

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/2022/0022
Application address	Templemore, Harpur Hill Road, Buxton
Application description	Application for outline planning permission with all matters reserved for proposed residential development for one detached dwelling
Planning Officer	Rachael Simpkin
HRA drafting date	07/06/2024
HRA completion date	07/06/2024
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?	<p>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.</p> <p>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).</p>

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	1.88
	Phosphorous Load from development wastewater	0.03
2	Nitrogen load from current land use	1.73
	Phosphorous load from current land use	0.19
3	Nitrogen load from future land uses	1.73
	Phosphorous load from future land uses	0.19
4	Net change in nitrogen load from development	2.26
	Net change in Phosphorous load from development	0.04

The proposal would result in an increase of 14.57 kg/TN/year of Phosphorous and 1.15 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 site are appended to this assessment.

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 0.04 kg/TN/year of Phosphorous and 2.26 kg/TN/year of Nitrogen. the Applicant proposes:

Drainage strategy

Surface Water Drainage

- The site is currently garden land and is greenfield with a run-off rate of 5l/s/hectare.
- The applicant will store and re-use on site as much rainwater as possible.
- The roof is the only impermeable surface - 42m² of a site area 622m² or approximately 6.7% of the total site area.
- The rainwater falling on the roof is to be collected and stored in tanks hidden within the loft space to be used to flush the toilets with the subsequent foul water then entering the foul system treatment tank.
- An overflow will be provided on the rainwater harvesting tank to subsequently transfer any additional volume into above ground tanks located externally. These are likely to be water butts and will be used to water the garden.
- A new dry pond will be created in the garden to take any excess surface water.

Foul Water Drainage

Foul water will be collected in a separate system to surface water. This will be collected via pipes and inspection chambers.

Due to Natural England's nutrient neutrality requirements, the volume of water entering the mains sewer must be reduced. The Nutrient input is governed by the volume of water entering the sewage treatment works and not the phosphorus content in it.

- Foul water will be collected from the property and pass through a sewage treatment plant (also known as Package Treatment Plant (PTP)) before dispersing – via an inspection chamber (for water testing collection) – into a drainage field or mound located in the garden.
- A PTP allows for a small drainage field arrangement and the PTP option will offer a cleaner discharge.
- The system will be designed in accordance with the criteria set out in Annex F of Natural England's letters to LPAs regarding Nutrient Neutrality.
- Further guidance regarding set out and preliminary design of the drainage field or mound is provided with Part H of the Building Regulations.

- Annex F references thresholds which need to be adhered to – all of which the development complies with.
- The Klargester BioDisc® by Kingspan is proposed by the applicant and can support up to 8 people. This allows aerobic micro-organisms, naturally found in sewage, to establish on a biologically active film or biomass. Natural breakdown of sewage can then occur. Wastewater and sewage flow into the primary settlement zone where solids are settled out and retained. This accumulated sludge is drawn out (by pump) periodically. Partially clarified liquor containing fine suspended solids flows upwards into the first stage Biozone for breaking down by micro-organisms. Suspended solids return to the primary settlement zone and the liquor is transferred to the second stage Biozone for further treatment. Any solids remaining are settled out in the final settlement tank. The very high effluent quality is discharged to a drainage field (network of perforated pipes buried below ground to allow natural infiltration into the ground). The system uses slowly rotating mechanism to agitate the treatment process and so there is a low energy consumption electric motor within the system. The discharge will then enter into a drainage field or mound.
- Preliminary nutrient calculations are included with the submission.
- All proposed below ground foul water drainage will comply with Building Regulations Part H:2010, BS EN 12056-2:2000 and BS EN 752:2008.
- The Klargester BioDisc by Kingspan literature is attached.
- The setting out guidance from Part H of The Building Regulations is included below:

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 8th May 2024

1. Nutrient Calculation to accompany outline planning application HPK/2022/0022 for one no. dwelling at Templemore, off Beech View Drive, Harpur Hill, Buxton
2. Drainage Strategy to accompany outline planning application HPK/2022/0022 for one no. dwelling at Templemore, off Beech View Drive, Harpur Hill, Buxton