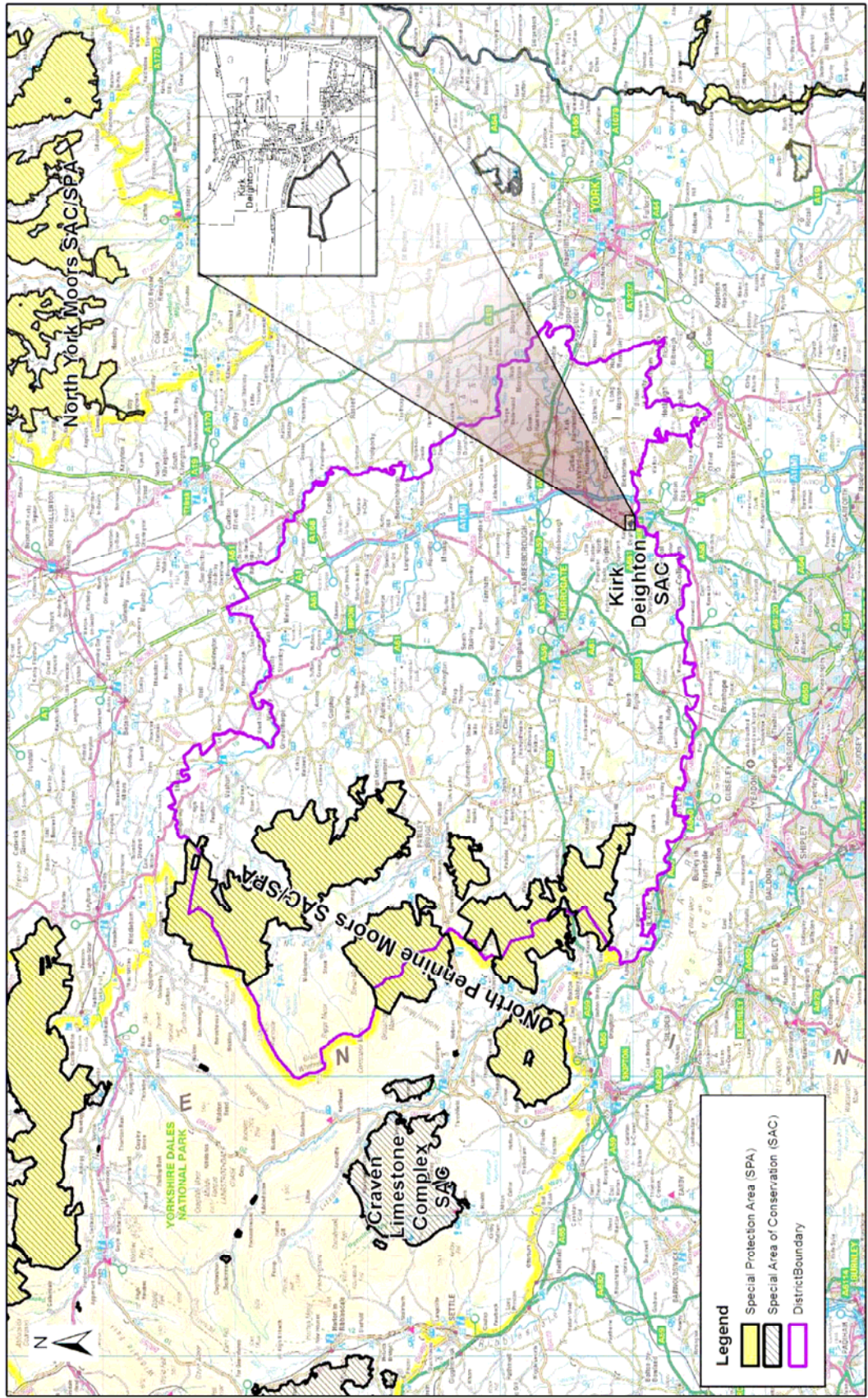


Figure 2: Location of SPAs and SACs in and around Harrogate District



3.0: Characteristics of SAC and SPA Designations Outside of the District

Craven Limestone Complex SAC. Area: 5328.25 (ha)

Features of Interest:

