

Leicestershire Local Flood Risk Management Strategy

Habitats Regulations Assessment

Final Report

April 2023

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Revision History

Revision Ref/Date	Amendments	Issued to
P01.01 December	Draft Report	Leicestershire County Council
P02 December	Draft Report for consultation	Leicestershire County Council
P03 April	Final Report for public consultation	Leicestershire County Council

Contract

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Purpose

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Executive summary

This report contributes to Leicestershire County Council's legal obligation under the Conservation of Habitats and Species Regulations 2010 (as amended) to carry out a Habitat Regulations Assessment (HRA) of its plans for effects on European Sites.

Leicestershire County Council (LCC) has developed a Local Flood Risk Management Strategy (LFRMS) for the County. As Lead Local Flood Authority (LLFA) under the Flood and Water Management Act 2010 they are responsible for the management of local flood risk, including from surface runoff, ground water and flooding from ordinary watercourses (smaller rivers and streams). Several European Sites are located within or adjacent to the LCC boundary and it is a requirement that LFRMS is assessed under these regulations.

Before a plan can be adopted, the 'competent authority' (LCC) needs to demonstrate that the plan would have no significant effects on European Sites' integrity to the satisfaction of Natural England. An uncertain result is not acceptable and is treated as adverse until proven otherwise.

European Sites consist of Special Areas of Conservation (SAC) designated for habitats and animal species, and Special Protection Areas (SPA) designated for bird species. Ramsar sites designated under the Ramsar Convention on Wetlands 1971 are also included following Government policy.

Due to the high-level and strategic nature of the objectives and measures proposed, and the lack of proposals for physical works on the ground in the vicinity of European Sites, all of the LFRMS objectives and measures have been screened out.

Therefore, the screening assessment can conclude that the Leicestershire LFRMS will not have significant effects, either alone or in-combination with other plans/strategies, on the following European sites:

- River Mease SAC
- Ensor's Pool SAC
- Grimsthorpe SAC
- Rutland Water SPA and Ramsar

As no likely significant effects have been identified, there is no need for Appropriate Assessment.

It is therefore concluded that the Leicestershire LFRMS can be adopted with no adverse impact on the integrity of European Sites.

It should be noted that if the LFRMS objectives and measures are amended, or additional objectives and measures are included, then further HRA screening should be undertaken.

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Abbreviations

GIA	Grant in Aid
HIAMP	Highway Infrastructure Asset Management Plan
HRA	Habitats Regulations Assessment
LCC	Leicestershire County Council
LFRMS	Local Flood Risk Management Strategy
LLFA	Lead Local Flood Authority
LLR	Leicester, Leicestershire, and Rutland
NFM	Natural Flood Management
SAC	Special Area of Conservation
SFRA	Strategic Flood Risk Assessment
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SWMP	Surface Water Management Plan

1 Introduction

This report details the Habitats Regulations Assessment of the Local Flood Risk Management Strategy (LFRMS) that has been developed by Leicestershire County Council (LCC), as part of their responsibility as a Lead Local Flood Authority (LLFA). It is intended to identify, describe and assess the likely significant effects of implementing the strategy on European designated sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)) and also Ramsar sites within and around Leicestershire.

1.1 The Local Flood Risk Management Strategy

The Flood and Water Management Act 2010 determined the need for flood risk to be managed within the framework of National Strategies for England and Wales and within Local Strategies for each Local Flood Authority Area. The national strategy for England sets out the principles for flood risk management and which organisations are responsible for implementation.

In accordance with the national strategy for England, LLFAs have been allocated responsibility for developing independent LFRMSs to address sources of local flooding. Each LFRMS identifies which local organisation is accountable for managing flood risk and establishes partnership agreements, as well as undertaking an assessment of flood risk and developing plans / actions, for tackling these risks.

LCC as a LLFA has a responsibility to produce a LFRMS to manage water within the County to address local flooding issues. The LCC LFRMS sets out the overall objectives to manage flooding within the County, prepared in accordance with the Flood Risk Regulations (2009). The purpose of the Strategy is to define and monitor local flood risk management in Leicestershire, and in doing so fulfils the duty required in Section 9 of the Flood and Water Management Act 2010 for the LLFA. It identifies five objectives that outline the strategy to manage local flood risk, and puts forward associated actions/measures that will promote the successful delivery of the strategy.

1.2 Habitats Regulations Assessment

1.2.1 Legislative Context

The Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019), also known as the 'Habitats Regulations', provide legal protection to habitats and species of national importance. The regulations also secure an ecological network of protected sites, consisting of SACs and SPAs. Government guidance also requires that Ramsar sites (which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance [Ramsar Convention]) are given the same level of protection as SACs and SPAs.

