

Screening Assessment of draft Checkley Neighbourhood Plan - Habitats Regulations Assessment

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Introduction

1 Introduction

1.1 Checkley Parish Council has prepared a draft Neighbourhood Plan that sets out proposals for the future of the Parish that reflect the needs and wishes of the community. In preparing a draft Plan, Checkley Parish Council has carried out comprehensive community consultation, helping to identify key priorities for the Neighbourhood Plan to address. Consideration of feedback from community consultation has informed the preparation of a number of planning policies and proposals set out in the draft Plan.

1.2 Following determination as to whether Habitats Regulations Assessment of the draft Plan is required, the Neighbourhood Plan will be subject to a period of "pre-submission" public consultation. Following this consultation, the Parish Council will prepare to submit the draft Neighbourhood Plan to the District Council in order that it might proceed to independent Examination and subsequent Referendum.

1.3 Only a draft Neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be "made" (adopted). The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

1.4 The District Council will need to be satisfied that the basic conditions have been met. A Neighbourhood Plan must:

- have regard to national policy and guidance;
- have special regard to listed buildings (this applies only to Orders);
- have special regard to conservation areas (this also applies only to Orders);
- contribute to sustainable development;
- be in general conformity with strategic policies in the development plan;
- not breach EU obligations.
- comply with other prescribed matters.⁽¹⁾

1.5 Checkley Parish Council will be required to prepare a Basic Conditions Statement alongside the submitted Plan, in order to demonstrate how the Neighbourhood Plan meets the basic conditions set out above.

¹ Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation. These are (1) that the making of a Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017:

Legislative background

2 Legislative background

2.1 The designation, protection and restoration of European wildlife sites is contained in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations'. The most recent amendments (the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019¹) take account of the UK's departure from the EU. The Regulations ensure that the habitat and species protection and standards derived from EU law will continue to apply after Brexit. Amendments to the Habitats Regulations are largely minor changes that ensure the regulations continue to have the same effect after the transition period.

2.2 European sites form part of a 'national network' of sites that are afforded the highest degree of protection in domestic policy and law. They comprise Special Protection Areas (SPA), Special Areas of Conservation (SAC) and "Ramsar sites", designated under the Ramsar Convention 1971, which are treated by UK Government policy as if they were European sites in terms of the protection and management afforded to them. For all these sites the designations made under the European Directives still apply and the term, 'European site' remains in use.

2.3 The Regulations require local authorities to assess the impact of their local plan and Neighbourhood Plans on the internationally important sites for biodiversity in and around their administrative areas by undertaking a Habitats Regulations Assessment (HRA). The purpose of an HRA is to assess the significance of potential impacts of a plan on relevant European sites. The assessment should determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified, other options should be examined to avoid any potential for damaging effects. The first stage of the HRA is to screen the plan to identify if there is a risk that the plan may have a "likely significant effect" on a European site either alone or in combination with other plans or projects and this is the purpose of this report.

Methodology

3 Methodology

3.1 An outline of the overall HRA process in accordance with current guidance⁽²⁾ is set out below.

Stage 1: Screening for likely significant effects

- Identify European sites that should be considered in the assessment.
- Gather information about the European sites.
- Discretionary consultation with statutory nature conservation body (Natural England for England) on the list of European sites, method and scope of screening.
- Screen the plan for likely significant effects (LSEs) on a European site, including the potential for effects in combination with other plans or programmes.
- Consider potential for the application of mitigation measures, in order to avoid potential effects.
- Re-screen the plan after mitigation measures applied; and
- Prepare a draft record of the HRA (Screening Report).

3.2 If, on the basis of objective information, it can be determined that there will be no significant effects on any European sites, then the HRA process may stop here.

3.3 If significant effects cannot be ruled out (applying the precautionary principle), then the effect must be reported as likely, and the HRA must progress to Stage 2: Appropriate Assessment (AA).

Stage 2: Appropriate Assessment

- Undertake an appropriate assessment in view of the conservation objectives of the European site(s).
- Apply mitigation measures until there is no adverse effect on site integrity.
- Consult Natural England (and other stakeholders and the public if appropriate) on the HRA.
- Screen any amendments for likelihood of significant effects and carry out appropriate assessment if required.
- Re-consult Natural England if necessary on amendments; and
- Complete and publish final HRA Report.

