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1 Introduction

1.1 High Peak Borough Council has prepared a draft Developer Contributions Supplementary Planning Document (SPD). The Council has prepared this screening assessment to determine whether the draft SPD should be subject to a Habitats Regulations Assessment (HRA).

1.2 Article 6 of the Habitats Directive (as transposed into UK law by the Conservation of Habitats and Species Regulations 2017 and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations') requires an assessment of the implications of a plan, both individually and in combination with other plans or projects, on designated 'Natura 2000' sites. ⁽ⁱ⁾ If it is determined that a plan or project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken.

1.3 The following sections set out the legislative background, a screening assessment of the draft SPD and the screening conclusions.

i Including Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as equivalent of Natura 2000 sites)

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 2019) 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 as 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. 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 impacts of plans and/or projects 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 plans and/or projects on relevant European sites. The assessment should determine whether plans and/or projects 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 and/or projects 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.



3 Methodology

3.1 An outline of the overall HRA process in accordance with current guidance⁽ⁱⁱ⁾ 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.

ii 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 and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' (European Communities, 2002)

3 Methodology

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.

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

HRA of the adopted High Peak Local Plan

3.6 The High Peak Local Plan was subject to habitat regulations assessment as part of the local plan preparation process. The HRA prepared by Environ considered the information contained in Peak District Core Strategy Habitats Regulations Assessment Screening Report (April 2009) and ENVIRON Derbyshire Dales and High Peak Joint Core Strategy Draft HRA Report May 2010. The HRA findings can be found [here](#) on the Councils website.

3.7 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;

- The 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.

3.8 There were three HRA reports published during the preparation of the Local Plan. The final report concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans.

3.9 **High Peak Local Plan Preferred Options HRA report February 2013** was published for public consultation alongside the Preferred Options version of the Local Plan. The report concluded that one or more potential 'likely significant effects' (LSEs) could occur as a result of the Local Plan on the following European sites Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennine Moors SAC and Peak District Dales SAC. These potential LSEs were progressed to the 'appropriate assessment' (AA) stage of the HRA process. Initial AA work, included in the Draft HRA Report, concluded that the Local Plan did not result in adverse effects on the South Pennine Moors Phase 2 SPA, so that European site was not considered further.

3.10 The edits to the High Peak Local Plan between the Preferred Options and Revised Preferred Options versions were re-screened in January 2014. Where it was concluded that an edit to the Local Plan had a material impact on the conclusions of the HRA screening, the change was taken into account in the AA of the appropriate issue.

3.11 The Revised Preferred Options version of the Local Plan was then subject to the next stage of HRA, Appropriate Assessment (AA) which was carried out in the March 2014 HRA.

3.12 **High Peak Local Plan Revised Preferred Options draft Habitats Regulations Assessment Draft version March 2014** report presented the interim findings of the Habitats Regulations Assessment (HRA) of the Revised Preferred Options version of the High Peak Local



3 Methodology

Plan. It rescreened the Plan and carried out appropriate assessment. It considered that adverse effects could not be ruled out on the following European sites and suggested a variety of mitigation measures. The key effects are detailed below.

Peak District Moors (South Pennine Moors Phase 1) SPA

- 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.

South Pennine Moors SAC

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

Peak District Dales SAC

- 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

3.13 High Peak Local Plan Addendum to Submission version HRA report August 2014

screened the submission version Local Plan with the minor modifications suggested to the Inspector (the revisions to the Plan took account of the issues previously highlighted in the HRA) and concluded High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans.

3.14 Policy EQ5 Biodiversity states any proposal that has an adverse effect on the integrity of a European site will not be given planning permission and requires that any proposals which could potentially result in adverse effects on European sites are assessed and mitigation is put in place to avoid adverse effects occurring. The supporting text to policy EQ5 Biodiversity was amended in line with Natural England's comments to recognise the HRA findings that that identified the potential for adverse effects from development on the integrity of the Peak District Moors (South Pennine Moors Phase 1) SPA, the South Pennine Moors SAC, and the Peak District Dales SAC. These effects could be the result of increased emissions to air from expected traffic increases, presence of dogs, pet predation, fire setting, or disturbance of grazing animals used for site management. It further states that where development is capable of affecting a European site it will be considered on a case by case basis as to whether a project specific Habitats Regulations Assessment (HRA) is required. This requirement is likely to vary, according to the size of development site, the "in-combination" effects and its distance from the SPA and or SAC.