Prior to the UK's withdrawal from the EU, SACs were designated and protected under domestic legislation transposed from European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive), and SPAs under European Directive 2009/147/EC on the Conservation of Wild Birds (Birds Directive). Together these sites formed a European-wide Natura 2000 network of protected sites. Since 31 December 2020, SACs and SPAs within the UK no longer fall within the Natura 2000 network, and instead form a National Site Network. SPAs and SACs continue to be referred to collectively as 'European

sites' within the context of the Habitats Regulations, reflecting their international importance for the conservation of biodiversity.

SACs and SPAs within the National Site Network are also still designated for habitats listed on Annex I and for species listed on Annex II of the Habitats Directive, and criteria listed under the Birds Directive, and it is these Annex I habitats, Annex II species and Birds Directive Criteria against which assessments under the Habitats Regulations are still made.

It is a requirement of Regulation 105 of the Habitats Regulations that where a plan is likely to have a significant effect on a European site, either alone or in-combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site "the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives".

Therefore, for all plans that are not wholly directly connected with, or necessary to, the conservation management of the site's qualifying features, a formal Screening for any Likely Significant Effects (either alone or in-combination with other plans or projects) on a European site is required. This Screening Assessment is based on available ecological information on the designated site(s), other plans, projects and policies relevant to the area and details of the proposed plan.

If the Screening Assessment concludes that the plan is likely to have a significant effect on the conservation objectives of the site(s), or that such an effect cannot be ruled out (adopting a precautionary approach) an Appropriate Assessment must be carried out. An Appropriate Assessment involves an assessment of the potential effects of the plan on the conservation objectives of the site(s). If significant effects are identified, avoidance measures or mitigation to reduce impacts can be applied.

If it cannot be concluded that the plan will not adversely impact upon the integrity of the site(s), the development will not be able to proceed without further conditions and/or assessment. The plan will need to prove that all alternatives have been considered and that there are imperative reasons of overriding public interest (IROPI) that outweigh the potentially damaging impacts that the plan may have before it can proceed. In this case compensatory measures will be required.

Plans, such as the Leicestershire County Council LFRMS, are required to undergo HRA if there is the potential for significant impacts, and they are not directly connected with or necessary to the management of a European site. As the Plan is not connected with or necessary to the management of SACs, SPAs or Ramsar sites, it is necessary to undertake a HRA of the Plan.

2 HRA Methodology

2.1 Introduction

It is accepted best-practice for the HRA of plans/strategies to be run as an iterative process alongside the plan/strategy development, with the emerging objectives, measures/actions continually assessed for their possible effects on European sites and modified or abandoned (as necessary) to ensure that the subsequently adopted plan/strategy is not likely to result in significant effects on any European sites, either alone or 'in-combination' with other plans. This is usually undertaken in consultation with Natural England and other appropriate consultees.

2.2 HRA Process

The HRA will follow a four-stage process, based on that detailed in the Department for Communities and Local Government (DCLG) guidance Planning for the Protection of European sites: Appropriate Assessment (2006) and subsequent Government Guidance on the Use of Habitats Regulations Assessment (2019). These stages are described in Table 2-1.

Table 2-1: The HRA Process

Stage/Task	Description
HRA Stage 1: Screening	<p>This process identifies the likely impacts upon a European site of a project or plan, either alone or in-combination with other projects or plans, and determines whether these impacts are likely to be significant.</p> <p>If no likely significant effect is determined, the project or plan can proceed. If a likely significant effect is identified, stage 2 is commenced.</p> <p>Following the People over Wind & Sweetman v Coillte Teoranta Case C-323/17, the assessment does not consider protective, avoidance or mitigation measures for stage 1 Screening. These measures are carried forward and considered as part of stage 2.</p> <p>However, any changes to early drafts of a plan, for example the removal of a policy with likely significant effects, are considered as pre-screening decisions. The HRA formal Screening is undertaken prior to the adoption of the Plan. Therefore, any changes on earlier iterations of the draft plan are in effect changes to the essential features or characteristics of the plan itself and are therefore (usually) not considered to be avoidance measures requiring consideration at Stage 2.</p>
HRA Stage 2: Appropriate Assessment	<p>This assessment determines whether a project or plan would have an adverse impact on the integrity of a European site, either alone or in-combination with other projects or plans.</p> <p>This assessment is confined to the effects on the important habitats and species for which the site is designated (i.e. the qualifying interests of the site).</p> <p>Appropriate Assessments, in line with CJEU: Case C-461/17 Holohan v An Bord Pleanála, must also consider impacts upon habitats and species within or outside of a site boundary if they support a qualifying feature and could impact upon the conservation objectives of the site.</p> <p>If no adverse impact is determined, the project or plan can proceed. If an adverse impact is identified, Task 3 is commenced.</p>
HRA Stage 3: Assessment where no	<p>Where a plan or project has been found to have adverse impacts on the integrity of a European site, potential avoidance/mitigation measures or</p>

Stage/Task	Description
alternatives and adverse impacts remain (Mitigation and Alternatives)	<p>alternative options should be identified.</p> <p>If suitable avoidance/mitigation or alternative options are identified, that result in there being no adverse effects from the project or plan on European sites, the project or plan can proceed.</p> <p>If no suitable avoidance/mitigation or alternative options are identified, as a rule the project or plan should not proceed. However, in exceptional circumstances, if there is an 'imperative reason of overriding public interest' for the implementation of the project or plan, consideration can be given to proceeding in the absence of alternative solutions. In this case, compensatory measures must have to be put in place to offset negative impacts (stage 4).</p>
HRA Stage 4: Compensatory measures	Stage 4 comprises an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the project should proceed.

