

# Chapel-en-le-Frith Neighbourhood Plan Habitat Regulations Assessment Screening Statement





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# 1 Introduction

**1.1** The Habitats Directive<sup>(i)</sup> and the Birds Directive<sup>(ii)</sup> form the cornerstone of Europe's nature conservation policy. The Directives are built around two pillars: a Natura 2000 network of protected sites and a strict system of species protection. The Directives protect over 1,000 animals and plant species and over 200 "habitat types" (e.g. special types of forests, meadows, moorlands) which are of European importance.

**1.2** The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) transposed the Habitats Directive into national law. The Regulations provide for the designation and protection of "European sites", the protection of "European protected species", and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive.

**1.3** European sites are known as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). It has been agreed with Natural England - as part of the Habitats Regulations Assessment of the emerging High Peak Local Plan - that of relevance to the High Peak plan area, and thus to the Neighbourhood Plan - are the following European sites:

- South Pennine Moors Phase 2 SPA;
- Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennine Moors SAC; and
- Peak District Dales SAC.

**1.4** These European sites and the location of Chapel-en-le-Frith and other settlements in the Parish are shown on Map 1 below.

**1.5** The European sites and the location of site allocations in the Neighbourhood Plan is shown in a map attached as an appendix.

**1.6** Article 6(3) of the EU Habitats Directive provides that:

Any plan or project not directly connected with or necessary to the management of the [European] 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. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

i European Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora

ii European Directive 2009/147/EC of 30 November 2009 on the Conservation of Wild Birds

# 1 Introduction

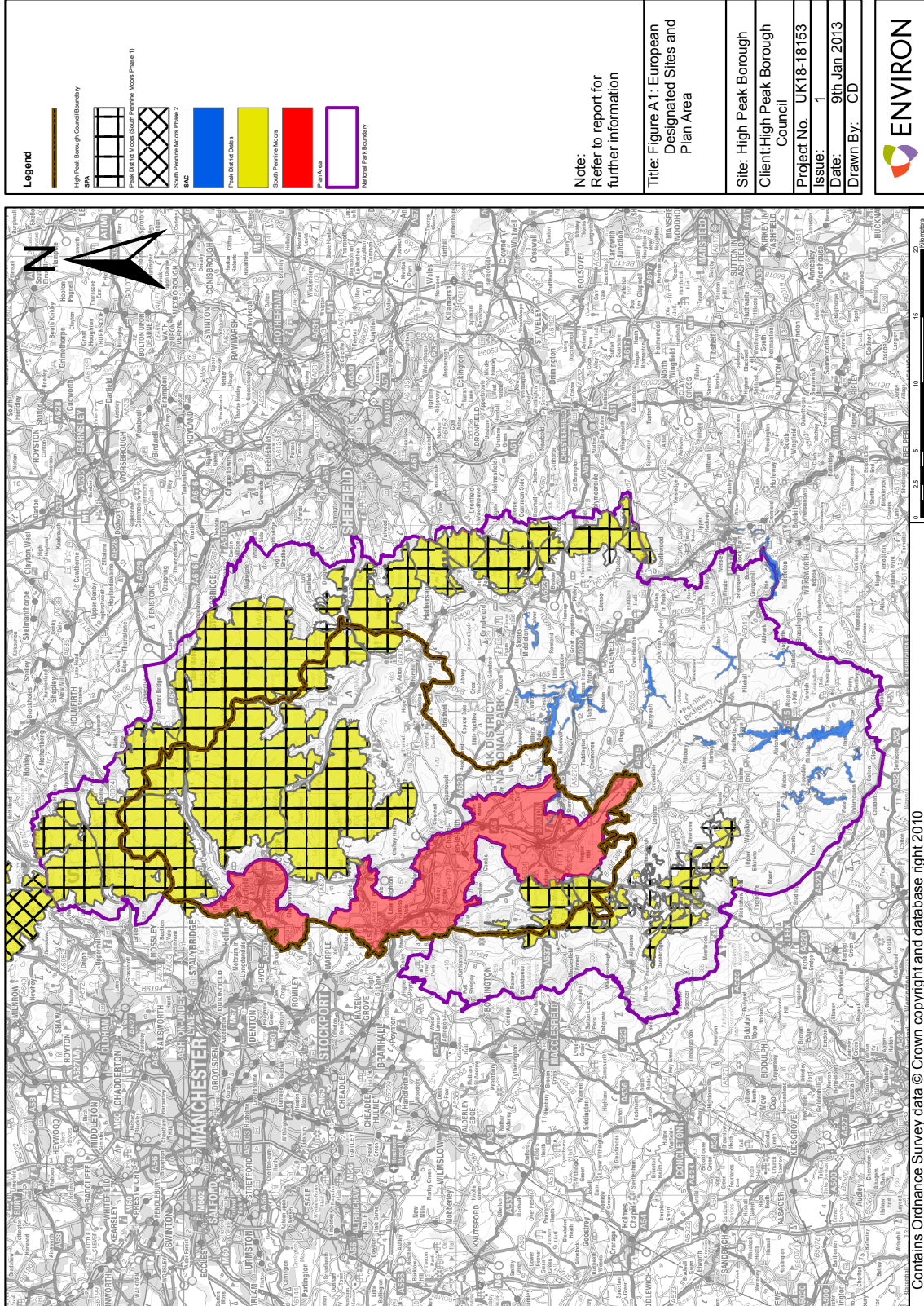
**1.7** The Habitats Regulations include a requirement to carry out "appropriate assessment" for land use plans. Regulation 61 requires appropriate assessment of plans and projects likely to have a significant effect on a European site. Regulation 102 sets out that "the plan-making authority for that plan shall, before the plan is given effect, make an appropriate assessment for the implications for the site in view of that site's conservation objectives".

**1.8** This means that the effects of land use plans on European sites designated for their nature conservation value need to be assessed, to ensure that the integrity of European sites is maintained.