3.15 The HRA Report includes guidance on the approach to be taken by the Council when assessing those planning applications that could have an Likely Significant Effect on a European site in view of the implications of the designated site's conservation objectives, the key points of the HRA in annex E of the report which are summarised below.

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3.16 Residential Development The HRA of the High Peak Local Plan identified the potential for adverse effects on the Peak District Moors (South Pennine Moors Phase 1) SPA, the South Pennine Moors SAC and the Peak District Dales SAC from residential development which may be proposed within the vicinities of these sites. Such adverse effects could be the result of pet predation, fire setting, trampling of vegetation, disturbance of birds, eutrophication from dog walking and disturbance of grazing animals used for site management. The submission HRA Report (March 2014) discusses the currently available information about the potential for such effects to occur and this could be used to identify applications which could have a LSE on a European site in view of the implications of the designated site's conservation objectives.

3.17 Air Quality (employment development and traffic) The HRA has also identified potential air quality effects on the Peak District Dales, the Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennine Moors SAC from the operation of employment developments. Natural England has recommended the use of pollution footprint mapping to identify the likely pollution footprint of proposals. Any increase in traffic flows resulting from proposed development may lead to increases in atmospheric pollutants at levels which could cause adverse impacts upon the European designated sites in the area. Such development should therefore be subject to assessment under the Habitats Regulations. Where traffic increases acidity and/or nitrogen deposition by greater than 1% of the site's critical load, this is considered a likely significant effect and requires an Appropriate Assessment.

3.18 Wind Turbines Where a wind turbine development scheme, alone or in combination with other plans and projects, has the potential to have an impact on a European site, developers must carry out a project-level Habitats Regulations Assessment of the likely significant effect(s) of the scheme, in accordance with the Habitats Regulations. In order to gain planning permission, wind turbine developments must demonstrate that they will not have an adverse effect on the integrity of any European site.

Recent Advice - Nutrient Neutrality

3.19 On 16th March 2022, the Council received correspondence from Natural England and the Department for Levelling Up Housing and Communities (DLUHC) to outline that immediate action must be taken to address exceedances of phosphorus and/or nitrogen polluting protected sites under the Conservation of Habitats and Species Regulations 2017.

3.20 The Peak District Dales Special Area of Conservation (SAC) which consists of the River Wye and tributaries between Buxton and Bakewell is identified as exceeding phosphorus levels. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. This leads to a loss of biodiversity leading to protected sites being in a "unfavourable condition". Development within the catchment of the Peak District Dales SAC must now be neutral.

3.21 The Local Plan (adopted 2016) and the recently adopted Water in Buxton SPD (2021) both identify concerns regarding phosphates in the River Wye as known at the time. They propose that enhanced water efficiency standards are applied to development to minimise the flow of waste water to the Buxton Waste Water Treatment Works to help address the issue. The latest advice is clear that more detailed consideration of the impacts of plans and/or projects will now be required. When development cannot be mitigated on-site, off-site mitigation will be required. The Council is developing a Mitigation Strategy and Action Plan for the Peak District Dales SAC with the Peak