Other guidance documents have been used to help inform the methodology of this assessment, including:

- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2002)
- The Habitats Regulations Assessment Handbook. DTA Publications
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Communities, 2018)
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (European Communities, 2007)
- The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- The Planning Inspectorate PINS Note 05/ 2018: Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman, v Coillte Teoranta (The Planning Inspectorate, 2018)
- UK Government Guidance on the use of Habitats Regulations Assessment (July 2019) [<https://www.gov.uk/guidance/appropriate-assessment>]

2.3 HRA Stage 1: Screening Methodology

The principles of 'screening' are applied to a plan or its components to allow the assessment stage to focus on those aspects that are most likely to have potentially significant or adverse effects on European sites, as well as shape the emerging strategy. Screening aims to determine whether the plan will have any 'likely significant effects' on any European site as a result of its implementation. It is intended to be a coarse filter for identifying effects (positive and negative) that may occur, to allow the assessment stage to focus on the most important aspects. A plan should be considered 'likely' to have an effect if it is not possible (on the basis of objective information) to exclude the likelihood that the plan could have significant effects on any European site, either alone or in-combination with other plans or projects; an effect will be 'significant' if it could undermine the site's conservation objectives.

Screening can be used to 'screen-out' European sites and plan components from further assessment, if it is possible to determine that significant effects are unlikely (e.g. if sites or interest features are clearly not vulnerable (exposed

and/or sensitive) to the outcomes of a plan due to the absence of any reasonable impact pathways).

In order to undertake screening of the LFRMS, it is necessary to:

- Identify the European sites within and outside the strategy area likely to be affected, reasons for their designation and their conservation objectives
- Describe the strategy and its aims and objectives and also those of other plans or projects that in-combination have the potential to impact upon the European sites
- Identify the potential effects on the European sites
- Assess the significance of these potential effects on the European sites.

2.3.1 The Precautionary Principle

If there is uncertainty, and it is not possible, based on the information available, to confidently determine no significant effects on a site then the precautionary principle will be applied, and the plan will be subject to an appropriate assessment (HRA Task 2).

2.3.2 Mitigation, Avoidance and Protective Measures

Following the *People over Wind & Sweetman v Coillte Teoranta* Case C-323/17, the assessment does not consider protective, avoidance or mitigation measures for stage 1 Screening. These measures are carried forward and considered as part of the stage 2 Appropriate Assessment.

2.4 HRA Stage 2: Appropriate Assessment Methodology

2.4.1 Appropriate Assessment and Mitigation – HRA Tasks 2 and 3

For those European sites screened into the HRA, it is necessary to undertake an Appropriate Assessment to explore the potential adverse effects on their integrity and develop measures to avoid these effects entirely, or if not possible, to mitigate the impacts sufficiently that effects on the European sites are rendered effectively insignificant.

The stages involved in the Appropriate Assessment are to:

- Explore the reasons for the European designation of the "screened in" European sites
- Explore the environmental conditions required to maintain the integrity of the "scoped in" European sites and become familiar with the current trends in these environmental processes
- Gain a full understanding of the LFRMS and consider each measure within the context of the environmental processes – would the measures lead to an impact on any identified process?
- Decide whether the identified impact will lead to an adverse effect on the integrity of the European site
- In reference to ECJ case C-462/17 (Nov 18) *Holohan v An Bord Pleanala*, the Appropriate Assessment needs to include all typical habitats and species present within and outside of the boundaries of the European site, if they are necessary for the conservation of the habitats and species listed for the protected area.
- Identify other plans that might affect these European sites in combination with the LFRMS and decide whether there are any adverse effects that might not result from the strategy in isolation will do so in-combination.

- Develop measures to avoid the effect entirely, or if not possible, to mitigate the impact sufficiently such that its effect on the European site is rendered effectively insignificant.

In evaluating significance, JBA Consulting has relied on its professional judgement, which will be further reinforced through consultation with Natural England, through the development of the LFRMS.

2.5 Consultation

It is a requirement of the Habitat Regulations to consult the appropriate nature conservation statutory body (i.e. Natural England). This HRA has been subject to consultation with Natural England, alongside the draft LFRMS.