# 1 Introduction

Map 1 European designated sites and the High Peak plan area



# 1 Introduction

**1.9** High Peak Borough Council commissioned consultants ENVIRON to undertake a Habitat Regulations Assessment (HRA) of the emerging Local Plan. This HRA is designed to assess any impacts of the Local Plan against the conservation objectives of European sites in, and outside the plan area, to ascertain whether the Local Plan will adversely affect the integrity of any sites concerned. The scope of the HRA assessment included any impacts relating to land use proposals in the Parish of Chapel-en-le-Frith. The assessment of the emerging High Peak Local Plan did not consider Neighbourhood Plan policies - these are assessed in Section 4 of this Statement. A report of the Habitat Regulations Assessment of the High Peak Local Plan - Preferred Options February 2013 can be seen at:

- [www.highpeak.gov.uk/sites/default/files/documents/pages/Draft%20HRA%20Report%20Local%20Plan%20Preferred%20Options.pdf](http://www.highpeak.gov.uk/sites/default/files/documents/pages/Draft%20HRA%20Report%20Local%20Plan%20Preferred%20Options.pdf)

**1.10** This draft Report was updated in 2014 for the publication of the Submission version of the High Peak Local Plan in April 2014. The updated HRA Report is at:

- [www.highpeak.gov.uk/hp/council-services/evidence-base/habitats-regulations-assessment](http://www.highpeak.gov.uk/hp/council-services/evidence-base/habitats-regulations-assessment)

**1.11** As a land use plan, an assessment of the draft Chapel-en-le-Frith Neighbourhood Plan is required under the Habitats Regulations in order to determine whether the Plan may result in a significant effect on a European site. The National Planning Policy Framework<sup>(iii)</sup> advises that assessments should be proportionate, and should not repeat policy assessment that has already taken place. In view of this, only a high level screening assessment of the Neighbourhood Plan has been undertaken, and this assessment should be read in conjunction with the HRA Report for the High Peak Local Plan.

**1.12** The HRA Screening Assessment of the draft Chapel-en-le-Frith Neighbourhood Plan, as set out in Sections 3 and 4 of this Statement, suggests that no significant effects on the European Sites agreed with Natural England are likely as a result of implementation of the Chapel-en-le-Frith Neighbourhood Plan. Therefore the Council considers that an Appropriate Assessment of the Chapel-en-le-Frith Neighbourhood Plan is not required.

**1.13** An initial screening statement was prepared jointly by High Peak Borough Council and the Peak District National Park Authority and was sent to Natural England as the statutory consultation body. The response received from Natural England is attached. The response confirms that the Neighbourhood Plan does not require an HRA. This outcome demonstrates that the making of the plan does not breach, and is otherwise compatible with, EU obligations with regard to HRA.

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iii Paragraph 167

## 2 The Chapel-en-le-Frith Neighbourhood Development Plan



**2.1** Following the introduction of the new provision for neighbourhood planning in the Localism Act 2011, Chapel-en-le-Frith Parish Council is following the procedure for preparing a Neighbourhood Development Plan. The parish of Chapel-en-le-Frith was designated as a Neighbourhood Area on 11th April 2013. The designation was made jointly by High Peak Borough Council and the Peak District National Park since the parish falls into the planning area of both authorities.

**2.2** The National Planning Policy Framework<sup>(iv)</sup> advises that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.

**2.3** Neighbourhood plans must be in general conformity with the strategic policies of the Local Development Plan in force. For Chapel-en-le-Frith Neighbourhood Area this means conformity with the strategic policies of the High Peak Saved Local Plan Policies 2008 and with the Peak District National Park Authority's Core Strategy 2011.

**2.4** High Peak Borough Council published the submission version of its Local Plan in April 2014. The emerging Local Plan has been subject to Sustainability and HRA assessments. The Plan and assessments can be seen at:

- <http://www.highpeak.gov.uk/hp/council-services/the-high-peak-local-plan/high-peak-local-plan-publication>

**2.5** Chapel-en-le-Frith Parish Council held a six week public consultation on the draft Neighbourhood Plan between 16 December 2013 and 31 January 2014. The draft Plan and evidence documents can be viewed at the link below:

- <http://chapelparishneighbourhoodplan.org/>

**2.6** High Peak Borough Council publicised the Neighbourhood Plan and invited representations. The publicity period ran from Thursday 2nd October to Thursday 13th November 2014. All details including the documents and comments made can be seen at:

- [http://highpeak-consult.limehouse.co.uk/portal/high\\_peak/chapel\\_neighbourhood\\_plan/chapel\\_np](http://highpeak-consult.limehouse.co.uk/portal/high_peak/chapel_neighbourhood_plan/chapel_np)

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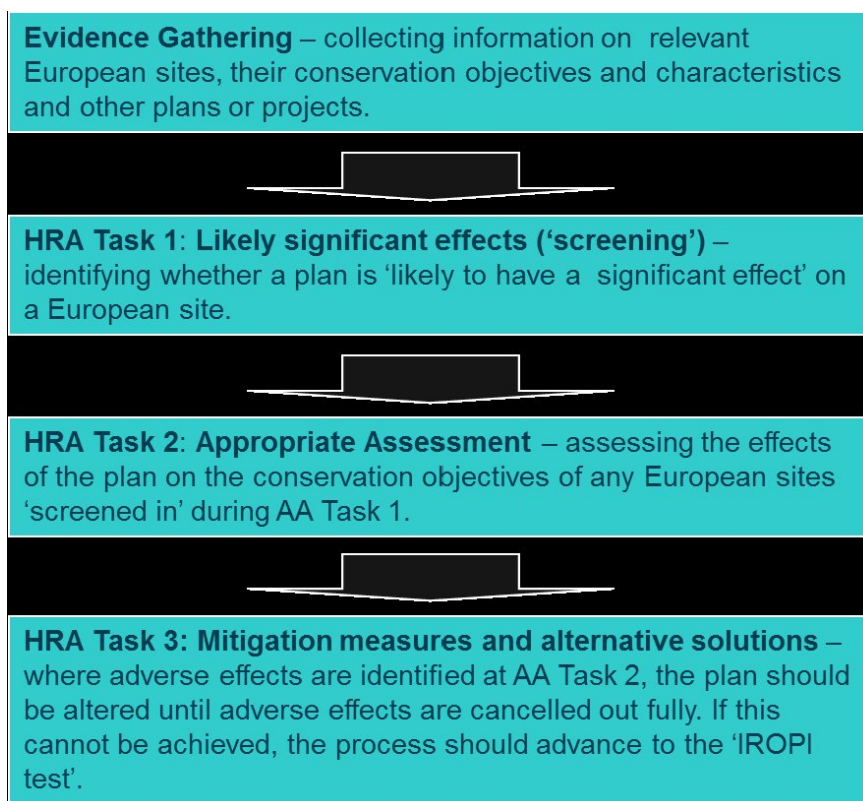
iv Paragraph 183

