



# Habitat Regulations Assessment (HRA) Screening for Neighbourhood Plans

## Chelveston-cum-Caldecott Neighbourhood Plan

### 17<sup>th</sup> November 2014

European Union – “Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora”  
 (“European Habitats Directive”, Article 6(3))

#### Introduction to Habitat Regulations Assessment (HRA)

Article 6(3) of the [European Habitats Directive](#) (1992) requires that any plan (or project), which is not directly connected with or necessary to the management of a European site [also known as a “Natura 2000” site], but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an ‘appropriate assessment’ of its implications for the European site in view of the site’s conservation objectives. The plan-making body shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the site concerned, unless in exceptional circumstances the provisions of Article 6(4) are met.

The Habitats Directive was initially incorporated into national law through [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (SI 1994 No 2716). These Regulations were amended in 2007 to include a requirement for the relevant body (i.e. East Northamptonshire Council (ENC) and/ or the relevant Town Council(s), Parish Council(s) or Neighbourhood Forums) to undertake a discrete ‘appropriate assessment’ or Habitat Regulations Assessment (HRA). The 2004/ 2007 Regulations were subsequently consolidated into [The Conservation of Habitats and Species Regulations 2010](#) (SI 2010 No 490), as amended.

#### Guidance regarding HRA

The [North Northamptonshire Neighbourhood Planning Toolkit](#) (December 2012) explains that: “*The [Neighbourhood] Plan or [Neighbourhood Development] Order may also need to be subject to a Habitats Regulations Assessment if there might be an impact on the Nene Valley Special Protection Area (SPA)*” (paragraph 3.16). It is therefore critical to establish at an early stage in the process whether or not their emerging Neighbourhood Plan/ NDO will require Habitat Regulations Assessment (HRA).

A range of guidance has been produced, regarding the methodologies and processes for undertaking HRA (also known as ‘appropriate assessment’). Key reference documents include:

- [Habitats Regulations Appraisal of Plans – Guidance for Plan-Making Bodies in Scotland](#) – Version 2.0 (David Tyldesley and Associates, August 2012)
- [Habitats Directive – Guidance on competent authority coordination under the Habitats Regulations](#) (Department for Environment, Food and Rural Affairs, July 2012)
- [Planning for the Protection of European Sites: Appropriate Assessment](#) (Department for Communities and Local Government, August 2006)
- [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 Commission, November 2001)

### HRA Screening stages

A review of the various guidance documents has found that David Tyldesley and Associates’ (DTA) Scottish guidance provides the most up to date any systematic guidance currently available for undertaking HRA Screening. Reference to the DTA and other guidance has identified the following stages:

- Preliminary HRA stages:
  - Stage 1: Deciding whether a Neighbourhood Plan should be subject to HRA;
  - Stage 2: Identifying the European sites that should be considered;
  - Stage 3: Gathering information about the European sites;
  - Stage 4: Initial discussions on the method and scope of the appraisal.
- HRA Screening – testing whether a Neighbourhood Plan is ‘likely to have a significant effect’ on a European (“Natura 2000”) site (DTA Stage 5):
  - Step 1: Neighbourhood Plan vision and outcomes;
  - Step 2: Policies, proposals and projects referred to in, but not proposed by, the Neighbourhood Plan;
  - Step 3: Typologies of policies in Neighbourhood Plans – identifying if any are likely to have significant effects on any European site.
- Where any possible ‘likely significant effects’ of a Neighbourhood Plan are identified through the initial HRA Screening exercise, additional stages in the process are:
  - Applying mitigation measures at screening stage to avoid likely significant effects (DTA Stage 6);
  - Rescreening the Neighbourhood Plan and deciding upon on the need for appropriate assessment (i.e. full HRA).

The remainder of this toolkit will consider each of these HRA Screening stages, in turn.

