

The purpose of a HRA is to ensure that the proposals of any plan or project, or the cumulative effect of a number of them, will not adversely affect the integrity of any international site⁴. The need for a HRA is decided by identifying if there are adverse effects to an internationally protected site via 'effective pathways'⁵. An 'effective pathway' could be pollution carried by water or air for example that causes loss of habitat or species on a protected site.

If potential 'effect pathways' are identified a HRA will be carried out for the application. A HRA only takes into consideration the effects of development on habitats and species and unlike the planning decision does not consider socio-economic factors. It also takes the precautionary principle where it must be proved that there will be no adverse effect; inconclusive or uncertain conclusions will not normally permit development.

If the HRA is failed, planning permission can only be granted with permission of the Secretary of State and only if there are no alternative solutions and the project must be carried out for imperative reasons of overriding public interest. Compensation measures must be taken to ensure that the overall coherence of Natura 2000 (the suite of European Sites) is protected.

When looking at planning applications within the NIA, care must be taken to ensure international sites that are open to public access will not be damaged by increased visitor pressure. Sufficient accessible open space and path networks need to be incorporated into new, large-scale developments to encourage local dog-walking and provide recreation facilities within easy reach of people's homes.

ABOUT OUR PLANNING ADVICE NOTES

March 2017

Introduction

The purpose of this series of Advice Notes is to help Parish Councils to respond to development proposals constructively with the aim of maximising the environmental benefits while minimising or, ideally, avoiding harm. Not all development proposals are acceptable even with amendments, though many can be made acceptable and more beneficial.

Background

Nature Improvement Areas (NIA) have their origins in Professor Sir John Lawton's Making Space for Nature (2010); they were established to create joined up and resilient ecological networks at a landscape scale. Sir John's report and the UK National Ecosystem Assessment¹ concluded that focussing on individual species and sites remained important, but that this needed to happen at a larger scale so that our habitats were better able to support more species, and that our conservation action should focus on whole natural systems.

NIAs are run by partnerships of local authorities, local communities and landowners, the private sector and conservation organisations. More information about the characteristics and essential features of NIAs may be found in *Nature Improvement Areas: about the programme*, published by Natural England².

The Meres & Mosses of the Marches NIA was created in 2012, along with 11 others across the country. It extends to 40,153 hectares and the broad types of habitat present are wetlands, peat bogs and ponds.

The map on page 2 shows the Meres and Mosses Landscape Partnership Scheme (LPS) and Nature Improvement Area boundaries.

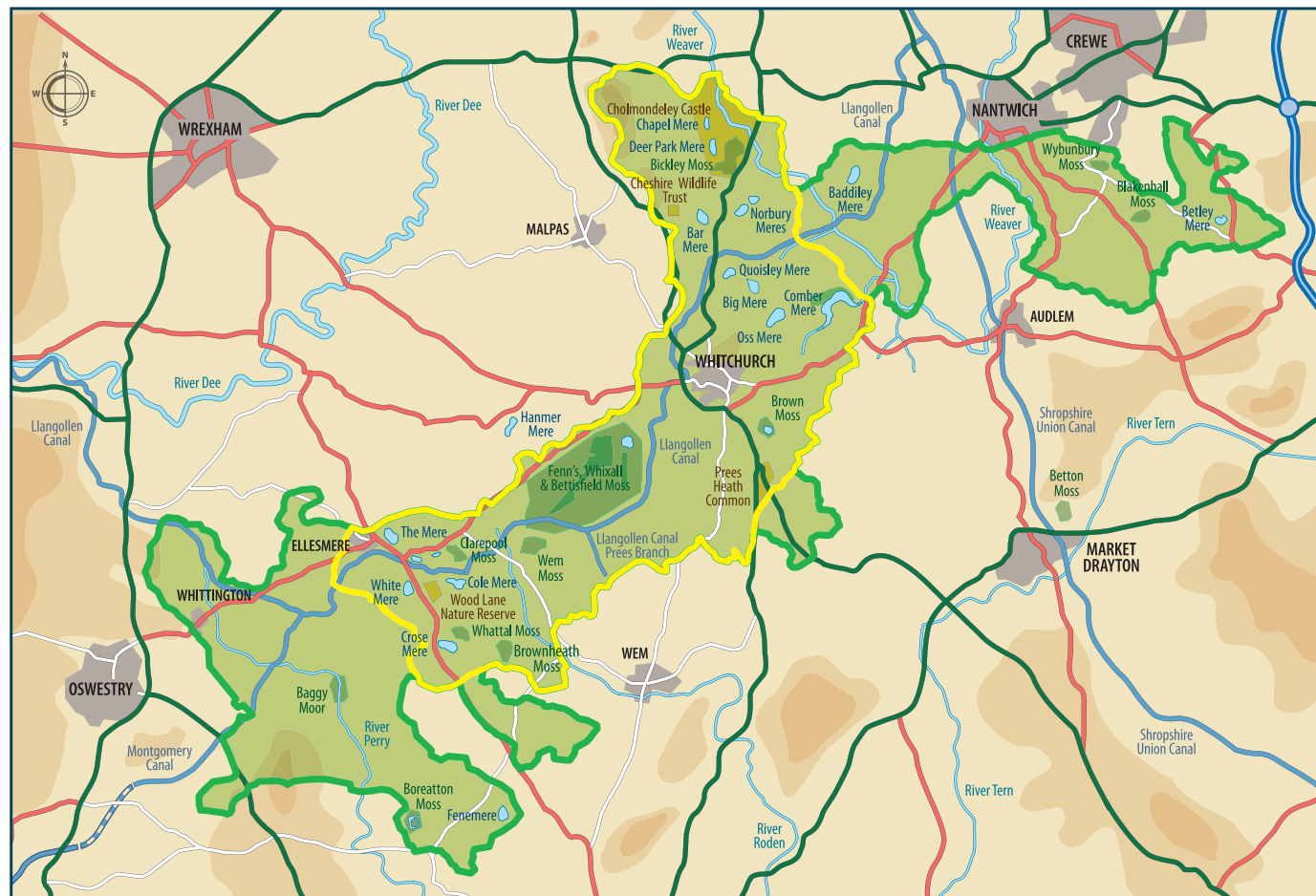
The Meres and Mosses form the largest and most ecologically diverse cluster of natural wetlands in lowland England.

