

<p>Leekfrith Neighbourhood Plan</p>	
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Habitat Regulations Assessment

Screening Report

January 2019

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1.0 Introduction & Legislative Background

Neighbourhood Planning Regulations

1.1 This report is the Habitats Regulations Assessment (HRA) 'Screening Report' of the submission draft Leekfrith Neighbourhood Plan (LNP). The purpose of the report is to determine whether significant adverse effects on relevant European 'Natura 2000' sites are likely as a result of LNP, in accordance with Schedule 4B to the Town and Country Planning Act 1990:

- Para 8(2)(f) which requires LNP to not breach and be otherwise compatible with EU obligations
- Para 8(2)(g) which prescribes that the making of a neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

European Union Obligations

1.2 The relevant EU obligations are '*Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*' and '*Directive 2009/147/EC on the conservation of wild Birds*'.

1.3 Article 6 para 3 of Directive 92/43/EEC states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.”

Conservation of Habitats and Species Regulations 2017

1.4 Section 106 of the Conservation of Habitats and Species Regulations 2017 regarding '*assessment of implications for European site: neighbourhood development plans*' states:

“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.”

1.5 Section 105 of the Conservation of Habitats and Species Regulations 2017 regarding '*assessment of implications for European sites*' states:

“Where a land use plan (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.”

Natura 2000 sites

1.6 Natura 2000 is the Europe-wide network of sites of international importance for nature conservation established under the European Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC Habitats Directive).

1.7 The Natura 2000 network comprises:

- (i) Special Protection Areas (SPAs). SPAs are classified under the European Council Directive on the conservation of wild birds (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats
- (ii) Special Areas of Conservation (SACs). SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- (iii) The Government also expects candidate SACs (cSACs) & potential SPAs (pSPAs), to be included within the HRA.
- (iv) Ramsar sites. Ramsar sites support internationally important wetland habitats (Ramsar Convention, 1971).

1.8 There are 3 'Natura 2000' sites either within Leekfrith Neighbourhood Area or within a 15 km radius of the Area (see Map 1):