**Please note that only the parts of this form which are highlighted in red will need to be completed.**

## Preliminary HRA stages (stages 1-4)

Stage 1: Deciding whether a Neighbourhood Plan should be subject to HRA	Y/N	Commentary
<p><b>Is the whole of the plan directly connected with or necessary to the management of a European site for nature conservation purposes?</b></p>	<b>N</b>	<p><i>A Neighbourhood Plan is a statutory development plan document. By definition, it will have a broader scope than the management of a European “Natura 2000” site. It should be noted that the Habitats Directive does not specify the scope of either ‘plan’ or ‘project’ by reference to particular categories of either. Instead, the <b>key</b> limiting factor is whether or not they are likely to have a significant effect on a site.</i></p>
<p><b>Is the plan a development plan document?</b></p>	<b>Y</b>	<p><i>The Plan-making body (i.e. ENC and/ or the relevant Town Council(s), Parish Council(s) or Neighbourhood Forums) should proceed to identify the European sites that may potentially be affected, gather the information about them and ‘screen’ the plan for likelihood of significant effects on a European site.</i></p>
Stage 2: Identifying the European sites that should be considered	Y/N	Commentary
<p><b>Which European (Natura 2000) sites should be considered?</b></p> <p><b>[European sites, subject to the Habitats Directive, will have one or more of the following designations:</b></p> <ul style="list-style-type: none"> <li>• Ramsar site</li> <li>• Special Area of Conservation (SAC)</li> <li>• Special Protection Area (SPA)]</li> </ul>	<b>N/a</b>	<p><i>The recent North Northamptonshire Joint Core Strategy (JCS) review and Four Towns Plan (in combination, the emerging Local Plan) HRA Screening Reports have already assessed the potential impacts of the emerging Local Plan on the following designated Natura 2000 sites:</i></p> <ul style="list-style-type: none"> <li>• Upper Nene Valley Gravel Pits SPA and Ramsar</li> <li>• Orton Pit SAC</li> <li>• Nene Washes SAC, SPA and Ramsar</li> <li>• Rutland Water SPA and Ramsar</li> <li>• The Wash SPA and Ramsar</li> <li>• The Wash and North Norfolk Coast SAC</li> </ul> <p><i>The JCS and Four Towns Plan HRA Screening Reports, which relate to “higher level” Plans, concluded that these Plans (the Local Plan) could have a significant impact <b>solely</b> upon the Upper Nene Valley Gravel Pits SPA / Ramsar (Natura 2000) site.</i></p>

Stage 3: Gathering information about the Upper Nene Valley Gravel Pits SPA/ Ramsar site	Y/N	Commentary
<p>Is there data or information already available/ published regarding the Upper Nene Valley Gravel Pits SPA / Ramsar site?</p> <p>[The Upper Nene Valley Gravel Pits SPA / Ramsar site extends for approximately 35km along the alluvial deposits of the River Nene floodplain from Clifford Hill (Billing) on the southern outskirts of Northampton, downstream to Thorpe Waterville, north of Thrapston]</p>	Y	<p>The following documents provide detailed direction as to the characteristics (Habitats Directive qualifying species and vulnerabilities) of the Upper Nene Valley Gravel Pits SPA / Ramsar site:</p> <ul style="list-style-type: none"> <li>• <a href="#">North Northamptonshire Habitats Regulations Screening Assessment</a> (November 2011)</li> <li>• <a href="#">Four Towns Plan – Habitat Regulations Assessment – European Site Characterization</a> (2012)</li> </ul>
Stage 4: Initial discussions on the method and scope of the appraisal	Y/N	Commentary
<p>Have preliminary discussions taken place with relevant bodies regarding the HRA for the Neighbourhood Plan?</p>	Y	<p>ENC has already consulted Natural England, as the relevant statutory consultation body, during the initial Neighbourhood Area consultation stage (Regulation 6, Neighbourhood Planning (General) Regulations 2012). All consultation feedback (including from Natural England) will be sent on to the relevant Town / Parish Council or Neighbourhood Forum.</p>

### Preliminary HRA Screening stages – overview

The emerging Local Plan (JCS review and Four Towns Plan), which sets the strategic policy framework for the Neighbourhood Plan, has already been subject to HRA screening. The JCS and Four Towns Plan Screening Assessments have both already concluded that the emerging Local Plan will not have any significant impacts upon any Natura 2000 sites, with the exception of the Upper Nene Valley Gravel Pits SPA / Ramsar site. These Assessments have already been endorsed by Natural England, the relevant statutory consultation body.