⁴ The 'integrity' of the site can be defined as "the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified".

⁵ For further information on recreational 'effect pathways' see 'Habitats Regulations Assessment SAMDev post consultation July14 Final' (CD6) on the Shropshire Council website: <http://shropshire.gov.uk/planning-policy/samdev-examination/submission-documents/core-documents/>

¹ The UK National Ecosystem Assessment (UK NEA) was the first analysis of the UK's natural environment in terms of the benefits it provides to society and continuing economic prosperity. Part of the Living With Environmental Change (LWEC) initiative, the UK NEA commenced in mid-2009 and reported in June 2011.

² See <https://www.gov.uk/government/publications/nature-improvement-areas-improved-ecological-networks/nature-improvement-areas-about-the-programme>



In this NIA, there has been a persistent reduction in water quality... And 81% of recorded rare plants have become extinct across 13 key sites. Public awareness and understanding of their value is worryingly low.

Why the NIA is important?

The Government announced in its 2011 White Paper, *The Natural Choice: securing the value of nature*, that it would create new NIAs to enhance and reconnect nature on a significant scale, where the opportunities and benefits justify such action. They would form a major plank of the Government's strategy for establishing a clear institutional framework to support nature restoration.

The White Paper made it clear (para 2.29) that, working within the national policy framework, local authorities would be able to use local planning to support NIAs, including identifying them in their local plans where they choose, while not deterring sustainable development. Councils would be able to specify the types of development that may or may not be appropriate in component parts of the NIA, design aspects and how development can contribute to NIA objectives.

The Meres and Mosses form the largest and most ecologically diverse cluster of natural wetlands in lowland England. International and national designations abound. Here are 13,000 ha of peat deposits, Europe's greatest concentration of ponds, rare floating bogs and glacial lakes. There is a wealth of wetland species, some of them charismatic and some esoteric.

Vulnerability

If the NIA commitments in the White Paper are to be achieved, it will be necessary to secure sustainable development and discourage unsustainable development proposals. The latter could threaten the cohesiveness, biodiversity, landscape and general appeal of the NIA, making it less attractive to members of the public seeking informal recreation as well as damaging its ecological value. Most tourists visiting the area come for its high landscape quality, and tourism is the largest business sector in the county) In its July 2012 report³ on the White Paper the House of Commons Environment, Food and Rural Affairs (EFRA) Committee emphasised the importance of specific objectives for NIAs and clear criteria for measuring their success; without these, the potential for reducing the number of threatened species, improving the condition of degraded areas and the extent of joining-up of protected areas might not be realised. The Committee emphasised the need for guidance setting out how planners and developers can protect the environment in areas designated as NIAs. Similarly, local plans would need to demonstrate a link between the principle of protecting and enhancing nature and planning decisions.

Looking at this NIA in particular, over the years there has been a persistent reduction in water quality; extensive drainage and inappropriate land management continue to take their toll. Intensive agriculture has isolated core sites. Mature trees shade-out marginal vegetation of meres and lakes. 81% of recorded rare plants have become extinct across 13 key sites. Public awareness and understanding of their value is worryingly low.

Legal Duties

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy. Local planning authorities are urged by Government to take a pragmatic approach: fulfilling statutory obligations in a way that minimises delays and burdens.

The Conservation of Habitats and Species Regulations 2010 (as amended), known as the Habitats Regulations, transpose the EU Habitats Directive into UK law. They require local authorities to prepare a Habitats Regulations Assessment (HRA) for plans and projects with potential to affect habitats of European importance. HRAs play an important role in protecting the conservation objectives of the Natura 2000 network of sites. These sites, often referred to as 'European Sites', include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Candidate SACs (cSACs). Following UK government policy, potential SPAs (pSPAs), possible SACs (pSACs) and proposed and listed Wetlands of International Importance (Ramsar Sites) designated under the Ramsar Convention are also treated as though covered by the Regulations. The term 'international sites' includes all the above designations and many of the Meres and Mosses fall into one or more of these categories.

If the Nature Improvement Area commitments are to be achieved, we need to secure sustainable development and discourage unsustainable development proposals.

³ House of Commons Environment, Food and Rural Affairs Committee (2012): Natural Environment White Paper. Fourth Report of Session 2012–13. HC 492