

**Bradwell
Neighbourhood
Plan**



**PEAK
DISTRICT
NATIONAL
PARK**

**Habitat Regulations
Assessment**

Screening Report

December 2014

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1. Introduction & legislative background

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

This screening report is designed to determine whether or not the contents of the submission draft Bradwell Neighbourhood Plan (November 2014) (hereafter known as 'BNP') requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

A HRA is required when it is deemed that negative significant effects are likely to occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included within a HRA.

Natura 2000 is a 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).

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).

There are 3 'Natura 2000' sites within a 15 km radius of the BNP area: South Pennine Moors Special Area of Conservation, Peak District Moors Special Protection Area and Peak District Dales Special Area of Conservation. The location of BNP in relation to these Natura 2000 sites are shown in Appendix 1.

The Peak District National Park Authority (PDNPA) must decide whether the BNP is compatible with the above Directive:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to 'make' the neighbourhood plan (which brings it into force)

The consultation draft BNP can be viewed at http://www.bradda.org/N_Plan.htm

2. Description of relevant Natura 200 sites

South Pennine Moors SAC

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.

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 SPA

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).

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 maintaining 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

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*

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.

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. Determination of the likeliness of significant environmental effects of Bradwell neighbourhood plan

Bradwell NP is judged to be in conformity with Peak District National Park Authority's core strategy (Planning Committee 16.01.15). Therefore any consideration of BNP's effects on Natura 2000 sites must also take into account the Habitats Regulation Assessment for the core strategy:

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

The HRA for the PDNPA core strategy concluded:

- 15 of the total of 35 policies in the Core Strategy are unlikely to have a significant effect on Natura 2000 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

Table 1 assesses the likeliness of negative significant effects of the BNP policy/proposal on Natura 2000 sites within 15km radius of the plan area in the context of the core strategy HRA 'summary of appropriate assessment findings'.

Table 2 assesses the likeliness of negative significant effects of the BNP policy/proposal on Natura 2000 sites within 15km radius of plan area in the context of the core strategy HRA 'discussion of potential impacts'.

Table 1: Assessment of the BNP policies and their likeliness of significant negative effects on Natura 2000 sites within a 15 km radius					
Policy from Bradwell Neighbourhood Plan		Summary of policy	Corresponding Policy from Core Strategy	Summary of Core Strategy HRA (likeliness of significant negative effect)	Likeliness of negative significant effects of the BNP policy/proposal on Natura 2000 sites within 15km radius of plan area.
Objective	Section 1: Housing	Provide housing to meet needs of Bradwell parish	Core Strategy DS1, HC1	DS1: Adverse effect on site integrity uncertain HC1: Unlikely to have significant effect	Not likely <i>See Table 2 for details where effects of core strategy polices 'uncertain'</i>
Policy	H1: Local needs affordable housing	The provision of local needs affordable housing is encouraged, provided it is limited to the needs of the Parish & adjoining parishes and based on the current local needs housing survey.	Core Strategy HC1, Local Plan 'saved' LH2.	HC1: Unlikely to have significant effect	Not likely

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Policy	H2: Newburgh site	Provides for 40 open market homes in context of mixed development with land and commuted sum to address local needs housing	Core Strategy HC1,	HC1: Unlikely to have significant effect	Not likely
Policy	H3: Housing sites	Sets priority for site selection	DS1, L1, L2	DS1: Adverse effect on site integrity uncertain L1: Unlikely to have significant effect	Not likely <i>See Table 2 for details where effects of core strategy polices 'uncertain'</i>
Policy	H4	Broad mix of housing types	Supplementary Planning Guidance 'meeting the local need for affordable housing'	N/A	Not likely
Policy	H5	High quality design	Core Strategy L1, L3	L1: Unlikely to have significant effect L3: Unlikely to have significant effect	Not likely
Policy	LE1	Safeguarding employment sites	Core Strategy E1	E1: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy polices 'uncertain'</i>

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Policy	LE2	Industrial development at Newburgh site	Core Strategy DS1, E1, T4	DS1: Adverse effect on site integrity uncertain E1: Adverse effect on site integrity uncertain T4: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>
Policy	LE3	Broadband		N/A	Not likely
Policy	T1	Footpaths & cycleways	Core Strategy T1, T6	T1: Unlikely to have significant effect T6: Unlikely to have significant effect	Not likely
Policy	T2	Prevent loss of existing parking	Core Strategy T7 & Local Plan LT 10,11,14,15	T7: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>
Policy	T3	Parking for new residential	Core Strategy T7 and Local Plan LT11	T7: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>
Policy	T4	New Car Parking Facilities	Core Strategy T7, Policy LT10, Policy LT14, Policy LT15	T7: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>

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Policy	HEW1	Provision of allotments	Core Strategy DS1	DS1: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>
Policy	HEW2	Designate & protect local green space	Core Strategy DS1C	DS1: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>
Policy	HEW3	Requiring new residential development to support education	No policy	N/A	Not likely
Policy	E1	Drainage requirements	Core strategy CC5	CC5: Unlikely to have significant effect	Not likely
Policy	E2	Design	Core Strategy L1, L3	L1: Unlikely to have significant effect L3: Unlikely to have significant effect	Not likely
Policy	E3	Energy generating infrastructure	Core Strategy CC2, Renewables SDG	CC2: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy policies 'uncertain'</i>