## 3 The Screening Process

**3.1** Figure 1 below sets out the overall HRA process in accordance with Department of Communities and Local Government (DCLG) guidance. This screening assessment represents HRA Task 1 for the Chapel-en-le-Frith Neighbourhood Plan and this initial screening statement should be read in conjunction with the High Peak Local Plan HRA Reports listed in the Introduction. The assessment findings are set out in this and the following section. The assessment aims to determine whether a significant effect is likely for any of the named European Sites, as a result of implementing the Chapel-en-le-Frith Neighbourhood Plan. Only if a significant effect is likely - need an appropriate assessment of the Neighbourhood Plan be undertaken.

**3.2** The HRA process for the emerging High Peak Local Plan has been undertaken in line with draft guidance produced by DCLG in 2006<sup>(v)</sup>. However, it should be noted that this draft guidance document was never formalised but provides some useful suggestions for a staged approach to HRA. Best practice has moved on since 2006 and the approach to the High Peak HRA reflects current best practice.

**Figure 1 The HRA Process**



**3.3** Evidence gathering has been undertaken by consultants ENVIRON on behalf of the Borough Council as part of the HRA of the emerging High Peak Local Plan. An HRA screening assessment was initially undertaken on the 'Derbyshire Dales and High Peak Joint Core Strategy Issues and Options' (April 2009) and the 'Derbyshire Dales and High Peak Joint Core Strategy Growth Options

v DCLG (2006) Planning for the Protection of European Sites – Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents, Consultation Paper





## 3 The Screening Process

Consultation up to 2026' (August 2009). The purpose of screening is to determine whether the plan could have significant effects on the conservation objectives of any European site. The assessment findings can be seen in the report at:

- [www.highpeak.gov.uk/sites/default/files/documents/pages/DraftHRAreport.pdf](http://www.highpeak.gov.uk/sites/default/files/documents/pages/DraftHRAreport.pdf)

**3.4** Work has now ceased on the Joint Core Strategy and a subsequent report on the emerging High Peak Local Plan was published in February 2013:

- [www.highpeak.gov.uk/sites/default/files/documents/pages/Draft%20HRA%20Report%20Local%20Plan%20Preferred%20Options.pdf](http://www.highpeak.gov.uk/sites/default/files/documents/pages/Draft%20HRA%20Report%20Local%20Plan%20Preferred%20Options.pdf)

And updated in April 2014:

- [www.highpeak.gov.uk/hp/council-services/evidence-base/habitats-regulations-assessment](http://www.highpeak.gov.uk/hp/council-services/evidence-base/habitats-regulations-assessment)

**3.5** This HRA of the Submission Version High Peak Local Plan presented the results of the Appropriate Assessment (AA) of whether or not each of the potential Likely Significant Effects identified during the screening stage could result in adverse effects on the integrity of any of the European sites. The HRA study took account of the proposed housing target for the whole High Peak plan area - including the number of new homes to be allocated through the Chapel-en-le-Frith Neighbourhood Plan, as well as all preferred options for housing site allocations across the High Peak plan area, including the housing sites to be allocated via the Chapel-en-le-Frith Neighbourhood Plan.

**3.6** At this stage, the HRA report of the emerging High Peak Local Plan found that adverse effects could not be ruled out on the following European sites listed below. Mitigation measures have been agreed.

### **Peak District Moors (South Pennine Moors Phase 1) SPA**

**3.7** Peak District Moors (South Pennine Moors Phase 1) SPA covers extensive tracts of semi-natural moorland habitats including upland heath and blanket mire. The site is of European importance for several upland breeding species, including birds of prey and waders. The following factors affect the integrity of the site:

- Maintenance of habitats on site;
- Maintenance of bird feeding areas outside the site (avoidance of agricultural intensification), in particular Golden Plover;
- Ground nesting birds - Maintaining low levels of disturbance and predation, i.e. where humans, dogs and predators are. Management of human access should direct disturbance away from sensitive areas;
- Wet heaths - Maintaining hydrological conditions. Water quality, including lack of eutrophication and maintenance of oligotrophic character;
- Avoidance of fires;
- Air quality - Air pollution and atmospheric deposition is likely to be an important cause of eutrophication for wet and dry heaths;

## 3 The Screening Process

- Mires and bogs – changes in hydrology and maintenance of natural regimes, water quality, and water table levels; and
- Absence of barriers e.g. wind farms.

**3.8** The HRA Report for the emerging High Peak Local Plan has identified the main risks to the integrity of this site as follows:

- Possible urban effects from development close to the site;
- Possible air quality effects from operation of employment development close to the site; and
- Possible effects of wind turbine development on designated birds.

**3.9** Urban effects relate to predation of bird or animal species (mainly by cats); the effects of dogs: (disturbance of birds), eutrophication (mainly through faeces) and disturbance of grazing livestock; localised recreational pressure (from people walking directly from their home to the European site); fires and fly tipping / litter.

**3.10** These urban effects are considered a risk within a zone of influence of 1.6km of the European site. This distance is based on walking speeds of 3 - 5 km per hour, resulting in a round trip walk of around 40 minutes to an hour between someone's home and the European site (not counting any time within the site itself). Since all of Chapel-en-le-Frith Parish lies well beyond the 1.6km zone of influence, potential urban effects on this European site can be screened out.