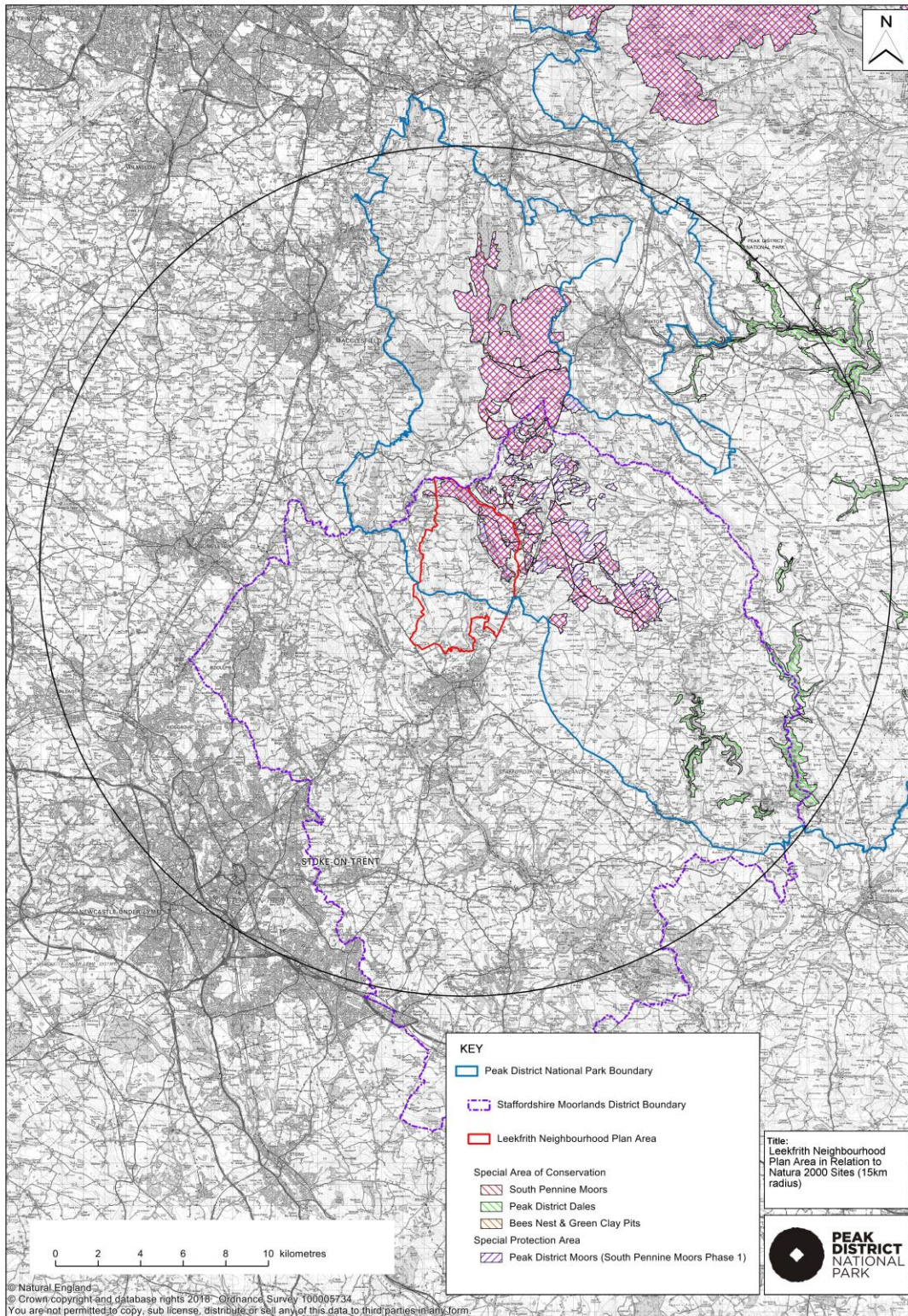
- Peak District Moors (South Pennine Moors Phase 1) SPA;
- South Pennine Moors SAC;
- Peak District Dales SAC.

Scope of Report

1.9 This HRA report is a 'screening report' designed to determine whether or not significant effects (and 'in combination effects) on the above sites are likely as a result of Leekfrith Neighbourhood Plan (LNP), and whether or not an Appropriate Assessment is required. LNP has undergone a 'Regulation 14' consultation and Natural England is consulted as part of the HRA screening process. Any modifications to LNP that are required as a result of the HRA Screening (and Appropriate Assessment if necessary) will be made prior to submission to the local planning authorities.

1.10 The submission draft LNP can viewed at <http://leekfrithparishcouncil.btck.co.uk/>

Map1 Leekfrith Neighbourhood Area in relation to Natura 2000 sites



2.0 Description of relevant Natura 200 sites

South Pennine Moors SAC

2.1 The South Pennine Moors SAC is designated for:

- Northern Atlantic wet heaths with *Erica tetralix* for which the area is considered to support a significant presence.
- European dry heaths for which this is considered to be one of the best areas in the United Kingdom.
- Blanket bogs for which this is considered to be one of the best areas in the United Kingdom.
- Transition mires and quaking bogs for which the area is considered to support a significant presence.
- Old sessile oak woods with *Ilex* and *Blechnum* for which this is considered to be one of the best areas in the United Kingdom.

2.2 The South Pennine Moors SAC is vulnerable due to grazing and burning regimes, visitor access, & atmospheric pollution, which have led to large areas of eroded and de-vegetated peat. Much of the area is subject to intensive landscape scale conservation and regeneration delivered via numerous projects and partnerships of public, private and 3rd Sector organisations, including the national park authority.