3 European Sites

3.1 Introduction

As discussed in section 1.2, European sites collectively form the National Site Network. The objectives of the National Site Network are to:

- a) maintain at, or where appropriate restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status in their natural range (so far as it lies in the United Kingdom's territory, and so far as is proportionate).
- b) contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds listed in Annex I to the new Wild Birds Directive which naturally occur in the United Kingdom's territory and regularly occurring migratory species of birds not listed in that Annex which naturally occur in the United Kingdom's territory, and so securing compliance with the overarching aims of the Wild Birds Directive.

The National Site Network consists of:

- Special Areas of Conservation (SACs) - these are designated to protect those habitat types and species that are considered to be most in need of conservation (excluding birds).
- Special Protection Areas (SPAs) - these are designated to protect rare and vulnerable birds, and also regularly occurring migratory species.

Although not included in the legislation, as a matter of policy, Ramsar sites in England and Wales are protected in the same way as European sites, and therefore considered in the HRA process. The vast majority are also classified as SPAs and Sites of Special Scientific Interest (SSSIs). All SPAs and terrestrial SACs in England and Wales are also designated as SSSIs under the Wildlife and Countryside Act (1981) as amended.

For simplicity in this report, SACs, SPAs and Ramsar sites are collectively referred to as European sites.

3.2 European Sites in and Around Leicestershire

Best practice guidance suggests that sites occurring within a wider area of approximately 10km to 15km from the boundary of the area directly affected by a plan should be identified and assessed as part of the HRA screening process, in addition to those sites located within the plan area. However, it is important to consider the possibility of impacts for any European site which might be affected, whatever their location, given the activities included in the plan and their range of influence. This may extend some distance from the area within the immediate influence of a plan. For this LFRMS a buffer of 15km has been applied as it is considered that no pathways, including hydrological connections, exist that would impact upon any European sites beyond this extent.

There is one SAC located within Leicestershire. There are a further two SACs, one SPA and one Ramsar site located within 15km of the Leicestershire County boundary. These sites are listed in Table 3-1 below and the locations shown in Appendix A Figure A-1.

Table 3-1: European Sites Within and Adjacent to the County of Leicestershire

Designation	Within Leicestershire	Adjacent to Leicestershire (within 15km)
SAC	River Mease	Ensor's Pool Grimsthorpe
SPA	None	Rutland Water
Ramsar	None	Rutland Water

Detailed information on these sites, including their qualifying features and conservation objectives are provided in Appendix B Table B-1: Relevant European Site Details (Information from JNCC and Natural England).

3.3 Potential Hazards to European Sites

3.3.1 Introduction

Flood risk management (including the construction of flood defences and maintenance works) can potentially have adverse impacts on the habitats and species for which European sites are designated. These impacts can be direct such as habitat loss, fragmentation or degradation, or indirect such as disturbance or pollution from construction and transportation.

This section identifies the potential hazards to European sites within and adjacent to the County of Leicestershire which may arise as a result of the implementation of the LFRMS, and then goes on to identify the types of hazards to which the qualifying features present within the sites are particularly sensitive.

3.3.2 Hazards to Sites

The European sites within and adjacent to Leicestershire are mostly comprised of river and other wetland sites and therefore the potential hazards identified in Table 3-2 are based on those identified in the Environment Agency's EU Habitats Directive Handbook, however local conditions have also been considered during the hazard identification process.

Table 3-2: Potential Hazards to European sites

Potential Hazard	Description
Changes in hydrological regime	These are changes to existing hydrological processes (e.g. changes to flow rates) that may alter the present characteristics of the European site.
Changes in water levels or tables	Flooding, or altered water levels, may have adverse impacts on water dependant habitats and species, through drying out of water dependent habitats or by making water levels higher than the species present can tolerate. Additionally, changes to groundwater may adversely impact on these habitats.
Changes in water quality	Activities which may impact upon water quality, such as accidental pollution spills as a result of flood risk management activities, may adversely affect wetland habitats and species.
Changes to surface water flooding	Activities which may result in a reduction or increase in the frequency and extent of surface water flooding which may affect riverine, floodplain and other habitats. For example, ponding, intense rainfall or summer storms, or risks increased

Potential Hazard	Description
	by impermeable surfaces.
Competition from invasive non-native species	Hydrological impacts as a result of flood risk management measures may cause introduction or spread of invasive non-native species, particularly plants, which could result in changes to community composition and even the complete loss of native communities.
Disturbance	Activities (construction or maintenance) which can adversely impact on the qualifying features of the site directly (physical disturbance) or indirectly (visual or noise), causing sensitive birds and other fauna to deviate from their normal, preferred behaviour.
Habitat fragmentation	Flood events, or flood risk management measures such as defence construction, result in the separation of available habitats or split extensive areas of suitable habitat.
Habitat loss	Loss of habitat within the designated boundaries of a European site, for example, as a result of defence construction.
Habitat/community simplification	Changes to environmental conditions as a result of flood risk management measures may result in a reduction and fragmentation of habitats that will reduce biodiversity.
Turbidity and siltation	Construction activities or changed flooding/hydrological regimes may increase turbidity within water environments and can impact upon aquatic plants, fish and wildfowl due to sedimentation and reduction in penetrable light.