**3.11** Potential effects on air quality may arise as a result of increased traffic from housing, employment or tourism development. Emissions to air from traffic could result in an increase in nitrogen deposition, which could have an effect on those habitats sensitive to additional nitrogen through eutrophication (fertilisation) that may result in a change in species composition. In addition, certain business uses have the potential to have direct impacts on air quality, including emissions of nitrogen compounds.

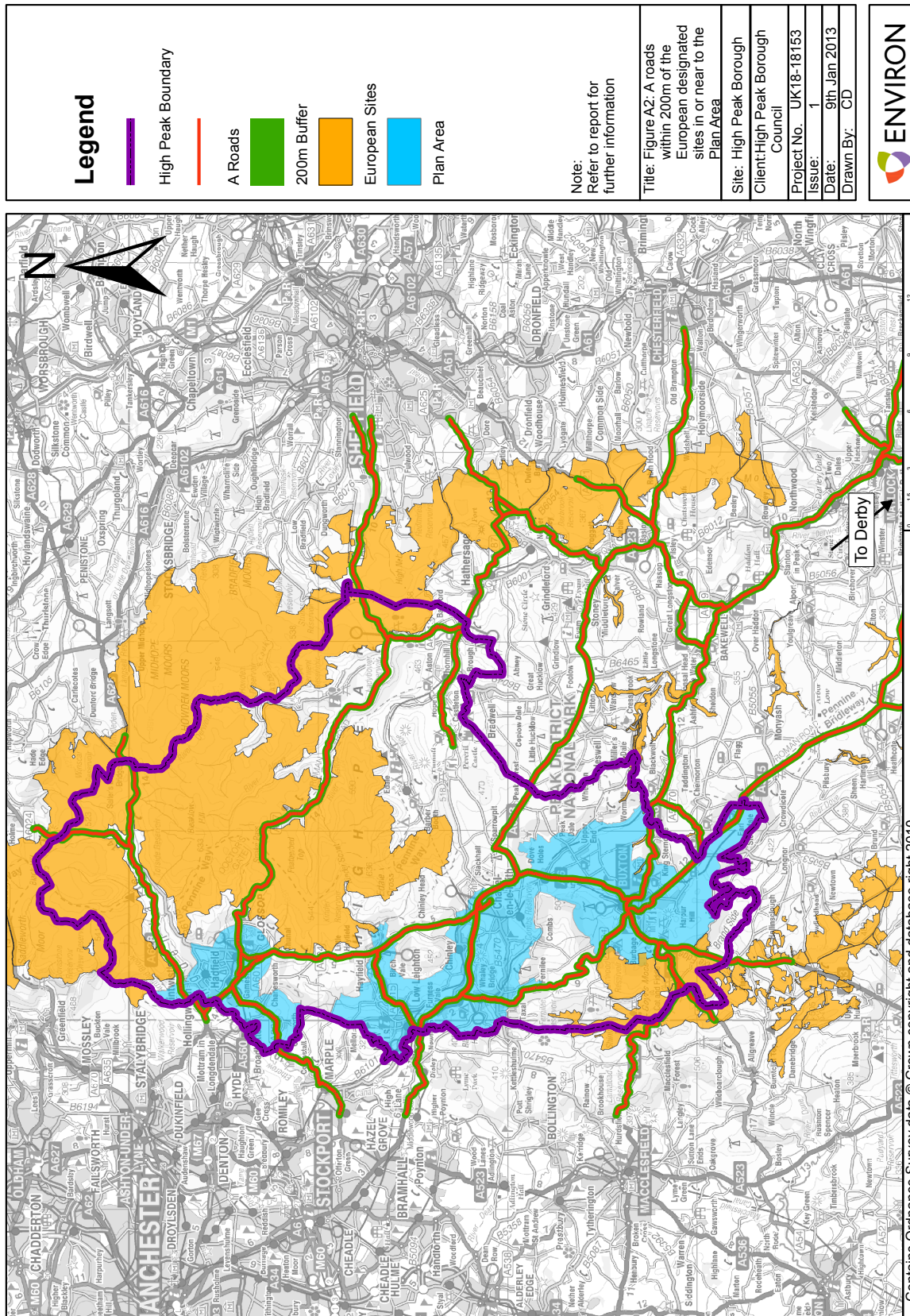
**3.12** Natural England has advised that emissions from road sources more than 200m from the boundary of a site can be considered negligible<sup>(vi)</sup>. The map below shows European sites and a 200m buffer of A roads within the area.

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vi Letter from English Nature to Runnymede Borough Council, dated 16th May 2006, regarding Conservation (Natural Habitats etc.) Regulations 1994 Runnymede Borough Local Development Framework

# 3 The Screening Process

Map 2 Roads which pass within 200m of a European site



## 3 The Screening Process

**3.13** The Peak District Moors (South Pennine Moors Phase 1) SPA is large, extending over 45,270.5ha and the proportion of the site lying within 200m of a road on which traffic levels could potentially increase is relatively small (in the region of 3%). The HRA of the emerging Local Plan found that it was therefore unlikely that the integrity of the site as a whole would be affected by traffic related emissions. The map above shows that any increases in traffic along the A roads through Chapel-en-le-Frith Parish can be assumed to have a negligible effect on air quality impacts on the Peak District Moors (South Pennine Moors Phase 1) SPA. Potential air quality effects can thus be screened out.

**3.14** The birds for which the SPA is designated could be adversely affected by wind turbines. Any wind turbine development proposed in the Chapel-en-le-Frith Neighbourhood Area would be sufficiently remote from the SPA as to offer no risk to designated bird species. Potential wind turbine effects can thus also be screened out.

### South Pennine Moors SAC

**3.15** This SAC is largely co-located with the South Pennine Moors (Phases 1 and 2) SPA. The site is representative of upland dry heath at the southern end of the pennine range. The following factors affect the integrity of the site:

- Maintenance of habitats on site;
- Heaths - Maintaining hydrological conditions. Water quality, including lack of eutrophication and maintenance of oligotrophic character;
- Avoidance of fires;
- Air quality - Air pollution and atmospheric deposition is likely to be an important cause of eutrophication for wet and dry heaths; and
- Mires and bogs – changes in hydrology and maintenance of natural regimes, water quality, and water table levels.