Peak District Moors (South Pennine Moors Phase 1) SPA

2.3 The Peak District Moors SPA is designated for (it's 'qualifying features') its importance for several upland breeding species including: Falco columbarius, Merlin (Breeding); Pluvialis apricaria, European golden plover (Breeding); Asio flammeus, Short-eared owl (Breeding).

2.4 The conservation objectives for the site, currently being delivered via numerous projects and partnerships of public, private and 3rd Sector organisations, including the national park authority, are to maintain or restore:

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features
- the supporting processes on which the habitats of the qualifying features rely
- the population of each of the qualifying features
- the distribution of the qualifying features within the site

Peak District Dales Special Areas of Conservation

2.5 The Peak District Dales SPA is designated for:

- European dry heaths
- Semi-natural dry grasslands and scrubland facies on calcareous substrates
- Alkaline fens
- Calcareous and calcshist screes of the montane to alpine
- Calcareous rocky slopes with chasmophytic
- Tilio-Acerion forests of slopes, screes and ravines
- Austropotamobius pallipes
- Lampetra planeri
- Cottus gobio

2.6 The main threat is inappropriate grazing management. The ideal management for nature conservation purposes - light grazing throughout most of the year, with a break in grazing during the spring and early summer - tends to conflict with today's agricultural regimes. The result is neglect & invasion by scrub, or overgrazing and the loss of the important vegetation communities.

2.7 The conservation objectives for the site are currently being delivered via numerous projects and partnerships of public, private and 3rd Sector organisations, including the national park authority.

3. 0 Determination of the likeliness of significant environmental effects of Leekfrith neighbourhood plan

Planning Context

3.1 LNP is (once made) part of the development plan for the Peak District National Park Authority (PDNPA) and Staffordshire Moorlands District Council (SMDC) and its policies must be in general conformity with the strategic planning policies of the two authorities. Therefore any consideration of LNP's effects on Natura 2000 sites should also take into account the following Habitats Regulation Assessments.

3.2 The **HRA for the PDNPA Core Strategy** (2011) which concluded:

- *15 of the total of 35 policies in the Core Strategy are unlikely to have a significant effect on Natura 2000 sites Sites, as they relate to broad strategic objectives, qualitative criteria and/or aim to protect and enhance the environment.*
- *More detailed assessment (Appropriate Assessment) was undertaken in relation to the remaining 20 policies and the emerging findings were discussed with Natural England.*
- *Of the remaining 20 policies that were subject to full Appropriate Assessment, six have been judged as unlikely to have any adverse effect on the integrity of N2K Sites*
- *The 6 areas of concern include the impact of some policies on drainage, water quality, air quality, human activity, hydrology and small scale wind turbine development*

http://www.peakdistrict.gov.uk/_data/assets/pdf_file/0018/90144/ldf-a004-habitatsassessmentappraisal.pdf.

3.3 The **HRA for the SMDC Core Strategy** (March 2014) which concluded:

- Assessment at this stage has focussed on one main area where possible policy changes could have triggered an effect on European sites, namely increasing the future provision of development in the District from 5500 dwellings to 6000 dwellings.
- In terms of changes to the District wide housing requirements, the 6000 figure was the original figure used in the earlier Submission Core Strategy (published in May 2009). At that time, the broad conclusion reached was that it is the precise location of this development which is the most important factor in determining impact on European sites and that Core Strategy policy provided necessary mitigation to avoid harm to these sites, though further analysis would be required at the site allocations stage to ensure appropriate sites are allocated.
- Similarly at this stage, despite the increased scale of housing development proposed in the main modifications to the Core Strategy, the application of the policy measures within the Core Strategy is likely to create no adverse effects on the site integrity of the European sites.
- Precise locations for small urban extensions in the towns and sites for development in rural areas will be determined in the Site Allocations Development Plan Document and will be appropriately assessed at that time. This has now been undertaken as part of the preparation of the SMDC Local Plan.