Natural England has already agreed that the emerging Local Plan could **only** have a significant impact upon the Upper Nene Valley Gravel Pits SPA / Ramsar site. By definition, Neighbourhood Plans are smaller and more localised, so the remainder of this HRA Screening Assessment will exclusively consider the possible significant impacts of emerging Plan policies upon this Natura 2000 site.

## HRA Screening – testing whether a Neighbourhood Plan is ‘likely to have a significant effect’ on a European (“Natura 2000”) site [the Upper Nene Valley Gravel Pits SPA / Ramsar site] (stage 5)

The process of HRA Screening is necessary to determine whether there are any potentially **significant** impacts upon the Upper Nene Valley Gravel Pits (UNVGP) SP A/ Ramsar site arising from emerging policies or proposals in the **Chelveston-cum-Caldecott Neighbourhood Plan**.

The DTA guidance explains the role of HRA, as a whole. The fundamental test of significance is where a plan or project **could** undermine the conservation objectives of the UNVGP SPA / Ramsar site. Overall, this Neighbourhood Plan Screening exercise should:

- Identify all aspects of the plan which would have no effect on a European site, so that that they can be eliminated from further consideration in respect of this and other plans;
- Identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have some effect, but minor residual), either alone or in combination with other aspects of the same plan or other plans or projects, which therefore do not require full ‘appropriate assessment’; and
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require appropriate assessment.

The emerging Neighbourhood Plan will include some, or all, of the following policy typologies:

- Overarching Neighbourhood Plan vision and outcomes
- Development management policies, e.g. detailed design policies and criteria
- Protection policies, e.g. zonal land designations
- Development land allocations
- Transport and connectivity policies
- Green infrastructure and tourism policies

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
<b>Step 1: Overarching Neighbourhood Plan vision and outcomes</b>	✓	X	✓	The DTA guidance explains that parts of plans which are merely general policy statements, or which only show the general political will or intention of a public body, will not be likely to have a significant effect on a European site.

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
Vision Chelveston-cum-Caldecott should remain as a small but sustainable rural village:	✓	X	X	It may be appropriate, for completeness, to consider whether the overall Neighbourhood Plan vision or specific outcomes might have any conceivable potential negative implications for the UNVGP SPA/ Ramsar site
With three distinct settlements,	X	X	✓	Does not affect the SPA/ Ramsar site.
Each retaining its unique character and boundaries,	X	X	✓	Does not affect the SPA/ Ramsar site.
But part of a combined parish,	X	X	✓	Does not affect the SPA/ Ramsar site.
With a strong sense of community.	X	X	✓	Does not affect the SPA/ Ramsar site.
<b>Step 2: Policies, proposals and projects referred to in, but not proposed by, the Neighbourhood Plan</b>	X	X	✓	The introductory sections of the emerging Neighbourhood Plan will, inevitably, cross refer to other relevant plans, policies and programmes. The DTA guidance explains that a useful ‘test’ as to whether a project should be screened out at this stage is to consider whether the plan, project or programme would be likely to be implemented, irrespective of the Neighbourhood Plan?” If the answer is “yes”, it will normally be appropriate to screen the project out at this stage.
Emerging JCS policies	X	X	✓	Separately screened through JCS Habitat Regulations Screening Assessment process
Saved policies from the ENC Local Plan 1996 – AG4, AG5, AG8, AG9, EN9, EN20, GEN3 and H16.	X	X	✓	Do not affect the SPA / Ramsar site. The 1996 Local Plan predates the SPA designation and these policies therefore form the current baseline policy framework. It is anticipated that most of the saved 1996 Local Plan policies will be replaced by the emerging JCS review in any event.

