Milton Keynes Council
Waste Development Plan Document
Appropriate Assessment- Screening Report

April 2007

1. Introduction

This document has been produced to determine whether policies and proposals in the Milton Keynes Council Waste Development Plan Document (WDPD) will have a significant adverse impact on any Natura 2000 sites.

Principally, the role of this document is to report on the 'screening' process undertaken to determine whether the WDPD will have any significant impact on the Natura 2000 sites and as such whether full a full Appropriate Assessment (AA) will need to be undertaken.

1.1 Background

Legal protection is afforded to habitats and species of European importance through The Conservation (Natural Habitats &c) Regulations 1994, which transpose Directive 92/43/EEC on the Conservation of natural Habitats and Wild Flora and Fauna- known as the 'Habitats Directive' into UK law. Article 2 of the Habitats Directive requires the protected habitats and species to be kept in favourable condition through appropriate maintenance and restoration. Implementation of this occurs through a network of protected areas called Natura 2000 sites.

Articles 6(3) and 6(4) of the Habitats Directive require AA of plans to be undertaken. This involves assessing the contents of the plans, such as the WDPD, to ensure that their policies and proposals maintain the integrity of Natura 2000 sites.

There are two types of Nature 2000 site – Special Area of Conservation (SAC) and Special Protection Areas (SPA). SAC's are mainly habitat features, stemming from the Habitats Directive, whereas SPA's are features comprising populations of bird species. A number of qualifying feature are identified for each Natura 2000, for which conservation objectives have been developed.

The purpose of AA is to assess the impacts of a land-use plan, such as the WDPD, against the conservation objectives of any related Natura 2000 sites. The assessment must determine whether the plan would adversely affect the nature conservation objectives of each site. Where negative effects can be identified, other options should be examined to avoid any potential damaging effects.

The application of the precautionary principle through the Habitats Directive means that plans, such as the WDPD, can only be permitted once it is shown that there will be no adverse effect on the integrity of any Natura 2000 sites. In the rare case of there being no alternatives available or over-riding reasons of public interest why a plan needs to be implemented, plans that do have negative impacts may still be approved.

1.2 The stages of Appropriate Assessment

There are three stages in undertaking an Appropriate Assessment, as outlined in the DCLG Guide on Planning for the Protection of European sites: Appropriate Assessment consultation document[1]:

1. Determining whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects – the screening stage.

2. Appropriate Assessment ascertaining the effect on site integrity

3. Mitigation & alternative solutions - where there is a risk of the plan having adverse effects on the integrity of a site, there should be an examination of mitigation measures and alternative solutions.

Together these three stages are described as Appropriate Assessment, which should not be confused with the second task in the wider process.

This report covers stage 1- screening.

2. Screening

The screening process involves 3 main stages

1. Identifying relevant Natura 2000 sites

2. Summarising potential effects of the WDPD on these Natura 2000 sites, including those in combination with other plans and programmes; and

3. Screening out those sites which are likely to be unaffected by the WDPD

2.1 Identifying Natura 2000 sites

Milton Keynes lies in an area void of any Natura 2000 sites. The nearest European site is the Chiltern Beechwoods to the south of the Borough although Natural England are of the view that the site would not be affected by Milton Keynes planning policy due to the distance of the site from Milton Keynes and there being no obvious impact pathways. However, in liaison with Natural England the Council has identified two sites that could potentially be affected by the WDPD, and other Local Development Documents, due to the pathway provided by the River Great Ouse, which feeds in to Natura 2000 sites. These sites are:

- **Ouse Washes SPA /SAC-** presence of the spined loach (*Cobitis taenia)* – the clear water and abundant macrophytes, is particularly important in the Counter Drain, and a healthy population of spined loach is known to occur

[1] Available online at http://www.communities.gov.uk/index.asp?id=1502244

The SPA designation is due to the site's importance as an internationally important assemblage of birds.

- **Portholme SAC-** traditionally managed lowland hay meadows

2.2 Potential effects of the WDPD

The WDPD allocates sites for new waste treatment facilities and provides policies to guide the development of these, along with existing waste facilities. In combination with the Milton Keynes Core Strategy, it will provide for the increasing waste management requirements of the growing Milton Keynes population.

As such, the possible impacts of the WDPD on the identified Natura 2000 sites are identified as:

- Increased run off from any newly developed area could have an impact on the water quality in local rivers, which could be passed on to the Natura 2000 sites via the Great Ouse.

- An increase in sewage effluent discharged into the Great Ouse via the protected Sewage Treatment Works could affect water quality, disturbing the water balance needed to support key species.

In liaison with Natural England, it was considered appropriate to consider the 'in combination' effects of wider sub-regional proposals. This includes proposals for growth around Northampton, Bedford and Aylesbury, which would see the development of approximately 170,000 new homes.