3 Methodology

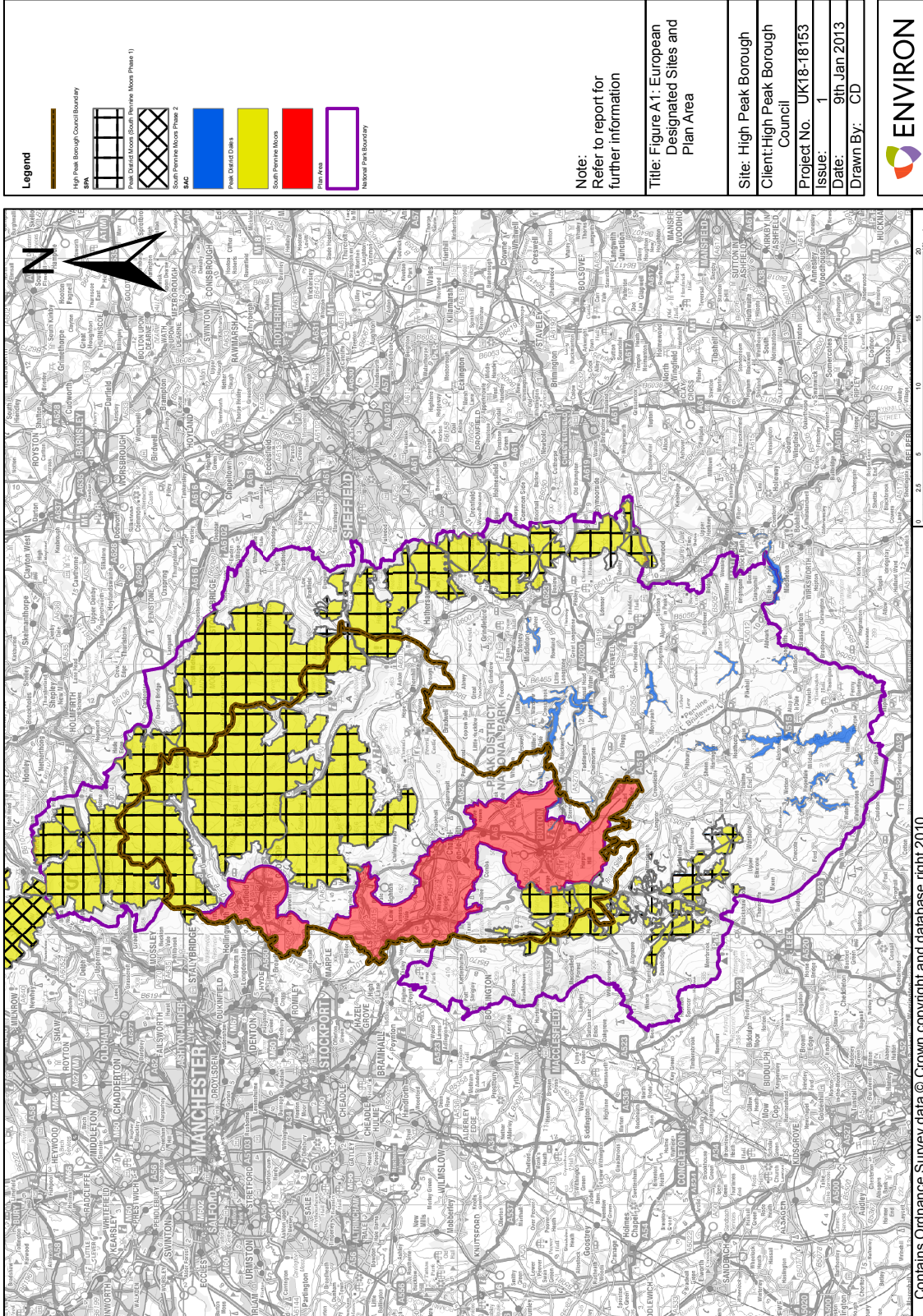
District National Park Authority, Derbyshire Dales District Council, Derbyshire County Council and other stakeholders. Identified mitigation measures may be funded through developer contributions and this is referred to in the draft Developer Contributions SPD.

European Sites

3.22 The map below shows the European sites and the High Peak Local Plan area.



3 Methodology



Map 1 European designated sites and the High Peak plan area

4 Assessment

4.1 The table below presents a HRA Screening for the Local Plan policies which the SPD will supplement and provide further guidance on.



4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
EQ1 - Climate Change	<p>Policy EQ1 sets out an approach based on the energy hierarchy. It states the Council will adopt strategies to mitigate and adapt to climate change, will plan new development in locations and ways that reduce carbon emissions and will adopt the principles in the energy hierarchy. It seeks to encourage low carbon sustainable development and energy from low carbon or renewable sources.</p> <p>The draft SPD refers to the main ways that developer contributions will be sought to help adapt and mitigate against climate change.</p>	<p>Mitigation recommendations from the HRA addendum report were included in Policy EQ1. Safeguards to protect the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors Phase 2 SPA in relation to potential effects on birds from wind turbines were considered to be sufficient. Policy EQ1 requires an impact assessment to be done at the project level (i.e. when planning applications are submitted). The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out what mitigation against climate change will be required.</p>	<p>No likely significant effects.</p>
EQ5 - Biodiversity	<p>Policy EQ5 sets out to conserve the biodiversity and geological resources of the Plan Area by conserving and enhancing sites of international, European, and national importance and encouraging development to include measures to contribute positively to the overall biodiversity of the Plan Area.</p>	<p>Mitigation recommendations from the HRA addendum report resulted in Policy EQ5 and the supporting text being amended in order to mitigate potential urban effects (including dogs disturbing grazing animals, or fire setting). Policy EQ5 states that the Council will not permit any development proposal that has an adverse effect on the integrity of a European site (or wildlife site given the same protection as European sites under the NPPF)</p>	<p>No likely significant effects.</p>