**3.16** The HRA Report for the emerging High Peak Local Plan has identified the main risks to the integrity of this site as follows:

- Possible urban effects from development close to the site; and
- Possible air quality effects from operation of employment development close to the site.

**3.17** Since the South Pennine Moors (Phase 1) SPA and SAC are almost entirely co-located, the potential effects considered above have been screened out in a similar manner as for the SPA.

### Peak District Dales SAC

**3.18** Peak District Dales is composed of a group of sites (classified individually as SSSIs) spread out over the Peak District. There is a great physical diversity due to rock outcrops, cliffs, screes and a variety of slope gradients and aspects. The Dales provide good examples of woodland-scrub-grassland transitions, with associated rich invertebrate populations and plant communities. The following factors affect the integrity of the site:

- Grasslands – maintain management including appropriate grazing or rotational cutting;
- Calaminarian Grasslands - sporadic management such as occasional light grazing may be beneficial;



## 3 The Screening Process

- Alkaline fens - air quality, water quality and water levels;
- Calcareous rocky habitats - Maintenance of natural processes such as erosion;
- Crayfish - Maintenance of extent of habitat and water quality. Absence of introduced species and crayfish plague. Maintain visitor awareness initiatives, sympathetic management of fishery practices and regular monitoring; and
- Fish - Bullhead and Brook Lamprey – maintenance of the rivers' natural structure and form. Avoiding creation of artificial barriers. Maintaining sustainable fish populations.

**3.19** The HRA Report for the emerging High Peak Local Plan has identified the main risks to the integrity of this site as follows:

- Possible urban effects from development close to the site;
- Possible air quality effects from operation of employment development close to the site; and
- Possible water quality effects on phosphate levels in the River Wye from housing development in Buxton.

**3.20** Since all of Chapel-en-le-Frith Parish lies well beyond the 1.6km zone of influence, potential urban effects on this European site can be screened out.

**3.21** Due to the proportion of the Peak District Dales SAC which lies within 200m of A roads, combined with the fact that a small, but measurable percentage of commuter traffic (3.4% of car driver trips) is to Derbyshire Dales - via A roads within 200m of parts of the Peak District Dales SAC, further work on air quality impacts has been carried out for the emerging High Peak Local Plan.

**3.22** The A623 between Chesterfield and Chapel-en-le-Frith through Baslow passes within 200m of Cressbrook Dale SSSI - a component of the Peak District Dales SAC. The HRA Report of the emerging High Peak Local Plan (March 2014) has considered potential in-combination effects on traffic levels on this road with other Local Plans. An increase in traffic of 26.2% between 2011 and 2031 has been assumed on the A623, as a result of the in-combination effect from all neighbouring authorities that use the road, including traffic increases from tourism. This estimated traffic flow increase is calculated to result in a maximum increase in nitrogen deposition of 0.75% of the Critical Load at the boundary of the SSSI site closest to the A road. Natural England confirmed<sup>(vii)</sup> that below a threshold of 1%, it can be concluded that increased nitrogen deposition as a result of increased traffic, will not have an adverse impact on the habitat and therefore on site integrity.

**3.23** For these reasons, potential air quality effects arising from development as a result of the Chapel-en-le-Frith Neighbourhood Plan can be screened out, since any increase in traffic along the A623 is unlikely to have a significant effect on the integrity of any of the European sites.

**3.24** New homes in Chapel-en-le-Frith Parish will have no impact on the Buxton Sewage Treatment Works, so possible water quality effects on phosphate levels in the River Wye can also be screened out.

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vii Personal communication dated 17/01/14

## 3 The Screening Process

**3.25** The assessment above - together with findings of the assessment of the emerging High Peak Local Plan and the draft Neighbourhood Plan policies set out in the table in the next section - suggest that there is likely to be no significant effect of the Chapel-en-le-Frith Neighbourhood Plan on the European sites. Therefore an Appropriate Assessment is not required.



## 4 Assessment Table

4.1 The table below presents a Habitat Regulations Assessment Screening for the policies of the Chapel-en-le-Frith Neighbourhood Plan.

**Table 1 HRA Screening Assessment for the Chapel-en-le-Frith Neighbourhood Plan**

Plan Policy	Detail of policy to be screened	Comment	In accordance with emerging High Peak Local Plan	Likely significant effect
H1	Housing site allocations	The Plan allocates land for a minimum of 454 new homes - including on a number of sites where planning permission was granted in 2013. Two town centre sites remain without permission, with combined anticipated yield of 42 new homes.	Yes	No significant effect
H2	Requirement to submit a housing site design brief	The policy will not lead to development - it is designed to conserve and enhance the built heritage.	Yes	No significant effect
H3	Support for small residential development of less than 6 units on infill sites.	This policy is intended to encourage development proposals on smaller sites within the built up area, thereby conserving the natural environment.	Yes	No significant effect
H4	Appropriate housing mix	The policy will not lead to development - it is designed to ensure that proposals for new homes will contribute to meeting identified housing need.	Yes	No significant effect
H5	Appropriate housing density	The policy will not lead to development - it is designed to ensure that proposals for new homes reflect existing densities and that development of town centre sites provides accessible homes suitable for older people and people with disabilities.	Yes - some flexibility may be required in this policy to ensure site viability.	No significant effect