https://www.staffs Moorlands.gov.uk/media/342/Habitats-Regulation-Assessment-March-2014/pdf/APPROPRIATE_ASSESSMENT_FINAL_REPORTS_COMBINED.pdf

3.4 The HRA for **SMDC Local Plan** (Feb 2018) found the following:

Screening identified the potential for the Local Plan to lead to “urban effects” on European sites that may be significant. The HRA concluded that these effects could potentially affect the following European sites:

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

3.5 The HRA screening identified likely significant urban effects in relation to the following development sites due to their proximity to European sites:

- Waterhouses (WA004) located approximately 1950m from the Peak District Dales SAC; and
- Sites on the eastern edge of Leek, Land at the Mount (LE066, LE140, LE128, LE142) located between 3.8km and 4.2km from the Peak District SPA and the South Pennine Moors SAC.

3.6 In addition, screening identified that the following policies (text as at 27th June 2017) could result in LSEs due to a risk that they could result in development close to the European sites:

- SS8 – Larger Villages Area Strategy; and
- SS9 – Smaller Villages Area Strategy.

3.7 An appropriate assessment was undertaken and the findings noted that:

- 400m is considered to be the zone where adverse effects from cat predation could occur;
- studies have found that 75% of people using heathland for recreation have walked less than 500m to reach the heath, and 89% walked less than 1km;
- beyond a 500m buffer around a designated site the incidence of unplanned fires has been found to be close to zero;
- fly-tipping and littering (including garden waste) have been found to be more prevalent when the urban area is within 500m of the SPA/SAC boundary.
- golden plover and other birds for which the SPA is designated are considered to spend the majority of their time feeding within 2km of the SPA during the breeding season.

3.8 The proposed site allocations on the eastern edge of Leek (located between 3.8km and 4.2km from the SPA) were considered to be well outside of the foraging range of cats and due to the distance between the proposed allocations and the South Pennine Moors (Phase 1) SPA / SAC, the effects of dogs and localised recreational pressures, fly tipping, littering and fire-setting were not considered to be significant. Also all watercourses near to the proposed allocations at Leek flow in a westerly direction away from this SAC/SPA and therefore no adverse effects were anticipated from construction of the preferred option sites as a result of dust deposition on surrounding habitats and localised run-off of pollutants into adjacent watercourses.

3.9 However in order to avoid adverse effects on European sites from occurring as a result of the proposed allocation site at Waterhouses (WA004), following the HRA report recommendations, the following text was added to the first bullet of Local Plan Policy NE1 Biodiversity and Geological Resources:

- “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.”

3.10 In order to avoid adverse effects on European sites from occurring as a result of the two draft policies: Policy SS8 Larger Villages Area Strategy and Policy SS9 Smaller Villages Area Strategy, wording similar to that already included in Policy SS10 Other Rural Areas Strategy was added to policies SS8 and SS9, as follows:

- “Any development proposal that might have the potential to affect a European or Ramsar Site must itself be subject to appropriate assessment.”

3.11 In order for the Council to help identify development proposals that should be subject to appropriate assessment, the HRA report provides the following guidance:

- any 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;
- any development proposed within a 500m zone of the SACs or SPA should be subject to a project-level HRA to ensure no potential adverse effects occur from cat predation, fires or other urban effects.

3.12 Natural England responded as follows to the consultation on the Submission draft Local Plan and accompanying HRA Report (February 2018):

“Natural England has reviewed the Habitat Regulations Assessment for the submission draft of the Local Plan. We note that our previous advice which highlighted the need to assess in-combination effects has been carried out and included in the plan. As a result of this additional information we agree with the HRAs conclusions that the Local Plan policies either alone or in combination will not result in an adverse effect on the integrity of any of the European sites.”

https://www.staffs Moorlands.gov.uk/media/2878/Habitats-Regulations-Assessment---Submission-Version-Feb-2018/pdf/HRA_Submission_Version_Local_Plan_February_2018.pdf

3.13 **Table 1** assesses the likeliness of significant negative harmful effects of LNP policy on Natura 2000 sites within the context of strategic planning policies, issues of concern raised in relevant HRAs of strategic planning policy (of the PDNPA Core Strategy, SMDC Core Strategy and Local Plan) and comments received from the Regulation 14 consultation.