- 3.1 The Craven Limestone Complex is of great geological and biological interest, and has been selected as a site for an SAC for a large variety of habitats and species that are on an Annex I and Annex II qualifying feature. A key feature of this site is the complex mosaic of habitats that occur here.
- 3.2 Malham-Tarn is a large lake formed by glaciation in the last ice age and is rich in calcium but poor in other nutrients. Lakes like this are extremely rare and unusual because limestone substrates are free draining. The lake is particularly important for its submerged beds of stoneworts *Chara*, and is considered the best example of an upland stonewort *Chara*-dominated lake in England. Malham-Tarn lake, and the streams feeding it, support strong populations of the Annex II white-clawed crayfish *Austropotambius pallipes*.
- 3.3 Centred around Malham-Tarn lies an outstanding range of wetland habitats and species. This includes a large active raised bog that displays a classic raised dome shape and is a priority feature. Malham-Tarn also supports what is believed to be the largest expanse of *Molinia caerulea* – *Crepis paludosa* mire in the UK, although smaller fragments of this habitat are found elsewhere at the Craven Complex site.
- 3.4 At Great Close and Ha Mire there are large fen systems, principally of the *Carex dioica* – *Pinguicula vulgaris* mire, *Briza media* – *Primula farinose* sub community. A characteristic species of the Craven limestone, bird's-eye primrose *Primula farinose* is widespread in this area, alongside other rarer species such as broad leaved cottongrass *Eriophorum latifolium*, hair sedge *Carex capillaries*, alpine bartsia *alpina* and dwarf milkwort *Polygala amarelle*.
- 3.5 The dissolved limestone and low nutrient status in the soil at the Craven Complex also allow the UK's second most extensive area of calcereous grassland to thrive, including *Sesleria albicans* – *Galium sternerii* grassland. The site exhibits an important example of grassland scrub transitions.
- 3.6 The Craven Complex also contains extensive areas of limestone pavements that are an Annex I priority feature and provide a habitat for species, including the downy currant *Ribes spicantum*. The site also contains upwellings of petrifying springs with tufa formation *Cratoneurion* at a wide range of habitat areas across the Complex. These petrifying springs support an extremely rich flora, particularly lime loving species such as bird's-eye primrose *Primula farinose* and alpine bartsia *Bartsia alpina*.
- 3.7 Other important habitats found at the Complex, but which are not a primary reason for selection of this site as an SAC, are Calaminarian grasslands of the *Violetalie calaminariae* and *Tilio-Acerion* forests of slopes, screes and ravines. Craven Limestone Complex also supports the single remaining native site for Lady's-slipper orchid *Cypripedium calceolus*. Formerly reduced to a single plant, careful habitat

management, together with hand-pollination of the few flowers that appear, and more recently re-establishment of plants from *ex-situ* propagation, has led to a steady increase in the size of the colony. Also present is a good population of bullhead *Cottus gobio*, which live in the clean calcareous waters of the complex.

Vulnerabilities:

- 3.8 The base rich wetlands, calcareous grassland and limestone pavements at the Craven Complex are best managed through light grazing with cattle, and can be easily damaged or destroyed if intensive grazing with sheep is allowed to take place. Increasing rabbit numbers could also significantly reduce species numbers.
- 3.9 Much of the habitat at the complex is also extremely vulnerable to quarrying, which as well as removing limestone can have a significantly detrimental effect upon the remainder of the site by contaminating the water quality and altering water levels and turbidity. Drainage for agriculture and industrial runoff also has the potential for similar detrimental ecological impacts. In addition to the issues above, increased use of the area for recreation could also be ecologically damaging to this site. The main effects are likely to be caused by disturbance to wildlife, particularly during the breeding season.

Conservation Objectives:

- 3.10 The conservation objectives for the site are, in accordance of the reasons for which the SAC designation was designated, to maintain*, in favourable condition, the:
- Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp
 - Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco Brometialia*)
 - *Molinia* meadows on calcareous, peaty or clayey-silt-laded soils (*Molinion caeruleae*)
 - Active raised bogs (priority feature)
 - Petrifying springs with tufa formation (*Cratoneurion*) (priority feature)
 - Alkaline fens
 - Limestone pavements (priority features)

In favourable condition, the habitats of the population of:

- White-clawed crayfish (*Austropotamobius pallipes*)
- Bullhead (*Cottus gobio*)
- Lady's Slipper orchid (*Cypripedium calceolus*)

* maintain implies restoration if the feature is not currently in favourable condition.