## 4 Assessment Table

Plan Policy	Detail of policy to be screened	Comment	In accordance with emerging High Peak Local Plan	Likely significant effect
H6	Affordable housing requirement	The policy will not lead to development - it is designed to ensure that development proposals will provide affordable homes.	Yes - some flexibility may be required in this policy to ensure site viability.	No significant effect
H7	Affordable housing criteria and provision of an affordable housing strategy	The policy will not lead to development - it is designed to ensure that affordable homes are well designed and meet identified housing need.	Yes	No significant effect
H8	High quality design	The policy will not lead to development - it sets criteria for appropriate design.	Yes	No significant effect
H9	Design criteria	The policy will not lead to development - it sets further criteria for appropriate design.	Yes	No significant effect
H10	Site specific policies	The policy identifies specific requirements for planning applications on the two housing sites allocated in the Plan that remain without permission. Both are town centre sites.	Yes - some flexibility may be required in this policy to ensure site viability.	No significant effect
CNP1	Provision of infrastructure and facilities and developer contributions	The policy will not lead to development - it is intended to ensure that suitable contributions are sought towards a short-list of community items.	Yes	No significant effect





## 4 Assessment Table

Plan Policy	Detail of policy to be screened	Comment	In accordance with emerging High Peak Local Plan	Likely significant effect
EP1	New employment land	The policy identifies protection of existing employment land and availability of new employment land as a priority.	Yes	No significant effect
EP2	Design of employment sites	The policy will not lead to development - it sets criteria for appropriate design.	Yes	No significant effect
EP3	Protection and improvement of existing employment sites.	The policy is intended to encourage and support local prosperity.	Yes	No significant effect
EP4	Support for proposals providing significant numbers of jobs at employment site allocations	The policy is intended to support the provision of new jobs.	Yes	No significant effect
EP5	Employment land allocation	The plan allocates approximately 13.42 hectares of land for employment use.	Yes	No significant effect
EP6	Site specific policies	The policy identifies specific requirements for planning applications on the six employment sites allocated in the Plan. Sites are within the existing built up area boundary.	Yes	No significant effect
EP7	Support for the improvement of Bridgeholme Industrial Estate - a developed site within the Green Belt; no extension into the Green Belt will be permitted.	This policy is intended to support prosperity whilst conserving and enhancing the natural environment.	Yes	No significant effect

## 4 Assessment Table

Plan Policy	Detail of policy to be screened	Comment	In accordance with emerging High Peak Local Plan	Likely significant effect
TM1	Promoting tourism.	The policy is intended to support land use proposals for small touring caravan and camping sites within the Parish.	Yes	Sufficient local recreation areas are available to suggest visitors are unlikely to choose to travel to the European sites. No significant effect
TM2	Touring caravanning and camping sites.	The policy will not lead to development - it sets criteria for appropriate design.	Yes	No significant effect
TM3	Development for Community Use.	The policy is intended to support proposals for community facilities.	Yes	No significant effect
TC1	Extent of Chapel-en-le-Frith town centre.	No development would occur through the policy itself.	Yes	No significant effect
TC2	New retail development in Chapel-en-le-Frith town centre.	Policy sets framework for allowable retail development within the town centre boundary.	Yes	No significant effect
TC3	Mixed use development in Chapel-en-le-Frith town centre.	Policy sets framework for allowable mixed use development within the town centre boundary.	Yes	No significant effect
TC4	Use of redundant buildings in Chapel-en-le-Frith town centre.	The policy will not lead to development - it supports the re-use of redundant buildings.	Yes	No significant effect



## 4 Assessment Table

Plan Policy	Detail of policy to be screened	Comment	In accordance with emerging High Peak Local Plan	Likely significant effect
TC5	Use of shop upper floors in Chapel-en-le-Frith town centre.	The policy will not lead to development - it supports specified uses on upper floor levels above existing shops.	Yes	No significant effect
TC6	High quality town centre design.	The policy will not lead to development - it sets criteria for appropriate design.	Yes	No significant effect
TC7	Small local shops.	The policy identifies suitable locations for small shops.	Yes	No significant effect
TC8	Partnership working for town centre developments.	The policy supports partnership working to support and promote the future viability of Chapel-en-le-Frith town centre.	Yes	No significant effect
TC9	Regeneration of Chapel-en-le-Frith Market Place.	The policy is designed to conserve and enhance the built heritage.	Yes	No significant effect
TC10	Car parking reserved sites.	The policy identifies locations for additional car parking and sets out any related specific planning requirements.	Yes	No significant effect
TR1	Information required to support planning applications.	The policy will not lead to development - it sets out the information required to accompany applications that would raise sustainable transport issues.	Yes	No significant effect
TR2	Partnership working to achieve objectives.	The policy encourages partnership working to support and promote sustainable transport and movement.	Yes	No significant effect

## 4 Assessment Table

Plan Policy	Detail of policy to be screened	Comment	In accordance with emerging High Peak Local Plan	Likely significant effect
TR3	Transport infrastructure projects	The policy encourages partnership working to support and promote improvements to public transport and the footpath and walking routes network.	Yes	No significant effect
C1	Designation of a Chapel-en-le-Frith Special Landscape Area.	This policy is intended to to conserve and enhance landscape character and the natural environment.	Yes	No significant effect
C2	Local Green Spaces.	This policy is intended to to conserve and enhance the natural environment.	Yes	No significant effect
C3	Biodiversity.	This policy is intended to to conserve and enhance the natural environment.	Yes	No significant effect
C4	Walking, footpaths and Public Rights of Way	This policy is intended to to conserve and enhance the natural environment.	Yes	No significant effect

## 5 Correspondence



### Correspondence from Natural England



## 5 Correspondence

Date: 07 July 2014  
Our ref: 122609  
Your ref: [Click here to enter text.](#)



Jo Bagnall  
Regeneration Service  
High Peak Borough Council  
**BY EMAIL ONLY** [Joanna.Bagnall@highpeak.gov.uk](mailto:Joanna.Bagnall@highpeak.gov.uk)

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Dear Ms Bagnall

**Planning consultation:** Chapel en le Frith - Strategic Environmental Assessment / Habitat Regulation screening

Thank you for your consultation on the above dated 03 June 2014 which was received by Natural England on the same day.

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.

### Habitat Regulations

Where a Neighbourhood Plan could potentially lead to significant environmental effects on a European protected site it will be necessary to screen the Plan in relation to the Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive.

In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out). Natural England have read the HRA screening report in conjunction with the HRA for the High Peak Local plan.