3.3.3 Qualifying Features and Sensitivity to Hazards

Table 3-3 shows the qualifying features of the European sites within and adjacent to Leicestershire and identifies the hazards to which they are most sensitive. Their qualifying features have been grouped based on guidance from the Environment Agency (2013) to facilitate the sensitivity assessment. It must be noted that during the assessment of the potential impacts of the LFRMS on a European site, all of the potential hazards will be considered.

Table 3-3: Sensitivity of Qualifying Features to Potential Hazards

	Potential Hazards									
	Changes in hydrological regime	Changes in water levels or table	Changes in water quality	Changes to surface water flooding	Competition from non-native species	Disturbance	Habitat fragmentation	Habitat loss	Habitat / community simplification	Turbidity and siltation
Riverine habitats and running water	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dry grassland				✓	✓			✓	✓	
Vascular plants of grassland				✓	✓			✓	✓	
Non-migratory fish and invertebrates of rivers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mammals of riverine habitats	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Birds of lowland freshwaters and their margins	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

4 Screening Assessment

4.1 Introduction

This section considers the objectives and measures in the Leicestershire LFRMS and identifies whether or not they have the potential for likely significant effects on the integrity of European sites, either alone or in-combination with other plans. The results of the screening are given in Table 4-1 below.

Table 4-1: Screening of LFRMS Objectives and Measures

LFRMS objectives	LFRMS Measures	Potential for Likely Significant Effect on European Sites
All	The LLFA will continue to coordinate and chair the Leicestershire Flood Risk Management Board.	No – this measure relates to LLFA’s role on the Flood Risk Management Board.
Objective 1 - Manage local flood risk through the effective management of flood risk assets, watercourses, and catchments.	The LLFA will signpost and make available guidance for riparian landowners, and proactively disseminate this in locations of identified priority.	No - this measure relates to the provision of guidance for landowners.
	The LLFA will regulate ordinary watercourses in accordance with the Leicestershire Ordinary Watercourse Regulation and Culvert Policy, and supporting guidance.	No – this measure sets out how ordinary watercourses will be regulated in accordance with existing policies and guidance
	The LLFA will continue to maintain the Leicestershire Flood Risk Asset Register and Record in accordance with Leicestershire’s Asset Register and Record Policy.	No – this relates to maintenance of a register and records
	The Local Highway Authority will continue to maintain highway drainage assets in accordance with the Leicestershire Highway Infrastructure Asset Management Plan.	No – this does not lead to any change; maintenance will be in accordance with existing plan
	The LLFA will work with catchment partnerships and landowners to integrate environmental and flood risk management workstreams.	No – this measure relates to partnership working and sharing information
	The LLFA with support from catchment partnerships will seek to maximise opportunities for natural flood management across Leicestershire.	No - this measure relates to partnership working and sharing information.

LFRMS objectives	LFRMS Measures	Potential for Likely Significant Effect on European Sites
Objective 2 - Manage local flood risk through promoting sustainable development.	The LLFA will continue to fulfil its role as statutory consultee for surface water drainage matters on all major planning applications, in accordance with national and local policies and guidance.	No – this relates to on-going duties as statutory consultee
	The LLFA will review all options for implementing a chargeable service for planning pre-application advice and other service delivery.	No – this relates to pre-application arrangements
	The LLFA and other RMAs will prepare for implementation of Schedule 3 of the Flood and Water Management Act 2010 and if required revise the Strategy Action Plan if implemented.	No – this relates to implications of flood legislation change
	Risk management authorities and those involved in development approvals will continue to work together to ensure coordinated local standards and developer guidance, from pre-application to completion.	No – this relates to standards and guidance
	Risk management authorities will support the development and review of local planning policy affecting local flood risk management. This includes local development plans, infrastructure development plans, strategic flood risk assessments, and neighbourhood plans.	No – this relates to support as part of planning policy review
Objective 3 - Manage local flood risk through effective preparedness, response to, and recovery from flood events.	LLR Prepared will continue to maintain the Multi-Agency Flood Plan for Leicestershire, Leicester City and Rutland.	No – this relates to on-going flood warning coordination
	LLR prepared and risk management authorities will continue to assist local communities in producing and maintaining community flood action plans.	No – this relates to on-going assistance with regards to flood response
	LLR Prepared and risk management authorities will continue to plan and support flood exercises as and when required and resources allow, implementing lessons learnt.	No – this relates to on-going support of flood exercises