Humber Estuary SPA / SAC Area: 15202.53 (ha)

Features of Interest:

- 3.11 Humber Flats, Marshes and Coast SAC is located on the east coast of England, and comprises extensive wetland and coastal habitats within the Humber Estuary. It has the second-highest tidal range in Britain (7.2 m) and approximately one-third of the estuary is exposed as mudor sand-flats at low tide. The inner estuary supports extensive areas of reedbed and mature saltmarsh backed by grazing marsh in the middle and outer estuary. The site has been designated as an SAC as it supports breeding and migratory populations of a number of species listed on the Annex I Birds Directive.

- 3.12 During the breeding season these include around 63 pairs of Little Tern *Sterna albifrons*, (representing at least 2.6% of the breeding population in Great Britain), who utilise the sand and shingle beaches and spits to nest upon. Elsewhere in the more brackish waters around 11 pairs of Marsh Harrier *Circus aeruginosus* nest here (representing at least 6.9% of the breeding population in Great Britain), primarily in the dense tall areas of vegetation. Over winter, the population of birds include around 1,593 Bar-tailed Godwit *Limosa lapponica* individuals (representing at least 3.0% of the wintering population in Great Britain), who feed on the worms found on the sandy and muddy shores. Also found are 2 individuals of Bittern *Botaurus stellaris* (representing at least 2.0% of the wintering population in Great Britain) and nearly 29,235 individuals of Golden Plover *Pluvialis apricaria*, (representing at least 11.7% of the wintering population in Great Britain) who feed in this important intertidal zone. At night, around 20 individuals of Hen Harrier *Circus cyaneus* (representing at least 2.7% of the wintering population in Great Britain) gather at communal nest sites in this area.
- 3.13 The estuarine habitats of the Humber also support around 5,212 individuals of Redshank *Tringa totanus* (representing at least 2.9% of the Eastern Atlantic - wintering population) on passage, and 1,767 Sanderling *Calidris alba* individuals (representing at least 1.8% of the Eastern Atlantic/Western & Southern Africa - wintering population). Over wintering birds include around 23,605 Dunlin *Calidris alpina alpina* (representing at least 1.7% of the wintering Northern Siberia/Europe/Western Africa population), 33,848 Knot *Calidris canutus* individuals (representing at least 9.7% of the wintering Northeastern Canada /Greenland/ Iceland/Northwestern Europe population), 4,452 Redshank *Tringa tetanus* individuals (representing at least 3.0% of the wintering Eastern Atlantic – wintering population) and 4,083 Shelduck *Tadorna tadorna* individuals (representing at least 1.4% of the wintering Northwestern Europe population). This site also qualifies for designation as an SPA as it regularly supports over the required 20,000 waterfowl. In total, the Humber Estuary has been estimated as supporting over 187,000 individual waterfowl.
- Vulnerabilities:**
- 3.14 The qualifying bird species in the Humber Estuary and their habitats are vulnerable to a large number of threats. On an estuary wide scale, changes to sea level from flood defence management probably represent the greatest threat, with the potential to lose further significant areas of intertidal habitats, including large areas of mudflats and saltmarshes.
- 3.15 Indirectly, coastal management schemes can also markedly reduce the trapping of nutrients within the estuary, leading to a loss of feeding areas for birds. Further development of industrial activity, such as power station cooling systems, gas and chemical pipelines and electricity cables can also have significant detrimental impact, especially if it takes places in intertidal locations. Although water quality has recently been improving within the estuary, pollution from agriculture, industry and urban areas is also a major threat to the habitats and birds in this area. Probably the other major threat to bird species in this area is from increased recreational disturbance of species.

3.16 In the most sensitive areas, such as high-tide wader roosts, even normally harmless activities such as dog walking, can force birds to leave traditional sites. Changes in agricultural practices can also reduce the amount of breeding and feeding sites in the area.