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
<b>Step 3:</b>				
<b>Development Management policies</b>				
Detailed design policies and criteria etc.	X	X	✓	Most detailed design policies set out locally significant design criteria. These small scale, development management policies are often most relevant for householder or other minor applications/ schemes. The detailed, localised nature of such policies enables these to be screened out, as not having any significant impact upon the UNVGP SPA / Ramsar site.
Policy H (Housing)	X	X	✓	Largest proposed site is 9 dwellings, which already has outline planning consent (EN/11/00654/OUT).  The parish is at least 3km from the SPA and outside Natural England's 200m "area of concern" for schemes of <100 dwellings.
<b>Protection policies</b>	X	X	✓	Protection policies seek to maintain the 'status quo'. As such, by definition, any decision to retain existing land use types or operations at a particular location would not lead to any changes to 'baseline' circumstances. Therefore, these policies could not be expected to have a significant impact upon the UNVGP SPA / Ramsar site, so may be screened out at this stage.
Policy ACV.	X	X	✓	Protection of listed Assets of Community Value as a material consideration in planning determinations
Policy LGS	X	X	✓	Protects important open spaces, playing fields, setting of listed buildings, locally sensitive street scenes.

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
Policy ROW	X	X	✓	Protects existing Rights of Way. One of the concerns affecting the SPA / Ramsar site relates to the impacts of increasing visitor numbers. There are currently two direct public footpath connections between Chelveston / Caldecott and the SPA / Ramsar site (PH4 & VC23). However, these are around 3.5km walking distance; outside Natural England's 200m "area of concern" for schemes of <100 dwellings; so it cannot be concluded that any proposals to protect / enhance the existing Public ROW around Chelveston / Caldecott would have any significant impact upon visitor numbers to the SPA / Ramsar site.
Policy ALT	X	X	✓	Protects the Allotment Gardens.
<b>Development land allocations</b>	?	?	?	Natural England has recently advised that: "There may be a need for consideration of the Upper Nene Valley Gravel Pits SPA/ Ramsar site (under the Habitats Regulations) if any of the Neighbourhood Plans put forward new development in sensitive locations. We would expect to advise on this formally at the appropriate consultation stage but...understand that communities may appreciate an early steer before investing time developing options that may prove challenging with the SPA" (June 2014).
Smaller scale/ minor employment and housing land allocations (<100 dwellings or <1000m <sup>2</sup> floorspace)	X	X	✓ <sup>1</sup>	Natural England has advised that for sites within 200m of the UNVGP SPA/ Ramsar site, it cannot be regarded as possible to rule out the risk of significant effects. Therefore, in these circumstances a full HRA 'appropriate assessment' may be required.

<sup>1</sup> Impact may be regarded as neutral, unless a site is within 200m radius of the SPA/ Ramsar site

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
Major employment land allocations (>1000m <sup>2</sup> floorspace)	X	X	✓ <sup>2</sup>	Natural England has advised that for sites within 500m (0.5km) of the UNVGP SPA/ Ramsar site, it cannot be regarded as possible to rule out the risk of significant effects. Therefore, in these circumstances a full HRA 'appropriate assessment' may be required.
Larger scale housing land allocations (100 dwellings or more)	?	?	X <sup>3</sup>	Natural England has advised that for sites within 2km (2000m) of the UNVGP SPA/ Ramsar site, it cannot be regarded as possible to rule out the risk of significant effects. Therefore, in these circumstances a full HRA 'appropriate assessment' may be required. Reference ought to be made to the Strategic Housing Land Availability Assessment (SHLAA), to identify those potential sites within the SPA/ Ramsar site 2km buffer zone.
Policy H (Housing)	X	X	✓	Largest proposed site is 9 dwellings, which already has outline planning consent (EN/11/00654/OUT).  The parish is at least 3km from the SPA and outside Natural England's 200m "area of concern" for schemes of <100 dwellings.
Policy EC (Employment and Commercial)	X	X	✓	Farm diversification and expansion within existing employment sites.  The parish is at least 3km from the SPA and outside Natural England's 500m "area of concern" for large non-residential.
Policy REN (Renewables)	X	X	✓	Largest proposed site is a solar farm, which already has planning consent (EN/14/01177/FUL).  The parish is at least 3km from the SPA and outside Natural England's 500m "area of concern" for large non-residential.