3.14 **Map 2** shows the Natura 2000 sites in relation to the spatial policies in LNP.

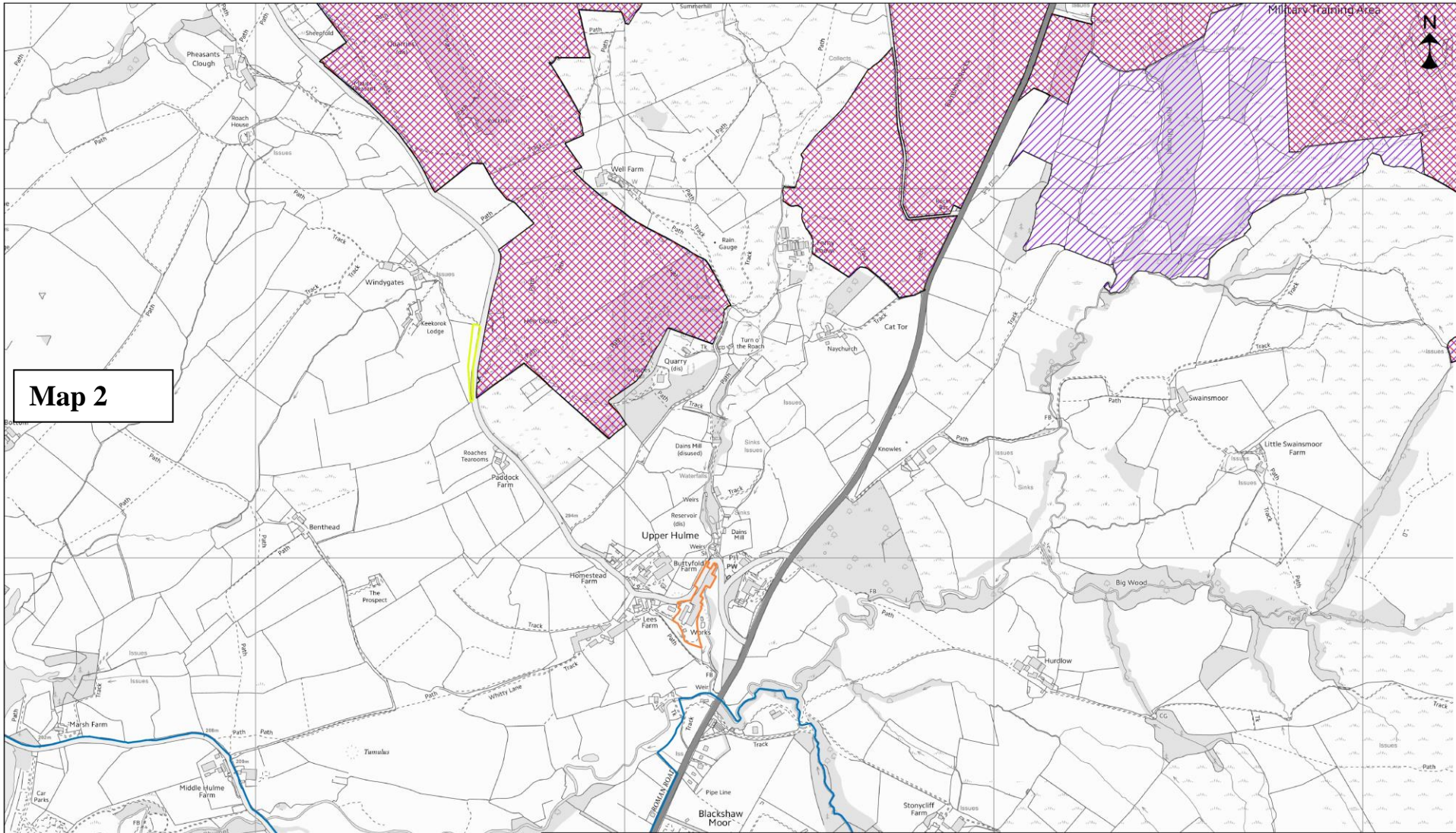
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Table 1: Assessment of LNP policies and their likeliness of significant negative effects on Natura 2000 sites within a 15 km radius