4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
	<p>The draft SPD expects that biodiversity enhancements will generally be secured through planning conditions however there may be circumstances where specific mitigation or compensation is required.</p>	<p>either alone or in-combination with other plans or projects. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out how biodiversity enhancements will be secured.</p>	
EQ8 - Green Infrastructure	<p>Policy details requirements for protecting/enhancing GI including wildlife corridors. Refers to climate change. States we will work with partners to map GI network including ecological networks.</p> <p>The draft SPD expects that green infrastructure enhancements will generally be secured through planning conditions however there may be circumstances where specific mitigation or compensation is required.</p>	<p>The HRA considered the impact of new or improved recreational routes encouraging access onto the SPA/SAC which could result in increased recreational pressure. The HRA addendum report concluded that this policy would not result in an adverse effect on the integrity of the South Pennine Moors (Phase 1) SPA/SAC. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out details relating development schemes and green infrastructure.</p>	No likely significant effects.
E1 - New Employment Development	<p>Policy E1 sets out how the Council will deal with planning applications in relation to existing employment uses and new employment developments. The final part of the policy referred to in the draft SPD states that where</p>	<p>Mitigation recommendations from the HRA addendum report resulted in an amendment to Policy EQ10 - Pollution and Unstable Land in order to mitigate against possible direct effects of employment use at developments close to a European site. It states that</p>	No likely significant effects.



4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
H4 - Affordable Housing	<p>appropriate the Council will seek 'to enter into agreements with developers to contribute towards training programmes and employment support and employment access schemes.'</p> <p>Policy H4 sets out types of affordable housing required, how affordable housing will be delivered across the borough and which sites will be required to make a contribution.</p> <p>The draft SPD sets out more detail regarding affordable housing tenure, calculating commuted sums, space standards, vacant building credit and rural exceptions sites.</p>	<p>the Council will not permit any proposal that has an adverse effect on a European site. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out details regarding potential training and employment support.</p> <p>Policy H4 relates to maximising affordable housing not amount or location of housing development and as a consequence the previous HRA did not consider this policy.</p>	No likely significant effects.
S7 - Buxton Sub-Area Strategy	Policy S7 sets out the strategy for Buxton which includes protecting and enhancing the unique character of the town, providing for housing needs, encouraging the growth of local	Mitigation recommendations from the HRA addendum report resulted in an amendment to Policy S7 in order to mitigate against possible effects on water quality in the River Wye as a result of increased phosphate from Buxton STW. Following consultation between	No likely significant effects.

4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
	<p>employment opportunities and supporting enhancements to services and infrastructure.</p> <p>The draft SPD refers to Policy S7 in the context of the quality of water in the River Wye and that identified mitigation measures may be funded through developer contributions.</p>	<p>High Peak Borough Council, Natural England, the Environment Agency and Severn Trent Water Policy S7 was amended to mitigate against this which includes "Working with partner organisations through the River Wye Water Pollution Plan to protect water quality on the River Wye SSSI which is a component of the Peak District Dales Special Area of Conservation (SAC)" and "Ensuring that residential development avoids adverse impact on the integrity of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and the Peak District Dales Special Area of Conservation". The HRA Addendum report also recommended that 'European wildlife sites' were added to the Policy which was added.</p> <p>The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD refers to the latest guidance from Natural England and DLUHC and states that mitigation measures may be funded through developer contributions.</p>	