Conservation objectives:

3.17 The Conservation objectives for the site are, in accordance of the reasons for which the SPA designation was designated, to maintain*, in favourable condition:

- the habitats for the populations of the breeding Annex I bird species, with particular reference to:
 - Little Tern *Sterna albifrons*
 - Marsh Harrier *Circus aeruginosus*

- the habitats for the populations of the migratory Annex I bird species, with particular reference to:
 - Bar-tailed Godwit *Limosa lapponica*
 - Bittern *Botaurus stellaris*
 - Golden Plover *Pluvialis apricaria*
 - Hen Harrier *Circus cyaneus*

- the habitats for the populations of the migratory bird species of European importance, with particular reference to:
 - Redshank *Tringa totanus*
 - Sanderling *Calidris alba*
 - Dunlin *Calidris alpina alpina*
 - Knot *Calidris canutus*
 - Redshank *Tringa totanus*
 - Shelduck *Tadorna tadorna*

And to maintain*, in favourable condition, the habitats for the populations of birds that contribute to the breeding and migratory wetland bird assemblage of European importance.

* maintain implies restoration if the feature is not currently in favourable condition

4.0: Characteristics of SAC and SPA Designations Within the District

Kirk Deighton SAC Area: 4.03 ha

Features of Interest:

- 4.1 This habitat contains shallow ponds surrounded by sheep grazed pasture and hedgerows and supports one of the largest known breeding populations of Great Crested Newt (*Triturus cristatus*) in the UK. The main breeding pond, which is set in a depression, has a widely fluctuating water level, and this sometimes leads to pond desiccation. As a result, there is relatively little aquatic vegetation but egg-laying occurs and recruitment is successful intermittently; however, a large population is present, demonstrating this species' ability to thrive in temporary pond sites. *Triturus cristatus* are the largest native British newt and are an Annex II species. Populations are thought to have declined dramatically throughout the species' European range, and the aim is to protect the wide range of habitat types used by the species.

Vulnerabilities:

- 4.2 The temporary nature of the ponds makes this habitat vulnerable to physical damage. The shallow ponds may also be susceptible to hydrological changes in the water level and flow rate as a result of water abstraction. These effects may threaten the connectivity of the landscape, which is important to *Triturus cristatus* as the species often occur in metapopulations that encompass a cluster of several or many ponds. *Triturus cristatus* are also vulnerable at this site to biological disturbance, for example through the introduction of predatory fish. Although *Triturus cristatus* newts do not require very high water quality, increases in toxic and non-toxic contamination from agriculture, transport and industrial sources may also have a detrimental effect upon ecology of the site.

Conservation Objectives:

- 4.3 The conservation objectives for the site are, in accordance of the reasons for which the SAC designation was designated, to maintain*, in favourable condition, the:

- Habitats for the population of Great Crested Newts (*Triturus cristatus*)

* maintenance implies restoration if the feature is not currently in favourable condition.

North Pennine Moors SAC Area: 103109.42 (ha)

Features of Interest

- 4.4 This series of upland moorland sites, straddling the Cumbrian, Durham, North Yorkshire and Northumberland borders, have been designated as SAC due to diverse range of Annex I habitats found here.
- 4.5 The North Pennine Moors holds the major area of blanket bog in England. This habitat is a priority feature, as it is not commonly found elsewhere outside the UK. A significant proportion of this vast bog remains peat forming, although these areas are often bounded by sizeable zones of currently non-active bog. The main vegetation type is *Calluna vulgaris* – *Eriophorum vaginatum* blanket mire, but there is also representation of *Erica tetralix* – *Sphagnum papillosum* blanket mire.