Leekfrith Neighbourhood Plan (LNP) policy	Summary of policy	Corresponding Policy from Strategic Plans		Are HRAs of strategic policy significant to Leekfrith policy?	Comments received from Regulation 14 consultation	Likeliness of significant negative effects of the LNP policy on Natura 2000 sites within 15km radius of plan area. Any 'in combination' effects?
		PDNPA	SMDC Core Strategy and Local Plan			
1	<p>Redevelopment of Upper Hulme Mill including: removal of non-traditional structures and buildings, approximately 40 new build dwellings, car parking, conversion of traditional buildings to commercial use, dwellings, or holiday accommodation, and general commercial use.</p> <p>The location of Upper Hulme Mill in relation to relevant European sites is shown on Map 2.</p>	<p>CS GSP2 (D& E)</p>	<p>Core Strategy:</p> <p>SS6 b H1,H2 R1</p> <p>Local Plan: SS1 SS2 SS9 SS10 SS1 (NB Development site is in PDNPA)</p>	<p>Yes. Plan allocates site for development within the 500m zone around South Pennine Moors SAC and the 2km zone around the Peak District Moors (South Pennine Moors Phase 1) SPA.</p>	<p>Staffs Wildlife Trust supportive of policy but concerns raised re value of site as part of a wildlife corridor, the adjacent tributary of the River Churnet, possible contamination and value of existing site for wildlife.</p>	<p>Not likely.</p> <p>Ecology Report (Appendix 1) considers in detail recreation pressure, urban effects and increased traffic, in the context of current knowledge about the location of protected species, and concludes that they are not significant.</p> <p>LNP is subsidiary to, and must be in general conformity with strategic planning policy, therefore there are no 'in combination' effects.</p>

Leekfrith Neighbourhood Plan (LNP) policy	Summary of policy	Corresponding Policy from Strategic Plans		Are HRAs of strategic policy significant to Leekfrith policy?	Comments received from Regulation 14 consultation	Likelihood of significant negative effects of the LNP policy on Natura 2000 sites within 15km radius of plan area. Any 'in combination' effects?
		PDNPA	SMDC			
2	Permitting the temporary renting of ancillary holiday accommodation, on the general rental housing market.	CS RT2 (A), LP LR6, DMP DMR3 and paras 5.22, 5.23.	Core Strategy SS6 b H2 R1	The HRAs are summarised in the body of this report.	None received	Not likely. Buildings are already in place, policy manages change of use. LNP is subsidiary to, and must be in general conformity with strategic planning policy, therefore there are no 'in combination' effects.
	Local Plan SS1 SS2 SS3 SS10					
3	Any development proposal must provide a transport statement that considers the parking implications of the proposal. The proposed development must demonstrate suitable parking arrangements that avoid unacceptable harm to the highways network.	DMP parking policies and parking standards	Core Strategy T1 Para 3	The HRAs are summarised in the body of this report.	None received	Not likely. The plan seeks to manage the potential for adverse effects of increased traffic as a result of future development. LNP is subsidiary to, and must be in general conformity with strategic planning policy, therefore there are no 'in combination' effects.
	Local Plan SS1 SS2 SS3 SS10 SS11					

