

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

Application reference	HPK/2021/0347
Application address	3 Temple Road, Buxton
Application description	Conversion, alterations and extensions to existing hotel/residential building to form 10 new apartments, 3 cottages and 1 townhouse; extension to building to create new townhouse, including demolition of existing garage; closing up of one access on Temple Road and improvements to other (existing) access points on Temple Road and College Road; formation of new car park; hard and soft landscaping; and other associated works, including engineering operations.
Planning Officer	Jane Colley
HRA drafting date	01/02/2023
HRA completion date	02/02/2023
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 (Screening) - details of the plan or project

European site potentially impacted by planning application, plan or project:	<ul style="list-style-type: none"> Peak District Dales Special Area of Conservation (SAC)
Is the planning application directly connected with or necessary to the management of the European site?	No. The development consists of an increase in overnight accommodation at a site within the River Wye catchment. The development is neither connected to nor necessary for the management of any European site.
Are there any other projects or plans that together with the planning application being assessed could affect the site?	Yes. Natural England advises that any development providing overnight accommodation and therefore generating an increase in waste water within the River Wye catchment is likely to cause a significant effect in combination with other developments with this and other river catchments that flow into River Wye. The cumulative increase in nutrient deposition from waste water generated by these developments leads to eutrophication and a deterioration in water quality which in turn impacts upon conservation interests of the designated

European Sites.

Planned development within the area is set out within the High Peak Local Plan 2016 and is considered in conjunction with unplanned development coming forward as applications made under the Town and Country Planning Act 1990 (as amended).

Stage 1 (Screening) - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the designated sites listed above.

Natural England recommends that any new proposals which increase human population from the provision of overnight accommodation in the River Wye catchments have inevitable waste water implications, with there being evidence of high levels of phosphorus and nitrogen in the River

Increases in nutrient levels causing eutrophication (both at the site-scale and in combination with other development in the River Wye area) can affect important habitats. This leads to a loss of biodiversity leading to protected sites being in a “unfavourable condition”. The SAC itself also includes protected species. Ultimately, the impacts can be such that they cause further degradation and therefore act against the stated conservation objectives of the European sites. These implications, and all other matters capable of having a significant effect on designated sites in the SAC, must be addressed in the ways required by Regulation 63 of the Habitats Regulations.

In response, Natural England recommends that the waste water issue is examined through an appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens. This requires applications for new development containing a net increase in overnight accommodation to submit a nutrient budget to demonstrate the likely significant effect on the European designated sites due to the increase in waste water arising from the accommodation.

Level of total nitrogen/year created by the development

With respect to the current planning application, the applicant has submitted a nutrient budget for the proposals which sets out the following:

Stage	Source	Load (kg/N/yr)
1	Nitrogen load from development wastewater	8.5
	Phosphorous Load from development wastewater	0.06
2	Nitrogen load from current land use	4.59
	Phosphorous load from current land use	0.49
3	Nitrogen load from future land uses	4.59
	Phosphorous load from future land uses	0.49
4	Net change in nitrogen load from development	10.22
	Net change in Phosphorous load from development	0.07

The proposal would result in an increase of 0.07 kg/TN/year of Phosphorous and 10.22

kg/TN/year of Nitrogen.

The development therefore would result in an increase in nitrogen entering the catchment. When considered in combination with other plans and projects this development **would have a likely significant effect** on the integrity of the Peak District Dales Special Area of Conservation and damage or destroy the interest features for which the Wye Valley Site of Special Scientific Interest has been notified.

Would the proposal lead to a likely significant effect on European site integrity?

Yes (If yes, continue to Stage 2 - Appropriate Assessment).

Stage 2 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

The project being assessed would result in a net increase of overnight accommodation within the River Wye catchment. As such, in order to lawfully be permitted, further assessment is needed as to the net nutrient emissions from the site, including the provision of any avoidance or mitigation measures proposed. In accordance with Natural England guidance, the applicant has calculated that the development would emit a nutrient load into The Wye and therefore have a likely significant effect on the integrity of the designated sites. The calculations for this development have used Natural England's Nutrient Neutrality calculator.

Achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures.

To mitigate from the 0.07 kg/TN/year of Phosphorous and 10.22 kg/TN/year of Nitrogen. the Applicant proposes:

1. A SUDS scheme to direct surface water away from the combined sewer. The existing 12 dwellings (on the basis of 3 existing apartments and 15 hotels rooms) create approximately 3888 litres per day and the proposed 15 dwellings with increased water efficiency will create 4320 litres per day, which will lead to an increase of 432 litres per day to the combined sewer. To mitigate this, increased surface permeability across the site will remove a total of 532 litres per day from the overall sewer network, these methods in combination will create sufficient nutrient saving to offset the remaining 0.07kg/TP/yr generated from the development. This would be secured in perpetuity by way of a planning condition.
2. To install a rainwater harvesting system on site will reduce the phosphorus output from the development by reducing the volume of surface water entering the sewer.

Without the security of the mitigation being provided and secured through the planning process by a planning condition, a significant effect would remain likely. With the conditions to secure the above mitigation in place, the proposed development will not have a likely significant impact on or affect the favourable conservation status of the Peak District Dales SAC and therefore act against the stated conservation objectives of the European sites.

Stage 2 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application **will not have a likely significant effect** on the above European and Internationally protected sites.

However the significant effects, which would have been likely, have been suitably avoided and mitigated by way of a bespoke on-site package of measures to be implemented on site prior to occupation of the development and are to secure nitrogen neutral development. It can therefore be concluded that no likelihood of significant effect remains and there would be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents High Peak Borough Council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6(3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. The requirement to afford protection to the designated sites is also a matter of Government policy set out in the National Planning Policy Framework 2019 and within Policy EQ 5 (Biodiversity); Policy EQ10 (Pollution Control and Unstable Land) and Policy S7 (Buxton Sub-area Strategy) of the High Peak Local Plan 2016

Natural England

Natural England's advice dated th September 2022

Appendices

1. Thomson Environmental Consultants Nutrient Neutrality Assessment July 2022.