- 4.6 The Moors are also one of the best areas in the UK for petrifying springs with tufa formation *Cratoneurion*. This habitat is considered to be rare as its total extent in the United Kingdom is estimated to be less than 100 hectares and is therefore a priority feature. Although very localised in occurrence on the Moors, where these springs do occur they are species rich with abundant bryophytes, sedges and herbs including bird's-eye primrose *Primula farinose* and marsh valerian *Valeriana dioica*.
- 4.7 Another primary reason for the selection of the Moors as an SAC is the presence of the European dry heaths. The North Pennine Moors hold much of the upland heathland of northern England, and these areas exhibit exceptional diversity in comparison with examples found elsewhere in the EU. The most abundant heath communities are *Calluna vulgaris* – *Deschampsia flexuosa* heath and *Calluna vulgaris* – *Vaccinium myrtillus* heath.
- 4.8 The North Pennine Moors also include one major stand of juniper scrub in Swaledale as well as a number of small and isolated localities. The Swaledale site grades into heathland and bracken *Pteridium aquilinum* but the core area of juniper is *Juniperus communis* – *Oxalis acetosella* woodland with scattered rowan *Sorbus aucuparia* and birch *Betula spp.*
- 4.9 Acidic rock outcrops and screes are well-scattered across the North Pennine Moors and support vegetation typical of Siliceous rocky slopes with chasmophytic vegetation in England, including a range of lichens and bryophytes.
- 4.10 Another habitat for which the North Pennine Moors is considered one of the best habitats in the UK is for Old sessile oak woods with *Ilex* and *Blechnum*. This habitat occurs far to the east of the habitats main distribution in the UK at an area known as Birk Gill Wood. This reflects the characteristic base poor soils and high rainfall of this area.
- 4.11 Although not a primary reason for selection of this as an SAC, the North Pennine Moors also supports a range of other Annex I habitats. These include Northern Atlantic wet heaths with *Erica tetralix*, Calaminarian grasslands of the *Violetalia calaminariae*, Siliceous alpine and boreal grasslands, semi-natural dry grasslands and scrubland facies on calcareous substrates *Festuco-Brometalia*, Alkine fens, Siliceous scree of the montane to snow levels *ndrosacetalia alpinae* and *Galeopsietalia ladani* and Calcareous rocky slopes with chasmophytic vegetation. The Annex II species Marsh saxifrage *saxifrage hirculus* is also found here.

Vulnerabilities:

- 4.12 All of the habitats found on the North Pennine Moors are sensitive to or dependent upon the management of grazing. As well as resulting in a direct loss to habitat, intensive grazing on heathland can lead to limited structural diversity and can prevent regeneration by native woodland and scrub, notably along upland heathland margins and streamsides where such habitat additions would be likely to enhance biodiversity value. On other habitats intensive grazing can also lead to loss of lower plant assemblages and erosion, particularly of peat. Conversely, reduced grazing levels can lead to encroachment by bracken and loss of biodiversity.

- 4.13 The heathland and blanket bog habitats are also sensitive to moorland burning practices. Burning is carried out to modify the moorland for the benefit of livestock and grouse and in particular, but poorly managed and accidental fires can be damaging as they lead to simplification of structure. Wet areas of the Moors are also vulnerable to changes to the drainage patterns which lower the water table and initiate increased erosion. Many of these drains have been cut in the past to improve the quality of the grazing land.
- 4.14 Other habitat threats to the North Pennine Moors are from forestry, which impacts on the hydrology and species composition of areas of blanket bog, notably as the trees mature. Aerial application of fertilisers and pesticides can also result in drift on to adjacent bog. In addition acidification, tropospheric ozone and nitrogen enrichment caused by atmospheric deposition from forestry, farming and other processes such as waste management and industrial activity can also increase the likelihood of insect defoliation of upland heathland.
- 4.15 Increases in recreational use of the Moors can also be detrimental to the ecology of the area, with many existing routes used by cyclists and horse-riders, traversing habitats, which are very sensitive to such pressure. Increased use of all-terrain vehicles for recreational, agricultural and sporting activities could also result in local erosion.
- 4.16 A number of areas of heathland and blanket bog at high altitudes may also be threatened by wind farms and communication masts, together with their associated infrastructure. These could result in direct physical loss and damage to habitats, as well as indirect effects upon the surrounding area, such as impacts on hydrology.

Conservation Objectives:

- 4.17 The conservation objectives for the site are, in accordance of the reasons for which the SAC designation was designated, to maintain* in favourable condition, the:
- European dry heaths
 - *Juniperus communis* formations on heaths or calcareous grasslands
 - Blanket bogs (priority feature)
 - Petrifying springs with tufa formation (*Cratoneurion*) (priority feature)
 - Siliceous rocky slopes with chasmophytic vegetation
 - Old sessile oak woods with *Ilex* and *Blechnum*
 - North Atlantic wet heaths with *Erica tetralix*
 - Calaminarian grasslands of the *Violetalia calaminariae*
 - Siliceous alpine and boreal grasslands
 - Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*)
 - Alkaline fens
 - Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)
 - Calcareous rocky slopes with chasmophytic vegetation.

* maintenance implies restoration if the feature is not currently in favourable condition.