It is our advice, on the basis of the material supplied with the consultation, **that there are unlikely to be any significant effects on any European Sites from the Chapel en le Frith Neighbourhood Plan.**

However we have some comments to make with regards to the in - combination assessment of traffic levels and urban effects.

### Urban Effects

Section 3.10 concludes that "urban effects" can be screened out as the Neighbourhood plan lies beyond the 1.6Km zone of influence. Natural England disagrees with the use of a 1.6Km zone of influence for screening out urban effects for the reasons outlined below. Natural England notes that the definition of urban effects includes;

- Predation of bird or animal species
- Effects of dogs-eutrophication and disturbance of grazing livestock
- Localised recreational pressure
- Fires; and fly tipping



This definition could lead to confusion with taking a planning application through the process of the Habitat Regulations Assessment. The issues which have been encapsulated under urban effects above are not wide ranging and this could lead to possible effects on the features on the European sites being missed. For example, water flow/quality and bird disturbance through dog walking etc. It is also important to note that different types of development can have the potential to impact on designated sites through a variety of pathways depending on scale/use etc. The issues defined under the 'urban effects' umbrella will therefore not give flexibility for planning proposals to be appropriately assessed under the HRA process.

Throughout the plan period it would be difficult to accurately predict the alterations in human-related disturbance that may occur as a result of the development proposals, and the sensitivities of the interest features of the designated sites. It is therefore not appropriate to set a zone of influence particularly of this small size for the duration of the plan period, without a substantial evidence base to justify it.

HRA is a sequential process and each step should be progressed in order. The test of Likely Significant Effects (LSE) is a course filter to determine which projects require a more detailed assessment. The term HRA is general term referring to an assessment under the Habitat Regulations. Natural England would therefore expect High Peak Local Authority to undertake this screening exercise when assessing future planning applications, which could have a 'LSE' on a European site in view of the implications of the designated site's conservation objectives.

Natural England notes that a significant number of planning applications for housing have already been granted within the Neighbourhood Plan area and that that the Housing Allocation policy sets a minimum number of houses across the plan period of 454 houses. There has therefore not been an assessment of a maximum number of houses as part of the HRA screening for the Neighbourhood Plan. We also note that a significant number of the allocations have already been given planning permission. Given this and the proximity of the Neighbourhood Plan area to the South Pennine Moors Phase 2 SPA; Peak District Moors (South Pennine Moors Phase 1) SPA; Peak District Dales SAC and South Pennine Moors SAC we advise that:

- a) Policy C3 Biodiversity is strengthened to afford adequate protection to these sites and to enable a conclusion of no LSE to be reached.
- b) The HRA provides sufficient evidence to show there will be no LSE on the N2k sites from impacts associated with housing development, rather than relying on the 1.6KM zone of influence.
- c) The HRA includes a map which clearly shows the housing allocation in relation to the N2k sites.

### **In - Combination Assessment**

Section 3.22 states that 'The A623 between Chesterfield and Chapel-en-le-Frith through Baslow passes within 200m of Cressbrook Dale SSSI - a component of the Peak District Dales SAC and that the HRA Report of the emerging High Peak Local Plan (March 2014) has considered potential in-combination effects on traffic levels on this road with other Local Plans.' Whilst Natural England is satisfied there are no likely significant effects on the Peak District Dales SAC, with regards to allocations with the Neighbourhood plan, it is unclear whether the Neighbourhood plan has been assessed in combination with the High Peak Local plan ?



## Strategic Environmental Assessment / Sustainability Appraisal

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are likely to be significant environmental effects from the proposed plan.

We have checked our records and based on the information provided, we can confirm that there is an allocation within the Neighbourhood plan that will be in close proximity to the **Peak District National Park**.

In Natural England's previous response (ref 108296) we raised concerns regarding the Employment site allocations within the Neighbourhood plan, in particular **Employment site: ES2 A6 /Bowden Lane**. This site sits approximately 200m from the Peak District National Park.

Natural England notes the Landscape Impact Assessment for the High Peak Local plan . In section 7.3, Table 4 provides a summary and recommendations for sites from the Chapel-en-le-Frith Neighbourhood Development Plan. For Employment site ES2, it states the following;

*'Highly visible from the National Park and surrounding areas, development would have a high impact on the setting of the National Park and the nearby Chapel Milton and Wash Conservation Areas. Separated from the current settlement boundary by the A6 which forms a well defined limit to development. **Site could not accommodate development due to the issues of visibility, loss of vegetation and the impact on the National Park and Chapel Milton and Wash Conservation Areas.***

The SEA screening assessment does not appear to have provided evidence or justification for how this site can be accommodated without having high impacts on the setting the National Park . We are therefore still of the view that the Allocations from the Neighbourhood plan may still have significant effect on the environment. The Plan has highlighted an impact on the National Park and at present no detail has been provided to demonstrate that there are no alternatives to this site or that adequate mitigation measures are available to reduce the impact.

We reiterate our previous advice that it is not clear what landscape evidence has been used to determine that the impact to the National Park from this allocation is acceptable. **In the absence of such evidence, our advice is that this allocation would not be justified or consistent with national planning policy, and as a result the plan would be unsound.** NPPF Para 115 says: *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty"*