LFRMS objectives	LFRMS Measures	Potential for Likely Significant Effect on European Sites
	Risk Management Authorities will continue to promote the Environment Agency's flood warning service where it is available in Leicestershire.	No – this relates to on-going promotion of the EA's flood warning service
	Risk management authorities will work together to develop initiatives and web-based information to enhance community preparedness and resilience to flooding.	No – this relates to development of flood warnings
	Risk Management Authorities will continue to support national recovery schemes following flood events.	No – this relates to on-going support of flood recovery schemes
	The LLFA will continue to complete and publish formal flood investigations in accordance with the Leicestershire Flood Investigations Policy.	No – this relates to on-going flood investigations
Objective 4 - Better understand local flood risk, informing our approaches to managing this risk.	The LLFA will manage the production and maintenance of detailed surface water modelling for Leicestershire.	No – this measure relates to surface water modelling.
	The LLFA will maintain and coordinate the Market Harborough Surface Water Management Plan.	No – this measure relates to coordination of a Plan, which may require a separate HRA.
	The LLFA will continue to investigate flooding mechanisms for the community of Cossington.	No – this measure relates to understanding flood risk
	The LLFA will maintain and coordinate the Loughborough Surface Water Management Plan.	No – this measure relates to coordination of a Plan, which may require a separate HRA
	The LLFA will work with partners to assess the feasibility of natural flood management upstream of Great Easton.	No – Great Easton is located more than 10km from the nearest European site and therefore any NFM measures proposed would have no effect on European sites.
	The LLFA will continue to investigate the feasibility of flood alleviation for the community of Diseworth.	No – Diseworth is located more than 10km from the nearest European site and therefore any local FRM measures proposed would have no effect on European sites.
	The LLFA will continue to investigate the feasibility of flood alleviation for the community of	No – Long Whatton is located more than 10km from the nearest European site and

LFRMS objectives	LFRMS Measures	Potential for Likely Significant Effect on European Sites
	Long Whatton.	therefore any local FRM measures proposed would have no effect on European sites.
	The LLFA will continue to investigate the feasibility of flood alleviation for the community of Stoney Stanton.	No – Stoney Stanton is located more than 10km from the nearest European site and therefore any local FRM measures proposed would have no effect on European sites.
	The LLFA and Environment Agency will continue to investigate options for reducing flood risk, including natural flood management in the River Mease Special Area of Conservation.	<p>No – although this measure relates to potential flood risk management measures within the River Mease SAC, it is currently proposing on-going investigation of options only, which would not, at this stage, result in effects on the SAC.</p> <p>Future implementation of any chosen option would require detailed HRA, and the LLFA and EA as competent authorities would be required to undertake this.</p>
	The LLFA will coordinate work with relevant risk management authorities to better understand flood risk in Oadby.	No – this measure relates to understanding flood risk
	The LLFA will coordinate work with relevant risk management authorities to better understand flood risk in Hinckley and Burbage.	No – this measure relates to understanding flood risk
Objective 5 - manage local flood risk through planning and delivering local flood alleviation and resilience projects for local communities.	Risk management authorities will monitor the benefits of completed flood risk management schemes.	No – this measure relates to monitoring completed flood risk management schemes.
	The LLFA will manage the delivery of the Breedon-on-the-Hill flood alleviation scheme.	No – Breedon-on-the-Hill is located more than 10km from the nearest European site and therefore the scheme would have no effect on European sites.
	The LLFA will maintain a pipeline of local projects.	No – this measure relates to local projects which may require their own environmental assessment.

4.2 In-combination Effects

As it has been assessed that the Leicestershire LFRMS will have no effect on any European site alone, then there is no requirement for an in-combination assessment.

5 Screening Assessment Conclusion

5.1 Conclusion

The LFRMS sets out the overall objectives to manage flooding within Leicestershire (Table 4-1). The purpose of the Strategy is "define and monitor local flood risk management in Leicestershire, and in doing so fulfils the duty required in section 9 of the Flood and Water Management Act 2010 for the LLFA. The five objectives of the Strategy set out a vision as to how local flood risk will be delivered and managed by LCC as LLFA, and all other Risk Management Authorities as well.

Due to the high-level and strategic nature of the objectives and measures proposed, and the lack of proposals for physical works on the ground in the vicinity of European Sites, all of the LFRMS objectives and measures have been screened out.

Therefore, the screening assessment can conclude that the Leicestershire LFRMS will not have significant effects, either alone or in-combination with other plans/strategies, on the following European sites:

- River Mease SAC
- Ensor's Pool SAC
- Grimsthorpe SAC
- Rutland Water SPA and Ramsar

As no likely significant effects have been identified, there is no need for Appropriate Assessment.

It is therefore concluded that the Leicestershire LFRMS can be adopted with no adverse impact on the integrity of European Sites.

It should be noted that if the LFRMS objectives and measures are amended, or additional objectives and measures are included, then further screening should be undertaken.