North Pennine Moors SPA Area: 147246.41 (ha)

Features of Interest:

- 4.18 The North Pennine Moors SPA is composed of large areas of bog, semi natural heather moorland and upland grasslands, and stretches from Haltwhistle and Hexham in the north to Skipton and Harrogate in the south. The site encompasses the North Pennine Moors SAC and Moor House SPA, which are both subject to separate classifications, and lies 10km north of the South Pennine Moors SPA. This site has been designated as SPA as it supports important breeding populations of birds listed on the Annex I EU Birds Directive.
- 4.19 These include around 1,400 pairs of Golden Plover *Pluvialis apricaria*, representing at least 6.2% of the breeding population in Great Britain. These medium sized plovers prefer shorter vegetation and commonly breed away from the moorland edge on high, flat or gently sloping plateaux. Elsewhere on the moorland and other rough grazing areas are around 3,930 pairs of Curlew *Numenius arquata* (representing at least 3.3% of the breeding Europe – breeding population) and 330 pairs of Dunlin *Calidris alpina shinzii* (representing at least 3.0% of the breeding Baltic/UK/ Ireland population).
- 4.20 The Moors also provide a habitat for a number of birds of prey, many of which have been persecuted in the past for reducing grouse populations. These include around 11 pairs of Hen Harriers, (representing at least 2.2% of the breeding population in Great Britain) which favour areas of moorland with a high percentage of heather cover. Also found are around 136 pairs of the UK's smallest bird of prey, the Merlin *Falco columbarius* (representing at least 10.5% of the breeding population of Great Britain), and around 15 pairs of the large and powerful Peregrine *Falco Peregrinus* (representing at least 1.3% of the breeding population in Great Britain).

Vulnerabilities:

- 4.21 These qualifying breeding bird species found in the SPA are vulnerable to any of the sensitivities identified for the North Pennine Moors SAC that lead to habitat loss or deterioration. These primarily include poor moorland management and overgrazing that can result in a loss of structural diversity of the vegetation, and damage to wetland habitats caused by changes to drainage patterns.
- 4.23 In addition to the sensitivities identified for the North Pennine Moors SAC, a number of other factors may directly lead to a loss or decline in the birds species at this SPA. Agricultural intensification around the moorland edges can reduce habitat range and feeding areas for birds, whilst increased livestock on the moors can lead to destruction of nests by trampling and greater disturbance to breeding bird population. This may also result from increased recreation use, and can lead to less chicks being born and surviving to adulthood. All of the bird species on the SPA also remain vulnerable to the impacts of environmental pollutants and contaminated by toxic chemicals. Additionally many of the birds of prey are also threatened by illegal killing and persecution, primarily by game keepers on grouse moors.

Conservation Objectives:

4.24 The conservation objectives for the site are, in accordance of the reasons for which the SPA designation was designated, to maintain*, in favourable condition, the habitats for the breeding populations of Annex I species of:

- Golden Plover *Pluvialis apricaria*
- Hen Harrier *Circus cyaneus*
- Merlin *Falco columbarius*
- Peregrine Falco peregrinus
- Curlew *Numenius arquata*
- Dunlin *Calidris alpina achinzi*

With particular reference to:

- Upland Moorland
- Upland Pasture

** maintenance implies restoration if the feature is not currently in favourable condition.*

5.0: The Harrogate District LDF Core Strategy DPD

- 5.1 The Core Strategy was adopted by the Council on 11 February 2009. It sets out the direction and strategy for development and conservation in the Harrogate District up to the year 2021 and beyond. To enable a continuous delivery, housing provision will cover the period to 2023. It provides a vision of what the District should be like in 2021, with objectives and policies formulated to achieve it. Paragraph 2.8 of the Core Strategy makes it clear the all the documents in the LDF should be read as a whole, rather than in isolation.
- 5.2 The Core Strategy addresses its strategic objectives through the following policy areas:
- Settlement Growth
 - Homes for Local People
 - Jobs and Business
 - Travel
 - Environment and Quality of Life
 - Communities
- 5.3 The Site and Policies DPD will set out the development management policies and allocations to deliver the Core Strategy. It must therefore be in conformity with the adopted Core Strategy.
- 5.4 The Core Strategy was assessed under Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Flora and Fauna. It was not found that any of the policies within it required an Appropriate Assessment to be done. Some policies however raised issues that needed to be addressed.
- 5.5 The following Core Strategy Policies were found to have no significant impact.
- Policy HLP1: Affordable Housing Provision: Single Dwelling Developments
 - Policy HLP2: Affordable Housing Provision: Development of Two or More Dwellings
 - Policy HLP5: Replacement Of Restricted Occupancy Conditions
 - Policy JB2: Conference and Business Tourism
 - Policy JB3: Land for Jobs and Business
 - Policy JB4: Retail and Town Centre Development
 - Policy TRA1: Accessibility
 - Policy TRA2: Transport Infrastructure
 - Policy TRA3: Travel Management
 - Policy C1: Inclusive Communities
 - Policy C3: Community Sports Regeneration Area