2.3 Screening of sites

The process of screening the sites can be seen in the attached matrix. The process involved identifying and assessing existing data sources and consulting with the Environment Agency, who have the best scientific knowledge in the area of water quality and flow, through which the potential effects on the Natura 2000 sites had been identified. The conclusions drawn from the screening process have been clarified with Natural England.

3.0 Conclusions

As a result of the screening process it has been concluded that:

a) The impact of the WDPD on water flow will not be significant primarily because of the location of the new allocated sites. They are not directly related to the River Great Ouse or its tributaries and are unlikely to affect either water flow or quality in them, which could be passed on to the Natura 2000 sites downstream.

b) The existing strategic management of Milton Keynes' water resources and the level of control imposed by the Agency on such developments

would prevent any significant effects on water flow or quality from occurring.

A summary of these conclusions and how they were arrived at can be seen in Appendix 2- No significant effects.

As a result of this screening process it has been concluded that the policies and proposals in the WDPD are unlikely to have a significant impact on the identified Natura 2000 sites. Therefore there is no need to subject the plan to a full Appropriate Assessment.

Appendix 1- Screening matrix for the Milton Keynes Waste DPD

Brief description of the plan	The Milton Keynes Waste Development Plan Document includes Milton Keynes Council's core strategy, allocations and development control policies in relation to waste management. It sets out how the waste management requirements for the borough of Milton Keynes will be achieved.
Brief description of the Natura 2000 sites	**Ouse Washes SAC**- The Ouse Washes SAC represent **Spined Loach *Cobitis taenia*** populations within the River Ouse catchment. The Counter Drain, with its clear water and abundant macrophytes, is particularly important, and a healthy population of spined loach is known to occur. **Ouse Washes SPA-** Much conservation importance of the SPA is due to its use as a functional washland, with extensive winter flooding and traditional forms of agricultural management, including grazing and mowing of permanent grassland and rotational ditch clearance. Recent summer flooding has affected the breeding birds and the traditional washland management regime. This may affect food availability for winter waterfowl. Nutrient enrichment continues to be a problem, possibly resulting in some plant species as well as some fish and invertebrate species declining. **Portholme SAC-** This large site in Cambridgeshire represents **lowland hay meadows** in eastern England. It is the largest surviving traditionally-managed meadow in the UK, with an area of 104 ha of alluvial flood meadow (7% of the total UK resource). There has been a long history of favourable management and very little of the site has suffered from agricultural improvement, and so

	it demonstrates good conservation of structure and function. It supports a small population of fritillary *Fritillaria meleagris*. Both of these sites lie down stream from the River Great Ouse in Milton Keynes Borough.
Assessment criteria	
Describe the individual elements of the project (either alone or in combination with other plans or projects, likely to give rise to impacts on Natura 2000 sites	The plan allocates sites for new waste treatment facilities and provides policies to guide the development of these, along with existing waste facilities. In combination with the Milton Keynes Core Strategy, it will provide for the increasing waste management requirements of the increasing Milton Keynes population.
Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination) with other plans or projects) on Natura 2000 sites by virtue of: • **Size and scale** • **Land-take** • **Distance to the Natura 2000 site or key features of the site** • **Resource requirements (water abstraction etc…)** • **Emissions (disposal to land, water or air)** • **Excavation requirements** • **Duration of construction, operation, decommissioning etc…** • **Other**	The plan has no direct impact on any Natura 2000 sites. It involves no land take and no works associated with the development of the waste management sites will impact on the sites. The plan protects the existing Sewage Treatment Works (STW), which controls the flow of effluent in to the Great Ouse. This has the potential to have an indirect effect, as the Great Ouse feeds into the Natura 2000 sites. The plan allocates sites for new waste treatment facilities. These sites are located away from major water courses. The DPD highlights limited potential for surface run off from the allocated reserve site to affect a local balancing lake, which is linked to the River Great Ouse.
Describe any likely changes to the sites arising as a result of: • **Reduction in habitat area** • **Disturbance to key species** • **Habitat or species fragmentation** • **Reduction in species density** • **Changes in key indicators of conservation value (water quality etc…)** • **Climate change**	There will be no direct changes to the sites connected to implementing the plan, however: Increased run off from any newly developed area could have an impact on the water quality in local rivers, which could be passed on to the Natura 2000 sites via the Great Ouse.