4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
CF1 - Retail and Town Centres	<p>Policy CF1 sets out how the Council will seek to maintain and enhance the vitality and viability of town centres and local centres (as defined in the plan) in accordance with their function, scale and identified development needs.</p> <p>The draft SPD notes that developer contributions may be sought to mitigate identified impacts of town centre uses of 200m² or more outside defined centres.</p>	<p>Policy relates only to retail proposals within town centres and no likely significant effects are identified.</p>	<p>No likely significant effects.</p>
CF3 - Local Infrastructure Provision	<p>Policy CF3 outlines the strategic approach to infrastructure provision in High Peak which includes health and well-being, education, new transport infrastructure, energy and utilities networks, telecommunications, water and wastewater infrastructure, sports provision and waste management.</p> <p>The draft SPD provides the framework for collecting developer contributions, including the requirement for new development to agree to the provision of necessary infrastructure before permission is granted.</p>	<p>The HRA report considered that transport infrastructure and energy supply network infrastructure could be associated with impacts on European designated sites. It identified the Fairfield Link Road as having a potential adverse effect due to the proximity to the Wye Valley SSSI and potential air quality and construction effects from a potential employment allocation at Tongue Lane. Following more detailed plans the HRA report found that the link road would be further than 200m from the SSSI and therefore no adverse effects were identified. Project-level HRA was recommended for the Tongue Lane allocation due to the close proximity of the</p>	<p>No likely significant effects.</p>

4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
CF4 - Open Space, Sports and Recreation facilities	<p>Policy CF4 sets out how the Council will protect, maintain and where possible enhance open space, sports and recreation facilities. It sets out the approach to developer contributions and also designates land as Local Green Space in accordance with the sub-area strategies.</p> <p>The draft SPD provides guidance around expected standards and how developer contributions will be calculated.</p>	<p>site to the SSSI. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out how developer contributions will be calculated for education, health, sports provision etc</p> <p>The HRA report recognised that this policy relates to the provision of leisure facilities and open space which could mitigate for potential recreation impacts on European sites. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out how developer contributions will be calculated for the different open space, sport and recreation typologies.</p>	No likely significant effects.
CF6 - Accessibility and Transport	Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner which will be achieved by delivering sustainable	The HRA report recognised that this policy supports sustainable travel choices, the balanced distribution of housing and employment and the development and provision of services so as to minimise the	No likely significant effects



4 Assessment

Local Plan Policy	Detail of policy to be screened	Comments	Could the policy have likely significant effects on European sites (taking mitigation into account)?
	<p>patterns of development and supporting transport infrastructure and services.</p> <p>The draft SPD explains how developer contributions will be used to deliver transport and accessibility improvements.</p>	<p>need to travel. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. The draft SPD sets out guidance for developers around transport and accessibility improvements.</p>	
CF7 - Planning Obligations and Community Infrastructure Levy	<p>Policy CF7 establishes the principle of the use of planning obligations and states that further guidance will be published in a Developer Contributions SPD. The policy also commits to review the Infrastructure Delivery Plan to ensure that infrastructure requirements are clearly identified. The potential for the introduction of the Community Infrastructure Levy is identified – its introduction subject to viability and consideration by the Council.</p>	<p>The HRA report states that this policy relates only to financial contributions from developers and not the location of development and recognises that the policy could be used to deliver mitigation for potential effects on European sites. The final HRA concluded that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans.</p>	<p>No likely significant effects.</p>

Table 1 HRA Screening Assessment for Developer Contributions SPD



5 Conclusions

5.1 The draft SPD sets out how development proposals will be required to provide or meet the reasonable costs of providing on-site and off-site infrastructure, facilities and/or mitigation necessary to make a development acceptable in planning terms through appropriate use of planning obligations and/or conditions. Guidance is provided on how contributions will be calculated.

5.2 The High Peak Local Plan was subject to habitat regulations assessment as part of the local plan preparation process. The final HRA report concluded that as the suggested mitigation, proposed by the various HRA reports, had been incorporated into the policies of the adopted version of the Local Plan, that the High Peak Local Plan would not result in adverse effects on European designated sites, both alone and in combination with other plans. This includes the previous consideration of phosphorous levels affecting the Peak District Dales SAC and mitigation measures included in the adopted Local Plan. As the Developer Contributions SPD does not propose development or specify the location of development it is not considered to have a likely significant effect on European sites. The recent guidance issued by DLUHC ensures that HRA provisions will apply to any plan or project creating a source of water pollution or that has an impact on water quality when it is in the catchment of the Peak District Dales SAC.

HRA Stage 1 Screening Outcome

5.3 It is therefore concluded that the draft Developer Contributions SPD does not require further HRA work to be undertaken.