3.4 Should the situation arise where there were no alternative solutions and adverse impacts remain, then the plan could only proceed if it meets the test of Imperative Reasons of Overriding Public Interest (IROPI test), and all necessary compensatory measures are secured. However, it should be noted that the guidance states that this should only be undertaken in exceptional circumstances.

² Habitats Regulations Appraisal of Plans: Guidance for plan-making bodies in Scotland v2.0 (David Tyldesley and Associates; August 2012). Note although this guidance was originally prepared for Scottish Natural Heritage it is recognised as an authoritative source of guidance throughout the UK: and European Commission: 'Assessment of plans

3.5 The HRA process is iterative and should be re-visited as policies develop, in response to consultation, and as more information becomes available.

HRA of the adopted SMDC Local Plan

3.6 The Staffordshire Moorlands Local Plan has been subjected to Habitats Regulations Assessment as part of the plan preparation process. A report of the HRA findings can be found at:

- [Habitats-Regulations-Assessment---Submission-Version-Feb-2018](#)

3.7 Details of the Local Plan examination can be found at:

- www.staffsmoorlands.gov.uk/examination_library

3.8 The HRA assessed options and policies for potential adverse effects on the integrity of the following European designated sites, which were agreed with Natural England;

- Peak District Moors (South Pennine Moors Phase 1) SPA;
- South Pennine Moors SAC;
- Peak Dales District SAC;
- Cannock Chase SAC.

3.9 HRA screening of the Local Plan Preferred Options policies in December 2016 and June 2017 identified a number of Likely Significant Effects in relation to the following:

- Effects from increased water demand on the South Pennine Moors Phase 1 Special Protection Area (SPA) and Special Area of Conservation (SAC) and Peak District Dales SAC;
- Effects from increased traffic on air quality on the South Pennine Moors Phase 1 SPA and SAC and Peak District Dales SAC;
- Increased recreational pressure on the South Pennine Moors Phase 1 SPA and SAC and Peak District Dales SAC; and
- Urban effects on the South Pennine Moors Phase 1 SPA and SAC and Peak District Dales SAC.

3.10 The Cannock Chase SAC lies outside the District and only a very small part of the District is within the 15km zone of influence. The HRA did not identify any Likely Significant Effects in relation to this SAC.

3.11 The Appropriate Assessment stage of HRA was undertaken to evaluate the potential for the "screened in" Local Plan policies to result in adverse effects on the European sites as listed above. Various mitigation measures were subsequently proposed and these were incorporated into the emerging Local Plan.

3.12 On the basis of the revised Local Plan with mitigation in place, it was been concluded that the Local Plan will not result in adverse effects on European sites, both alone and in combination with growth in neighbouring areas. This conclusion is supported by Natural England as confirmed in the Addendum to the HRA Report, dated June 2018:

- [Habitats-Regulations-Assessment--Addendum/June_2018](#)