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Policy from Bradwell Neighbourhood Plan		Summary of policy	Corresponding Policy from Core Strategy	Summary of Core Strategy HRA (likeliness of significant negative effect)	Likeliness of negative significant effects of the BNP policy/proposal on Natura 2000 sites within 15km radius of plan area.
Policy	E4	Conversion of buildings to residential or holiday accommodation	Core Strategy RT2, Local Plan LC8	RT2: Adverse effect on site integrity uncertain	Not likely <i>See Table 2 for details where effects of core strategy polices 'uncertain'</i>

Table 2: Analysis of BNP in relation to issues of concern raised in HRA of core strategy		
Core Strategy Issue of concern	Extract from HRA of core strategy highlighting issues of concern where there is direct link between core strategy and BNP.	Is core strategy issue also of concern in Bradwell Neighbourhood Plan?
Impact on drainage	“Other policies allowing for development may have some potential to affect drainage including Policy DS1 Development Strategy, Housing for key workers (Policy HC1) and businesses in the countryside (Policy E2).”	No. Development proposals are very small scale and confined to the existing built area of Bradwell.
Impact on water quality	<p>“ . . . discharges into the River Wye within the Peak District SAC are impacting water quality (particularly in relation to phosphorous levels) in the context of the freshwater SAC species which the river is known to support.”</p> <p>“Additional development as a result of a range of policies including DS1 Development Strategy, policies associated with recreation and tourism (RT1, 2 and 3) and business development (E1 and E2) could potentially exacerbate this pressure via sewage discharges.”</p>	No. No development is proposed in the catchment of the River Wye.
Impact on air quality	<p>“Modelling of air quality has predicted that Nitrogen/acid deposition is likely to have exceeded critical loads at Peak District Dales SAC, South Pennine Moors SAC & Peak District Moors SPA”</p> <p>“A number of these sites are in close proximity to settlements named within Policy DS1 where new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises.”</p> <p>“Transport policies of the plan are generally aimed at reducing the amount of traffic in the Park, although Policy T2 does allow for transport developments in exceptional circumstances where there would be a net environmental benefit and public interest would exceed a negative impact on the National Park.”</p>	No. Any development permitted by BNP, including parking under BNP T3 & 4, will be of such a small scale, and at a location so removed from the SAC/SPA sites, to have a negligible effect on air quality.
Human activity	“Human activity is a key pressure for the South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Peak District Moors SPA and can lead to impacts such as disturbance, predation and fires, although there is no detailed	No. Any development permitted by BNP will be of such a small scale, and at a location so removed from the SAC/SPA sites, to have a negligible effect

	evidence to back this up. Human activity could increase where development is likely to take place in close proximity to these N2K Sites, for example, as a result of Policy DS1 Development Strategy.”	on human activity.
Hydrology	“Peak District Moors SPA and South Pennine Moors Phase 2 SPA are sensitive to changes in hydrology - the Derbyshire Dales CAMS and Tame, Goyt and Etherow CAMS outline that catchments within the SPA are already over abstracted and over licensed. Increased demand on resources resulting from a larger population could heighten over-abstraction problems, particularly during summer months. There is potential for this to take place as a result of proposals in Policy DS1 Development Strategy.”	No. Any development permitted by BNP will be of such a small scale, to have a negligible effect on hydrology.
Small scale wind turbine development	<p>“Low carbon and renewable energy development can affect biodiversity in a number of ways including barrier effects, potential for collisions between turbine blades and birds, disturbance and physical damage during construction. East Midlands RSS HRA states that species that are qualifying features of Peak District Moors SPA and South Pennine Moors Phase 2 SPA are sensitive to wind turbine development (golden plover being vulnerable to barrier effects and disturbance, and owls being vulnerable to collisions).”</p> <p>“Policy CC2 allows for low carbon and renewable energy development, subject to a number of criteria. Although only small scale wind turbine developments will be permitted, taking account of cumulative impacts, potential effects on key bird breeding areas remains an issue.”</p>	No. BNP polices for renewables are relevant only for the parish of Bradwell and must be in close proximity to the building they serve. Any development permitted by BNP will be of such a small scale, and at a location so removed from the SAC/SPA sites, to have a negligible effect.

4. Conclusion of screening process

There is likely to be no significant effect of the Bradwell Neighbourhood Plan on the European sites. Therefore an Appropriate Assessment is not required.

Bradwell neighbourhood plan is in conformity with the Peak District National Park Authority's core strategy. The core strategy has undergone its own HRA – both a screening statement and for some polices a fuller 'appropriate assessment'.

Therefore it can be concluded that where the HRA for the core strategy has determined that a particular policy is 'unlikely to have an adverse effect on the integrity of a relevant Natura 2000 site', any BNP policy that conforms with it, similarly, is unlikely to have an adverse effect. This is shown in Table 1.

The core strategy HRA also determined that the effect of certain core strategy policies on the integrity of a relevant Natura 2000 site was 'uncertain'. Where these 'effect uncertain' policies are relevant to BNP, they are also shown in Table 1.

In order to further test the likelihood of significant effects of the 'uncertain' policies, the core strategy HRA undertakes a more detailed assessment of these policies for the following criteria: impact on drainage, impact on water quality, impact on air quality, human activity, hydrology & small-scale wind turbine development. BNP polices that are judged to be in conformity with these 'uncertain' core strategy polices, are also further screened according to these criteria. This is shown in Table 2.