Leekfrith Neighbourhood Plan (LNP) policy	Summary of policy	Corresponding Policy from Strategic Plans		Are HRAs of strategic policy significant to Leekfrith policy?	Comments received from Regulation 14 consultation	Likelihood of significant negative effects of the LNP policy on Natura 2000 sites within 15km radius of plan area. Any 'in combination' effects?
		PDNPA	SMDC			
4	<p>Use of land for a temporary car park.</p> <p>The location of the proposed temporary car park in relation to relevant European sites is shown on Map 2.</p>	DMP parking policies and parking standards	<p>Local Plan SS1 SS2 SS3 SS10 SS11</p> <p>(NB Proposed site is in PDNPA)</p>	<p>Yes. Plan proposes use of land for temporary car park within the 500m zone around South Pennine Moors SAC and the 2km zone around the Peak District Moors (South Pennine Moors Phase 1) SPA.</p>	<p>Staffs Wildlife Trust stated: 'proposed car parking site looks to be appropriate in wildlife terms, as it is an improved grassland field of low wildlife value.'</p>	<p>Not likely.</p> <p>The policy is intended to relieve roadside parking problems rather than increase capacity, and could even lead to lower emissions by reducing driving. The small number of vehicles, limited period of use (max. 28 days/yr) and likelihood of rapid dispersal of emissions in the open landscape mean it is unlikely that there would be a significant impact.</p> <p>See ecologist report in Appendix 1</p> <p>LNP is subsidiary to, and must be in general conformity with strategic planning policy, therefore there are no 'in combination' effects.</p>



Map 2

Leekfrith Neighbourhood Plan Policies in relation to Natura 2000 Sites

- | | | |
|---|-----------------------------|---|
| Peak District National Park Boundary | South Pennine Moors | Peak District Moors (South Pennine Moors Phase 1) |
| Development at Upper Hulme Mill, Policy 1 | Peak District Dales | |
| Proposed temp car park, Policy 4 | Bees Nest & Green Clay Pits | |



4.0 Conclusion of Screening Process

4.1 Significant effects of Leekfrith Neighbourhood Plan on Natura 2000 sites are not likely.

Policy 1

4.2 Due to the limited scale of the development, its distance from the SPA/SAC and even greater distance from the key bird species, its location in the valley below the Natura 2000 site and the likely negligible impacts compared to existing recreational pressure, it is concluded that Policy 1 is unlikely to have a significant impact on Natura 2000 sites.

Policies 2 and 3

4.3 Policies 2 and 3 do not propose or permit new development and would not lead to the intensification of use of land, therefore significant effects on Natura 2000 sites are not likely.

Policy 4

4.4 The policy is intended to relieve roadside parking problems rather than increase capacity, and could even lead to lower emissions by reducing driving. The small number of vehicles, limited period of use (max. 28 days/yr) and likelihood of rapid dispersal in the open landscape mean it is unlikely that there would be a significant impact.

Appendix 1

LEEKFRITH NEIGHBOURHOOD PLAN - STATEMENT OF VIEWS ON HRA SCREENING STATEMENT

The HRA screening statement concludes that there are unlikely to be significant negative effects on the Natura 2000 sites from policies 2 and 3 of the Leekfrith Neighbourhood Plan, but concludes that the potential impacts of Policy 1 (Redevelopment of Upper Hulme Mill) on the South Pennine Moors SAC and Peak District Moors SPA (both sites are contiguous within the target area) are “Uncertain” due to possible impacts of recreational pressure, urban effects and air pollution; and that the impacts of Policy 4 (Use of land for a temporary car park) are “Uncertain/neutral” due to potential increase in Nitrogen deposition. This Statement considers further the likelihood of negative impacts of these two policies.

Policy 1 - Redevelopment of Upper Hulme Mill

This site lies 420 metres SE of the nearest point of the SPA/SAC. It comprises a small site all of which is existing buildings and hard surfaced areas, and with existing industrial use.