- 5.6 The above policies were not considered to have a significant impact for the following reasons:
- The policy focuses on areas of the District such as Harrogate Town rather than settlements or countryside close to or within Natura 2000 sites.
 - The policy does not have spatial implications.
- 5.7 For the following policies, Natural England requested that some amendments were made to the policy and justification wording.
- Policy SG1: Housing Distribution and Urban Extensions.
 - Policy SG2: Hierarchy and Limits.
 - Policy SG3: Conservation of the Countryside, including Green Belt.
 - Policy SG4: Design and Impact.
 - Policy SG5: Managed Release of Housing.
 - Policy HLP3: Rural Exception Sites.
 - Policy HLP4: New Build Associated with Rural Conversion Schemes.
 - Policy JB1: Supporting the Harrogate District Economy.
 - Policy EQ1: Reducing Risks to the Environment.
 - Policy EQ2: The Natural and Built Environment and Green Belt.
 - Policy C2: Gypsies and Travellers.
- 5.8 For the responses and actions following the consultation Natural England, please refer to Appendices B and C of “Applying the Habitats Directive to the Submission Core Strategy DPD”.
- 5.9 This can be found here <http://www.harrogate.gov.uk/Documents/DS-P-LDF-HD%20to%20CoreStrategy.pdf>
- 5.10 The Core Strategy was adopted in February 2009, and was assessed against the Habitats Directive. When Council officers met with Natural England regarding the then proposed Core Strategy, Policy EQ1 (Reducing Risks to the Environment) did not refer to proposals for stand-alone renewable energy projects. It only addressed renewable energy as part of development, for example, housing. Natural England suggested that there needed to be more thought as to how the LDF will address and integrate the issue of windfarm development. In light of these comments the agreed policy wording for Policy EQ1 has been changed and criteria d of Policy EQ1 now states that “*Proposals for renewable energy projects will be encouraged, providing any harm caused to the local environment and amenity is minimised and clearly outweighed by the need for and benefits of the development*”. The explanation to criterion d is set out below:
- “d) Renewable energy projects: Stand alone renewable energy projects have an important role in addressing the issues identified in Paragraph 7.4 (of Policy EQ1) and in particular, achieving national and regional targets for renewable energy. The Council encourages and supports stand alone renewable energy projects providing that they comply with this policy and Policy EQ2. For example, in conformity with the recommendations set out in the Appropriate Assessment of the Yorkshire and Humber Regional Spatial Strategy, proposals for wind energy development can, and should, be achieved without requiring development within Natura 2000 sites”.*

- 5.11 Generally it is considered that the implementation of Policy EQ1 is having a positive effect on the environment in that its focus is to reduce greenhouse gases through appropriate high quality construction, design and operation and increase the use of renewable energy.
- 5.12 Policy EQ2 of the adopted Core Strategy also makes it clear that any proposal that is likely to have a effect on a Natura 2000 site has to meet the Habitats Regulations, and that an Appropriate Assessment may be required where a significant adverse impact on an SPA or SAC is likely.

6.0: The Sites and Policy DPD

- 6.1 The Site and Policies DPD will identify site to be allocated for housing and employment development, and will set out more detailed policies to manage development across the Harrogate District.
- 6.2 The Habitats Regulations Assessment of the Sites and Policies DPD is currently in draft form and will be out for consultation in September 2011 at the same time as this document.
- 6.3 The draft assessment of the Sites and Policies DPD has concluded that there is no need to carry out an Appropriate Assessment as it is not considered that any of the sites or policies proposed will have any significant effects on a Natura 2000 site.
- 6.4 Following the Council's meeting with Natural England, various comments were received. These, and comments received in subsequent emails have suggested changes in wording to the following policies.
- 6.5 Policy EQ6: Area Based Natural Assets of the Draft Sites and Policies DPD specifically relates to SPAs and SAC's. It states that they receive statutory protection under the relevant European legislation. The justification to the policy includes the wording:

“Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) form part of a network of protected wildlife sites across the European Union called ‘Natura 2000’. The Local Development Framework does not afford specific protection for International and National sites of biodiversity or geodiversity interest, instead these sites receive existing statutory protection under the following European or National legislation.