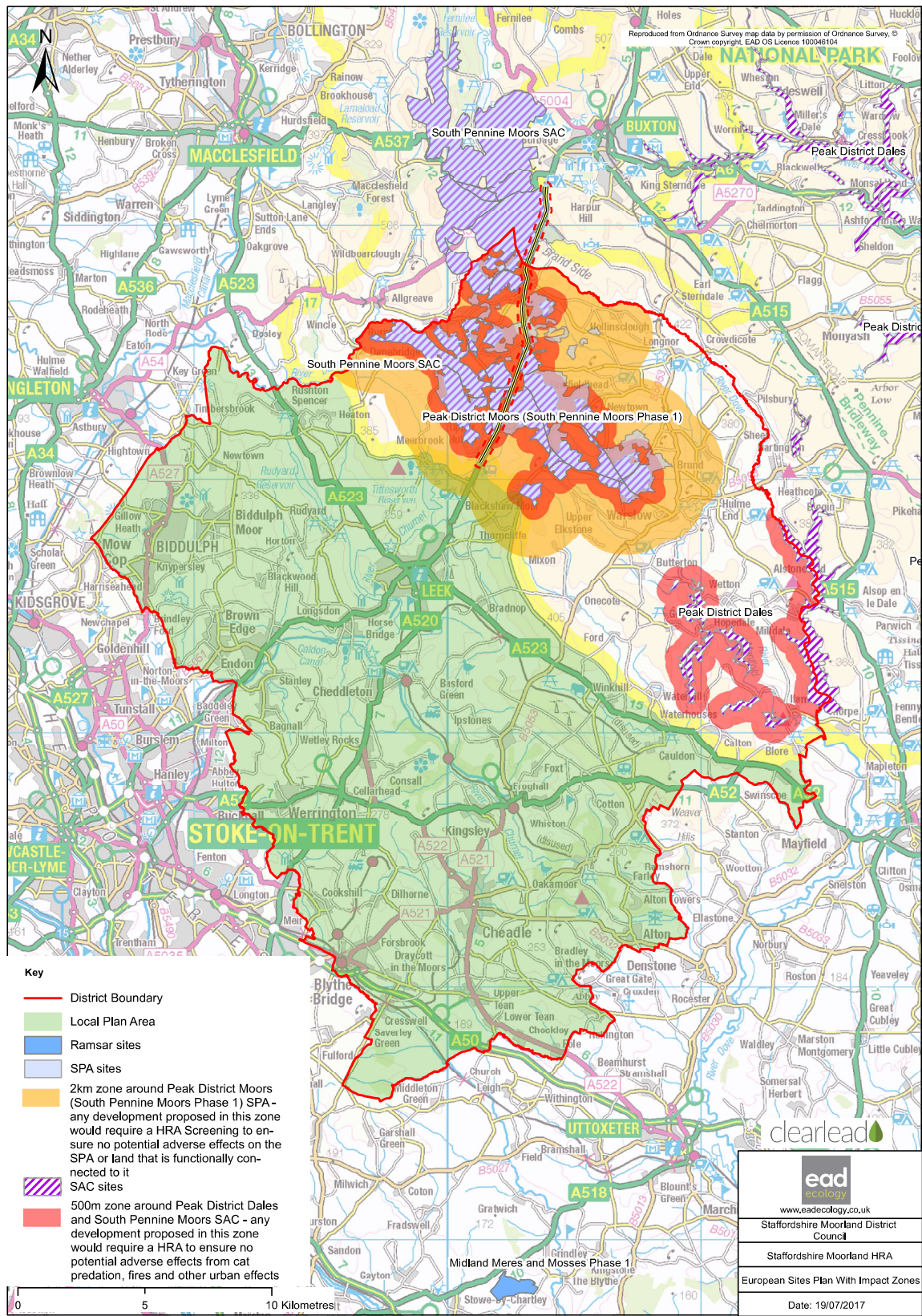
Zones of influence

3.13 The HRA of the SMDC Local Plan provides guidance as to when a development proposal may require project level HRA because of the risk of impact on a European site.

3.14 This guidance states that any proposed development within a 2km zone around the South Pennine Moors Phase 1 SPA should be expected to undertake a project-level HRA to ensure no potential adverse effects on the SPA or land that is functionally connected to it. This zone of influence is mapped and illustrated at Map 1 below.

3.15 In addition, any development proposed within a 500m zone of the Peak District Dales SAC, the South Pennine Moors SAC and the South Pennine Moors Phase 1 SPA should be subject to a project-level HRA to ensure no potential adverse effects occur from cat predation, fires or other urban effects. The 500m zone of influence is also mapped and illustrated at Map 1.

3.16 The Checkley Neighbourhood Plan Area is approximately 9km at its nearest point beyond the zones of influence.



Map 3.1 Zones of influence around European sites where proposals require HRA

Assessment

4 Assessment

4.1 The parish of Checkley was designated as a Neighbourhood Area on 16th February 2016. The Neighbourhood Plan relates to the Parish of Checkley which is comprised of the villages of Upper Tean, Lower Tean, Checkley and Hollington and the hamlets of Fole and Winnothdale. The parish is relatively rural and has a population of approximately 4800.⁽³⁾ The magnitude and spatial extent of the effects are therefore comparatively small.