The proposal is for removal of non-traditional structures and buildings, approximately 40 new build dwellings, car parking, conversion of traditional buildings to commercial use, dwellings, or holiday accommodation, and general commercial use. The following potential impacts on the SPA/SAC have been identified by the HRA Screening report:

Potentially increased recreational pressure -

The Roaches, notably Hen Cloud, is the nearest part of the SPA/SAC and one of the most dramatic landscape features in the vicinity. As such it is likely to attract the majority of local recreational pressure from any new housing at Upper Hulme Mill. However this pressure is considered unlikely to have significant impact on the site for the following reasons:

- The scale of proposed development is modest and constrained by the size of the site. The proposal for mixed development including business use and light industry would further limit the scale of residential development.
- The Roaches is already heavily visited, with visitors coming from a wide area. In a visitor survey in 2005 it was the 14th most heavily visited location surveyed in the National Park, with an average of 136 visitors/day at weekends and 93 visitors/day on weekdays. Any additional recreational pressure is likely to be insignificant compared to the overall recreational pressure.
- The main risk of increased recreational pressure is disturbance to breeding birds. None of the 3 species for which the SPA has been designated- Merlin, Short-eared owl and Golden Plover- are recorded in the vicinity, with the nearest records being over 1.5km away.

Urban effects (cat predation, fire risk and fly tipping/littering/garden waste) -

The following urban effects have been identified as potentially having an impact:

- Cat predation- the HRA for SMDC Local Plan (Feb 2018) noted that 400m is considered to be the zone where adverse effects from cat predation could occur. As the SPA/SAC lies beyond this zone at its nearest point, there is unlikely to be a significant impact. In addition, none of the SPA species are recorded nesting within 1.5 km.
- Fire risk- the HRA for SMDC Local Plan (Feb 2018) noted that beyond a 500m buffer around a designated site the incidence of unplanned fires has been found to be close to zero. Although the SPA/SAC falls within 500m it is towards the outer limits of that zone. The nearest areas of the SPA/SAC are already heavily visited and, as with recreational pressure, any additional risk posed by redevelopment of the Upper Hulme Mill site is therefore likely to be negligible.
- Fly-tipping/littering/garden waste- the HRA for SMDC Local Plan (Feb 2018) noted that these have been found to be more prevalent when the urban area is within 500m of the SPA/SAC boundary. Again the fact that the proposal is within but towards the outer edge of that zone, coupled with the topography (the wooded valley below is a more likely target for waste tipping than uphill on the open land within the SPA/SAC), suggests that the risk is unlikely to be significant.

Air pollution from increased road traffic-

The key potential impact is through nitrogen deposition. Again the small scale of development proposed, the limited zone of local impact from nitrogen deposition and the topography (dispersal from the valley bottom uphill onto the moorland is likely to be very diffuse) suggests that the any additional impact over and above existing traffic levels closer to the SPA/SAC, and over and above deposition from fertilizer use on adjacent agricultural land, is likely to be negligible.

Policy 4 - Use of land for a temporary car park

This site lies in close proximity to the SPA/SAC. Although the HRA initially identifies an Uncertain/Neutral impact due to the possibility of increased nitrogen deposition from vehicles, it goes on to recognize that the proposal is intended to relieve roadside parking problems rather than increase capacity, and could even lead to lower emissions by reducing driving. The small number of vehicles, limited period of use (max. 28 days/yr) and likelihood of rapid dispersal in the open landscape mean it is unlikely that there would be a significant impact.

Conclusions

Due to the limited scale of the development, its distance from the SPA/SAC and even greater distance from the key bird species, its location in the valley below the Natura 2000 site and the likely negligible impacts compared to existing recreational pressure, it is concluded that the policies set out in the Leekfrith Neighbourhood Plan are unlikely to have a significant impact on Natura 2000 sites.

Rhodri Thomas
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January 2019