- *SPAs are protected under the EC Birds Directive (79/409/EEC),*
- *SACs are protected under the EC Habitats Directive (92/43/EEC),*
- *(SSSIs) are protected under Section 28 of the Wildlife and Countryside Act 1981.*
- *RAMSAR sites are wetlands of international importance, however there are currently no sites within Harrogate District.*

In accordance with Policy EQ2, proposals for development likely to have a negative impact on the integrity of a Natura 2000 site will need to carryout a Habitats Regulations Assessment, and if required, an Appropriate Assessment (AA)”.

- 6.6 To view the draft assessment for the Sites and Policies DPD, visit www.harrogate.gov.uk/ldfconsult

7.0: Contents of the Renewable and Low Carbon Energy SPD

7.1 The Renewable and Low Carbon Energy SPD seeks to build on Policy EQ1 of the Core Strategy. It does not seek to identify any sites or areas for renewable energy development, but instead outlines the pros and cons of each technology, and the potential planning constraints that relate to them.

7.2 Special Protection Areas and Special Areas of Conservation are specifically mentioned in the 'Constraints' Section of the draft SPD. Paragraph 6.21 of the draft SPD states:

Any development within or near to these areas requires a statutory consultation with Natural England, and may also require a Habitat Regulations Assessment under the European Habitats Directive. Any development that is likely to have an adverse impact on either an SPA or SAC will not be allowed to go ahead unless appropriate mitigation can be achieved and agreed with Natural England. In line with Policy EQ2 of the Harrogate District Core Strategy, any development that is likely to have a significant negative impact on the integrity of a 'Natura 2000' site will require an Appropriate Assessment (as required by the European Habitats Directive)".

7.3 The SPD actively discourages any renewable or low carbon energy development from occurring in an SPA or SAC, and as such will have no significant impacts. The SPD is also mainly aimed at smaller 'micro' scale projects that are likely to be located either on or adjacent to dwellings or businesses. Given the remote nature of the North Pennine Moors, there are very few, if any buildings within the SPA or SAC. With the inherent problems with connecting to the National Grid in such a remote area, it is not likely that small-scale 'stand alone' renewable energy developments would come forward.

7.4 The effects of micro renewable and low carbon energy developments are usually very localised, and are more often visual rather than anything else. In addition to this, the whole purpose of the SPD is to encourage renewable and low carbon energy development in suitable locations for the benefit of the wider environment.

7.5 The Renewable and Low Carbon Energy SPD should be read in conjunction with other documents that comprise the Local Development Framework. All proposals that currently require planning permission, such as wind turbines, will need to comply with Policy EQ2 of the Core Strategy and Draft Policy EQ6 of the Sites and Policies DPD which make it clear that any development that is likely to have a significant effect on a Natura 2000 sites will need to comply with the Habitats Regulations, and carry out an appropriate assessment if required.

8.0: Summary of Findings:

- 8.1 It is considered that the Renewable and Low Carbon Energy SPD will be unlikely to have a significant effect on the integrity of the relevant Natura 2000 sites, because:
- It specifically and actively steers development away from Natura 2000 sites.
 - It is mainly aimed at 'micro' scale developments that usually only have very localised effects, and even then they are usually visual.
 - Its whole purpose is to encourage renewable and low carbon energy development in suitable locations for the benefit of the wider environment. It is envisaged that the SPD will benefit the environment, including wildlife habitats such as those found in the Natura 2000 sites in the District, rather than resulting in any harm.
 - As well as directing development away from Natura 2000 sites, the Renewable and Low Carbon Energy SPD should be read in conjunction with the rest of the documents in the Local Development Framework. Of these, Policy EQ2 of the Core Strategy and Policy EQ6 of the Draft Sites and Policies DPD are robust and clear concerning any development that may effect a Natura 2000 site.