Appendices

A European Sites within and adjacent to the County of Leicestershire

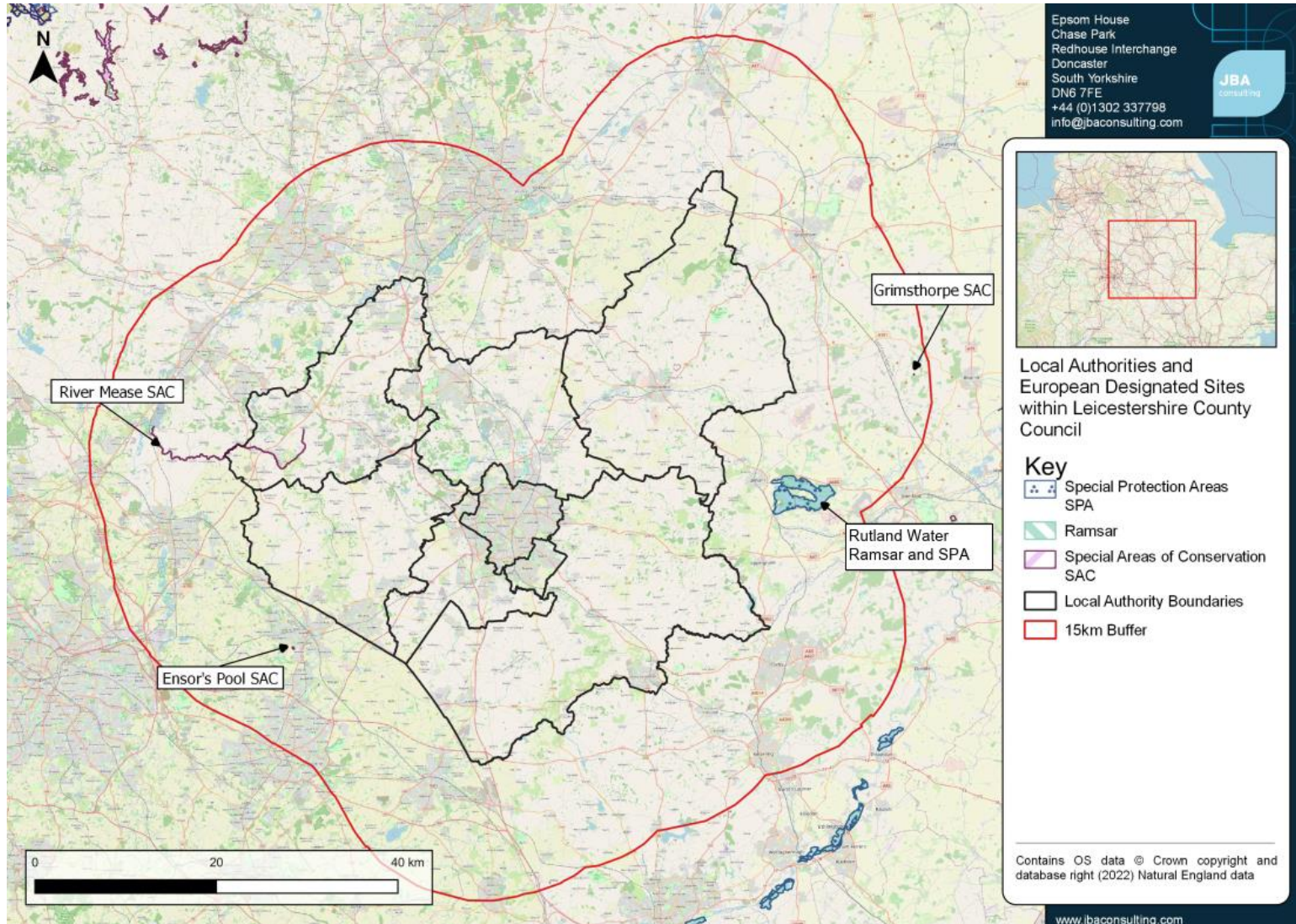


Figure A-1: Relevant European Sites

B Details of European Sites within and adjacent to the County of Leicestershire

Table B-1: Relevant European Site Details (Information from JNCC and Natural England)

European Site	Qualifying Feature (Broad Habitat/ Species Groupings)	Qualifying Feature	Conservation Objectives	Site Vulnerability
<p>Rutland Water SPA Site area 1556ha</p>	<p>Wintering bird populations</p>	<p>Wintering populations of: A005 <i>Podiceps cristatus</i> Great crested grebe (non-breeding) A036 <i>Cygnus olor</i> Mute swan (non-breeding) A050 <i>Anas penelope</i> Eurasian wigeon (non-breeding) A051 <i>Anas strepera</i> Gadwall (non-breeding) A052 <i>Anas crecca</i> Eurasian teal (non-breeding) A056 <i>Anas clypeata</i> Northern shoveler (non-breeding) A061 <i>Aythya fuligula</i> Tufted duck (non-breeding) A067 <i>Bucephala clangula</i> Common goldeneye (non-breeding) A070 <i>Mergus merganser</i> Goosander (non-breeding) A125 <i>Fulica atra</i> Common coot (non-breeding) waterbird assemblage</p>	<p>Subject to natural change, to maintain or restore: - The extent and distribution, and the structure and function of the habitats of the qualifying features and the supporting processes on which the habitats of the qualifying features rely - The populations and the distribution of the qualifying features both within and outside of the site.</p>	<p>The site is vulnerable to: - Pressures from recreation including fishing and water sports. - Nutrient inputs from the River Nene and River Welland, causing algal blooms. - Changes in water level due to a package of habitat creation.</p>