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the Neighbourhood plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible

authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

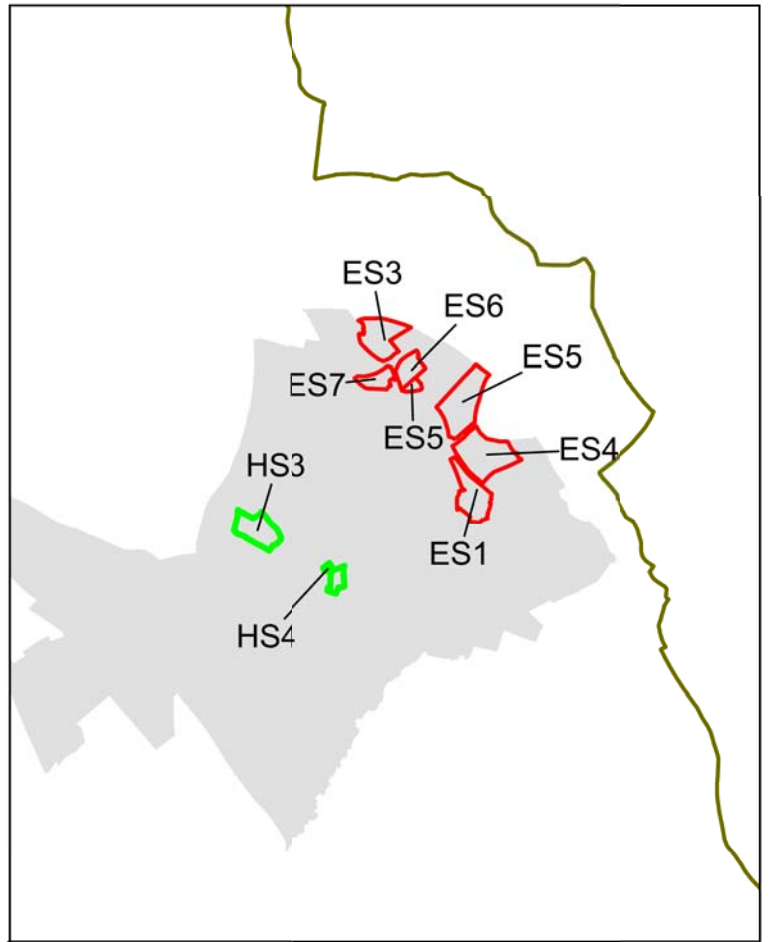
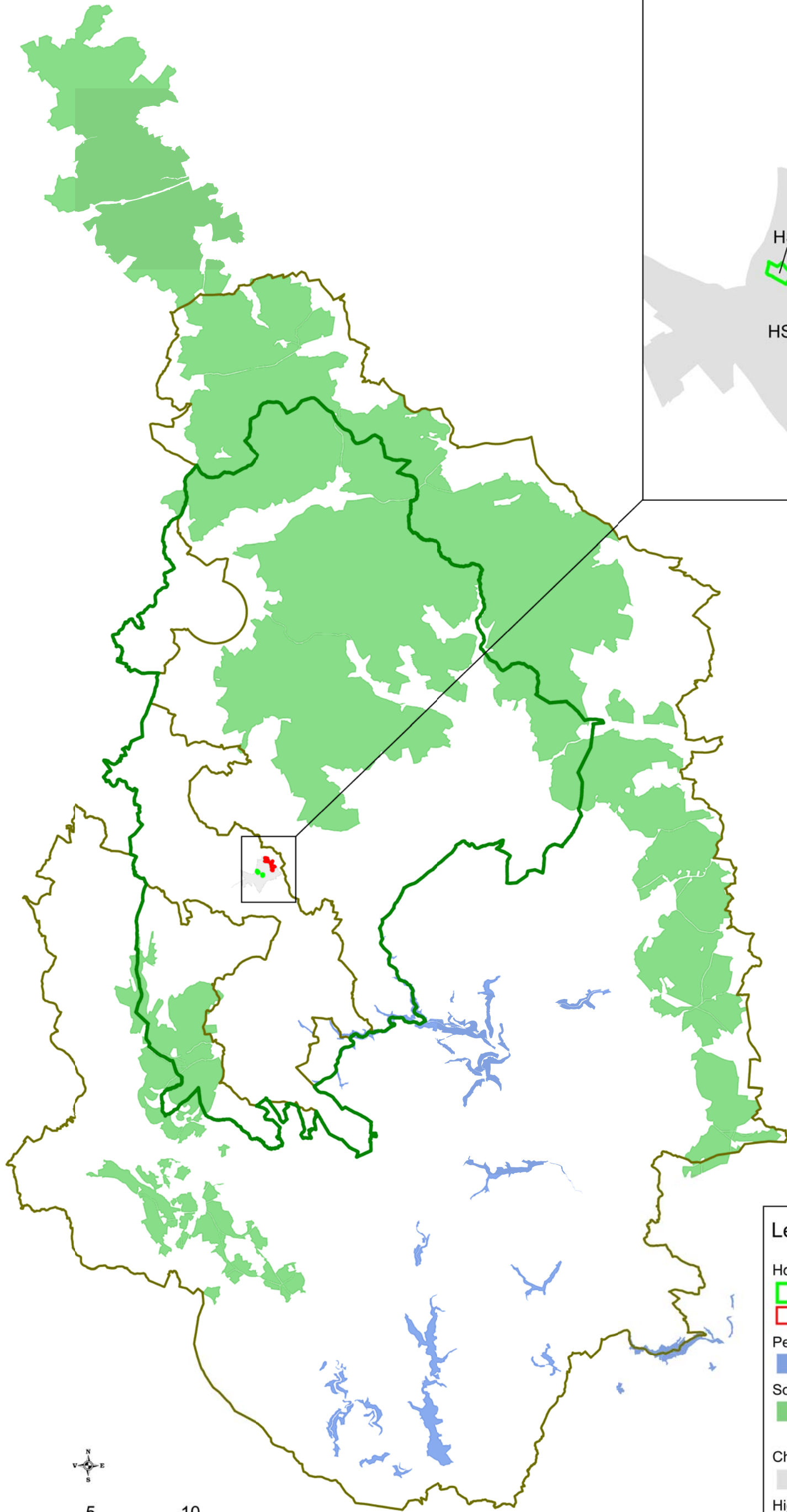
For any queries relating to the specific advice in this letter only please contact Sally Maguire on 03000602110. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

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.

Yours sincerely

Sally Maguire MRTPI  
On behalf of East Midlands team



**Legend**

- Housing and Employment Sites
  - Housing
  - Employment
- Peak District Dales SAC
  -
- South Pennine Moors SAC and Peak District
  -
- Chapel-en-le-Frith Built-up Area
  -
- High Peak Boundary
  -
- Peak District National Park Boundary
  -