4.2 The draft Plan allocates two sites for residential development and proposes settlement boundaries for 3 villages. It also proposes to designate a number of Local Green Spaces.

4.3 The draft Plan includes 13 policies:

- HSG1: Housing and Site Allocations
- HSG2: Housing Mix
- EMP1: Upper Tean High Street
- EMP2: Heritage-Led Regeneration
- EMP3: Rural Business Diversity and Growth
- COM1: Community, Sport and Recreational Facilities
- COM2: Infrastructure Priorities
- LGS1: Local Green Space
- DES1: Design
- DES2: Infill
- DES3: Landscape and Rural Character
- DES4: Conservation Area
- TRA1: Transport

4.4 It also includes a Green Development Guidance Note, which provides guidance for developers on green design. The note is intended to be informal and covers matters beyond planning but it is seen that it may provide additional information to help achieve compliance with the policies in the Plan particular those relating to design and landscape.

4.5 Housing policies aim to identify a sufficient number and range of homes to meet the needs of present and future generations; in sustainable locations which include an appropriate housing mix including affordable housing.

4.6 Employment policies seek to encourage the re-use of heritage assets in the neighbourhood area and promote active ground floor uses in Upper Tean and to encourage more visitors to Checkley parish and promote tourism.

4.7 Community facilities policies propose to protect key Local Green Spaces within the neighbourhood area and to ensure the provision of a range of community facilities in the neighbourhood area. They also identify priorities for infrastructure spending - highway safety improvements and the improvement and provision of footpath/cycle routes.

4.8 The design aim to protect the green, natural and historic environment of Checkley Parish and encourage well-designed development and to meet the challenges of climate change.

4.9 Transport policies seek to support a balanced range of travel, to reduce car journeys and promote more sustainable live-work patterns.

4.10 The table below presents a Habitat Regulations Assessment Screening for the policies of the draft Checkley Neighbourhood Plan.

Main Policy	Detail of policy to be screened	Comment	In accordance with Staffordshire Moorlands Local Plan?	Likely significant effect on European site
G1: Housing and Site allocations	Policy allocates 2 housing sites and defines 3 settlement boundaries (one of which is already identified in the Local Plan) and sets criteria for the location of residential development.	Policy seeks to focus new residential development within the settlement boundaries, on allocated sites or on brownfield sites to protect rural parts of the Plan area. Both the allocated sites have planning permission for residential development, are both brownfield sites and modest in size. Fole Dairy was granted outline planning permission in October 2018 (SMD/2018/0234) and there is a reserved matters application pending for 48 dwellings (SMD/2021/0550). Tearn House was granted planning permission in September 2019 for demolition of existing buildings and redevelopment of the site with 9 dwellings.	Yes.	No significant effects.
G2: Housing	Affordable housing to be an integral part of the development and tenure blind, with developments over 10 dwellings to include a balance mix of house types based on local need. Includes smaller houses for first time buyers, downsizing and accommodation for elderly, vulnerable & disabled.	This policy will not lead to additional development - it is designed to ensure that a mix of housing types and affordable homes are delivered in the Plan area.	Yes	No significant effects

Plan Policy	Detail of policy to be screened	Comment	In accordance with Staffordshire Moorlands Local Plan?	Likely significant effect on European site
PP1: Upper frontage units in High Street	Policy seeks to ensure ground floor frontage units in the High Street in Upper Tean are retained in uses open to the public to support the vitality of the village centre.	This policy will help to maintain the sustainability and diversity of the village centre and promote uses open to the public.	Yes	No significant effects
PP2: Heritage-Led regeneration	Subject to meeting criteria supports the reuse and creative adaptation of heritage assets.	Policy promotes the reuse of buildings of historic value and helps to support the local economy and rural diversification through the reuse of heritage assets. Will support the efficient use of resources by re using existing buildings.	Yes	No significant effects
PP3: Rural Business diversity and growth	Supports rural enterprise and tourism in sustainable locations including the reuse of existing buildings and brownfield sites..	This policy will support the local economy and rural diversification and the sustainable use of resources through the reuse of exiting buildings.	Yes	No significant effects
MM1: community , sport and recreation facilities	Policy sets the framework for allowable new community facilities and the retention of existing facilities, seeks to ensure there are a range of community facilities in the Plan area.	This is an enabling policy for new community facilities. Facilities include play, sport and recreational facilities and medical and other community uses. It seeks to ensure that the existing range of community facilities in the area remains undiminished.	Yes	No significant effects.