	An increase in sewage effluent discharged into the Great Ouse via the protected STW could affect water quality, disturbing the water balance needed to support key species.
Describe any likely impacts on the Natura 2000 sites as a whole in terms of: • **Interference with the key relationships that define the structure of the site** • **Interference with key relationships that define the function of the site**	Any change in water quality could affect the composition of aquatic macrophytes needed to support the Spined Loach in the Ouse Washes SAC. This could also possibly result in some plant species as well as some fish and invertebrate species declining in the Ouse Washes SPA, if nutrient enrichment continues. Any increase in water flow could have in impact on the flood patterns which support the function of the Ouse Washes SPA and the Portholme SAC.
Provide indicators of significance as a result of the identification of effects set out above in terms of: • **Loss** • **Fragmentation** • **Disruption** • **Disturbance** • **Change to key elements of the site (e.g. water quality)**	The Environment Agency monitors the chemical and biological quality of river water through the UK. Monitoring results at 5 sites in Milton Keynes show 4 out of 5 have been in conformity with quality targets on a consistent basis since 1988, throughout the growth and development of Milton Keynes. Environment Agency research for the Regional Spatial Strategy shows that the Sewage Treatment Works at Cotton Farm in Milton Keynes has the capacity to deal with the increased waste water treatment required to support housing growth.
Describe from the above those elements of the plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.	In consultation with the Environment Agency it has been concluded that the local strategic surface water drainage system will result in the adequate control of any increased water levels in the Great Ouse associated with the any development as part of Waste DPD. Any effect on the flow of water and subsequent impact on the Natura 2000 sites from development in Milton Keynes and other 'in-combination' plans and projects is likely to be minimal.

	The Environment Agency have confirmed that any new waste sites will be appropriately monitored by Environment Officers and any possible pollution prevention measures carried out under the relevant Waste Management Licence (WML) for each site. The WML will incorporate site specific pollution prevention measures to ensure that all precautions are taken to protect downstream water bodies. The distance of Milton Keynes from the sites also means that any decrease in water quality associated with increased effluent levels would be diluted before it reaches the Natura 2000 sites, meaning the impact will be negligible. This is further supported by the presence of a Development Control Policy in the plan requiring developments to cause no hydrological disturbance.

Appendix 2- No Significant Effects Table

Name of the project or plan	Milton Keynes Waste Development Plan Document (MKWDPD)
Name and location of the Natura 2000 sites	Ouse Washes SPA/SAC (Cambridgeshire/ Norfolk) and Portholme SAC (Cambridgeshire) The sites lie approximately 85 miles downstream from the area covered by the Milton Keynes Core Strategy and the Waste DPD.
Description of the plan	The Waste DPD allocates sites two sites (of between 6-10 hectares) for new waste treatment facilities and provides policies to guide the development of these, along with existing waste facilities.
Is the plan directly connected with or necessary to the management of the site?	No
The assessment of significant effects	
Describe how the plan (alone or in combination) is likely to affect the Natura 2000 sites.	In consultation with Natural England the potential for the plan to affect land uses upstream from the Natura 2000 sites was identified. It was identified that the provision of waste management and treatment facilities could affect the flow of water to the Natura 2000 sites, and the quality of the water at these sites.
Explain why these effects are not considered significant	It is considered that the impact of the WDPD on water flow will not be significant primarily because of the location of the new allocated sites. They are not directly related to the River Great Ouse or its tributaries and are unlikely to affect either the flow or quality of water in them. Consultation with the Environment Agency has identified that the existing strategic management of Milton Keynes' water resources and the level of control imposed by the Agency on such developments would prevent any significant effects from occurring.
List of agencies consulted	Environment Agency- Mr Adam Ireland Planning_Liasison.Anglian_Central@environment-agency.gov.uk Natural England- Sarah Mansbridge Sarah.Mansbridge@naturalengland.org.uk
Response to consultation	Initial consultation with Natural England helped

	establish protected sites that could be affected by the Waste DPD and how this may occur. Consultation with the Environment Agency helped to confirm that the impacts of implanting the Waste DPD would not be significant. This was subsequently clarified with Natural England, who concurred with the conclusions of the screening report.

Data collected to carry out the assessment		
Who carried out the assessment?	**Sources of data**	**Level of assessment completed**
Milton Keynes Council, Spatial Planning Team	• Existing Environment Agency data. • Environment Agency submission to the South East Plan EiP. • JNCC – UK SAC site list	The assessment took the form of a desktop study, utilising existing information and knowledge. Given the responses to higher level plans, the comments of the Environment Agency and the relatively minor size of the Waste DPD, it can be concluded that there is a high level of confidence in the assessment results.

Overall conclusions

On the basis of the information collected and in consultation with Natural England and the Environment Agency it is the Council's opinion that the Waste DPD, to which this screening relates is-

a) not directly connected with or necessary to the management of any European sites; and
b) not likely to have significant effects on either of the two European sites located down stream from the WDPD area (including in combination with other plans and projects)

Accordingly, a full appropriate assessment will not be required of those effects under Regulation 48, 49 and 54 of the Conservation (Natural Habitats &c.) Regulations 1994, before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.