European Site	Qualifying Feature (Broad Habitat/ Species Groupings)	Qualifying Feature	Conservation Objectives	Site Vulnerability
Rutland Water Ramsar <i>Site area 1,360ha</i>	Wintering birds	<p>Ramsar criteria:</p> <p>Criterion 5 - assemblages of international importance</p> <p>Species with peak counts in winter: 19,274 waterfowl (5-year peak mean 1998/99-2002-03)</p> <p>Criterion 6 – species/populations occurring at levels of international importance:</p> <p>Gadwall <i>Anas strepera</i> (1,498)</p> <p>Northern Shoveler <i>Anas clypeata</i> (511)</p>	<p>There are currently no conservation objectives for Ramsar sites. The Rutland Water SPA conservation objectives will be used when the qualifying features are the same, and advice sought from Natural England in other cases if necessary.</p>	<p>The site is vulnerable to:</p> <ul style="list-style-type: none"> - Disturbance from recreational use of the reservoir. - Chemical control of blue-green algae. - Changes in coarse fish populations. - Outbreaks of fish diseases or parasites.
Ensor's Pool SAC <i>Site area 3.86ha</i>	Invertebrates	<p>Annex II species:</p> <p>S1092 White-clawed Crayfish <i>Austropotamobius pallipes</i></p>	<p>To maintain or restore:</p> <ul style="list-style-type: none"> - The extent, distribution, structure and function of the habitats of qualifying species - The supporting processes on which the habitats of qualifying species rely - The populations of qualifying species, and, - The distribution of qualifying species within the site. 	<p>The site is vulnerable to:</p> <ul style="list-style-type: none"> - Changes in biotic conditions

European Site	Qualifying Feature (Broad Habitat/ Species Groupings)	Qualifying Feature	Conservation Objectives	Site Vulnerability
River Mease SAC <i>Site area 23ha</i>	Habitats and freshwater animals (invertebrates, fish, and mammals)	Annex I habitats: 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation Annex II species: 1092 <i>Austropotamobius pallipes</i> White-clawed Crayfish 1149 <i>Cobitis taenia</i> Spined loach 1163 <i>Cottus gobio</i> Bullhead 1355 <i>Lutra lutra</i> European Otter	To maintain or restore: - The extent, distribution, structure and function of the habitats of qualifying species - The structure and function (including typical species) of qualifying natural habitats - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely The populations, and distribution of qualifying species within the site.	The site is vulnerable to: - H02 Pollution to groundwater (point sources and diffuse sources) - J02 Human induced changes in hydraulic conditions - I01 Invasive non-native species

European Site	Qualifying Feature (Broad Habitat/ Species Groupings)	Qualifying Feature	Conservation Objectives	Site Vulnerability
Grimsthorpe SAC <i>Site area 0.36ha</i>	Grassland habitats and specialist plant species	Annex I habitats: 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) Annex II species: 1654 <i>Gentianella anglica</i> Early Gentian	To maintain or restore: <ul style="list-style-type: none"> - The extent, distribution, structure and function of qualifying species and natural habitats - The supporting processes on which qualifying natural habitats and habitats of qualifying species rely - The population and distribution of qualifying species 	The site is vulnerable to: <ul style="list-style-type: none"> - Modification of cultivation practices

References

Department for Communities and Local Government (August 2006) *Planning for the Protection of European Sites: Appropriate Assessment, Guidance for Regional Spatial Strategies and Local Development Documents, Consultation Document*, DCLG Publications

DTA Publications (2019). *The Habitats Regulations Handbook*. [Online] Available at: <https://www.dtapublications.co.uk/handbook/browse>. [Accessed:01.04.19].

Environment Agency (2007) *EU Habitats and Birds Directives, Handbook for Agency permissions and activities*, Environment Agency, Bristol, UK.

Environment Agency (2013) *Habitats and Species Protected under the Habitats Regulations. Document number: 1399_12*. Environment Agency, Bristol, UK.

European Commission (2002). *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*

Natural England (2018). *Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations*. [Online] Available at: <http://publications.naturalengland.org.uk/publication/4720542048845824>. [Accessed: 01.04.19].

The Planning Inspectorate (2018). *PINS Note 05 / 2018 Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta*. [Online] Available at: <https://pinslibrary.org.uk/vufind/Record/22547> [Accessed: 01.06.18].

Therivel, R. (2009) Appropriate assessment of plans in England. *Environmental Impact Assessment Review*, 29(4), 261-272.

UK Government Guidance on the use of Habitats Regulations Assessment (July 2019) [<https://www.gov.uk/guidance/appropriate-assessment>]



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