Plan Policy	Detail of policy to be screened	Comment	In accordance with Staffordshire Moorlands Local Plan?	Likely significant effect on European site
M2: Infrastructure priorities	Identifies priorities in the Plan area for the allocation of section 106 financial contributions or CIL monies.	This policy will not lead to additional development - it is designed to identify local community infrastructure priorities.	Yes	No significant effects.
S1: Local Open Spaces	The Plan allocates a number of amenity open spaces with community value as Local Green Space	This policy is intended to conserve and enhance the natural environment.	Yes - allocations should meet NPPF criteria.	No significant effects
S1: Design	Policy promotes well designed and sustainable development. Encourages the use of local or recycled materials.	The policy will not lead to additional development it sets the criteria for appropriate design.	Yes	No significant effects.
S2: Infill	Sets the criteria for infill residential development.	Policy relates to small infill sites and encourages development within areas with existing development thereby conserving the natural environment.	Yes	No significant effects.
S3: Landscape and Local Character	Policy seeks to protect the landscape and rural character of the Plan area and ecological and environmental features.	This policy is intended to conserve and enhance the natural environment.	Yes	No significant effects
S4: Conservation Areas	Policy relates to development within the Conservation Areas and aims to ensure development takes account of the historic characteristics of these areas.	Policy will not lead to additional development - it is to guide development in the Conservation Areas.	Yes	No significant effects.

Plan Policy	Detail of policy to be screened	Comment	In accordance with Staffordshire Moorlands Local Plan?	Likely significant effect on European site
A1: Transport	Policy seeks to reduce the reliance on the private car for travel and promotes sustainable transport it also, identifies a number of road junctions where regard should be have to impacts on traffic safety.	Policy will not lead to additional development -it relates to transport provision and promotes sustainable forms of transport to reduce the use of private vehicles.	Yes	No significant effects.

4.1 HRA Screening Assessment for the Biddulph Neighbourhood Plan

Consultation

5 Consultation

5.1 Prior to a determination being made, this screening report has been sent to Natural England to seek their opinion.

5.2 Natural England's screening opinion has been added to this screening report. Natural England agree with the conclusions of this report that Checkley Neighbourhood Plan is not likely to cause a significant effect on any European site and therefore no further assessment work is required.

Screening Assessment of draft Checkley Neighbourhood Plan - Habitats Regulations Assessment

Date: 03 November 2021
Our ref: 371953
Your ref: Checkley Neighbourhood Plan – SEA & HRA Screening

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District Council

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Dear Ms Home

Draft Checkley Neighbourhood Plan – SEA & HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 30 September 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment Screening

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the conclusion of the report that the Checkley Neighbourhood Plan is not likely to cause a significant effect on any European site and therefore no further assessment work would be required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle
Consultations Team

Conclusions

6 Conclusions

6.1 Staffordshire Moorlands Local Plan Policy NE 1 Biodiversity and Geological Resources provides protection for European sites. The Policy includes the following provision:

The biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence) by:...

2. Resisting any proposed development that could have an adverse effect on the integrity of a European site (or successor designation) alone or in combination with other plans or projects unless it can be demonstrated that the legislative provisions to protect such sites can be fully met. Any development with a potential to adversely affect a European site/s through construction activities should ensure that Ciria construction guidelines are followed including environmental good practice on control of dust and water pollution.

6.2 The HRA undertaken of the Staffordshire Moorlands Local Plan concluded that the Local Plan will not result in adverse effects on European sites, both alone and in combination with growth in neighbouring areas.

6.3 As a result of the assessment set out in section 4 of this report, it is considered unlikely that any significant environmental effects will occur as a result of the implementation of policies and proposals set out in the draft Checkley Neighbourhood Plan. Natural England have been consulted on the report and agree with these conclusions.

HRA Stage 1 Screening Outcome

6.4 The draft Checkley Neighbourhood Plan does not require further HRA work to be undertaken.