<sup>2</sup> Impact may be regarded as neutral, unless a site is within 500m radius of the SPA/ Ramsar site

<sup>3</sup> Impact cannot be regarded as neutral, unless a site is more than 2km (2000m) radius away from the SPA/ Ramsar site

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
<b>Transport/ connectivity policies</b>	?	?	?	Natural England has advised that for new transport connections or linkages within 500m (0.5km) of the UNVGP SPA/ Ramsar site, it cannot be regarded as possible to rule out the risk of significant effects. Therefore, in these circumstances a full HRA 'appropriate assessment' may be required.
Potential routes/ proposals to open up access to Nene Valley; e.g. additional links to East Northamptonshire Greenway	?	?	X	Neighbourhood Plans may consider specific proposals for new pedestrian and cycle links to the Nene Valley (including SPA/ Ramsar site). If specific proposals which could increase access (and therefore possible disturbance) to the UNVGP SPA/ Ramsar site are put forward through a Neighbourhood Plan; in such circumstances a full HRA 'appropriate assessment' may be required. The Plan does not include specific proposals for enhanced access to the Nene Valley, although Policy ROW seeks to protect existing Rights of Way within the Parish.
Other transport/ connectivity policies or proposals	X	X	✓	Other potential accessibility proposals are likely to be strategic in nature. As such, these are extremely unlikely that specific transport proposals would be put forward through a Neighbourhood Plan.
Policy TRF (Traffic Management and Parking)	X	X	✓	Creates parking spaces and seeks to reduce numbers of speeding vehicles in the settlements.  Policies seeking to secure reduced traffic speeds and improved parking arrangements cannot be regarded as having significant effects or impacts upon the SPA / Ramsar site.

Policy typology	Positive Impact	Negative Impact	Neutral Impact	Commentary
<b>Green infrastructure/ tourism policies</b>	✓	?	X	
Potential green infrastructure connections to Nene Valley	✓	?	X	Neighbourhood Plans may consider specific proposals for new green infrastructure connections to the Nene Valley (including SPA/ Ramsar site). If specific proposals which could increase access (and therefore possible disturbance) to the UNVGP SPA/ Ramsar site are put forward through a Neighbourhood Plan; in such circumstances a full HRA 'appropriate assessment' may be required.
Proposals for tourist hubs or facilities	?	?	X	Neighbourhood Plans may put forward specific proposals to develop tourist or visitor facilities. Natural England has advised that where these are proposed within 200m of the UNVGP SPA/ Ramsar site, it cannot be regarded as possible to rule out the risk of significant effects. Therefore, in these circumstances a full HRA 'appropriate assessment' may be required.
No applicable policies.				

**In the event that any potential negative effects are identified at Stage 5 in respect of specific relevant policies, the screening opinion should be sent to Natural England for an initial view, to confirm that these really are “likely significant effects”. This preliminary consultation should take place in advance of the formal consultation stage.**

## Applying mitigation measures at screening stage to avoid likely significant effects (stage 6)

- Smaller scale/ minor employment and housing land allocations (<100 dwellings or <1000m<sup>2</sup> floorspace) within **200m radius** of the SPA / Ramsar site;
- Major employment land allocations (>1000m<sup>2</sup> floorspace) within **500m (0.5km) radius** of the SPA / Ramsar site;
- Larger scale housing land allocations (100 dwellings or more) within **2000m (2km) radius** of the SPA / Ramsar site;
- Potential routes/ proposals to open up access to Nene Valley; e.g. additional links to East Northamptonshire Greenway; Potential green infrastructure connections to Nene Valley;
- Proposals for tourist hubs or facilities) within **200m radius** of the SPA / Ramsar site.

**If a potentially significant negative impact of an emerging Neighbourhood Plan policy or proposal upon the Upper Nene Valley Gravel Pits SPA / Ramsar sites has been identified, the questions below should be considered**

**Policy reference(s) and/ or proposal (s):** *No policies have been identified which could be regarded as having any possible negative impacts upon the UNVGP SPA / Ramsar site.*

Is the policy or proposal essential to deliver the overall vision and objectives of the emerging Neighbourhood Plan?

**N/A**

If yes, could the policy or proposal be deleted, amended, or its scale reduced; so as to ensure that any potential harm is eliminated or minimised to the extent that it could not lead to any significant impact upon the SPA/ Ramsar site?

**N/A**

**Commentary** *N/A*

Could the policy or proposal be redrafted or relocated respectively, to ensure that it is sufficiently well situated, so as to remove any potential significant impacts?

**N/A**

**Commentary** *N/A*

Could the policy or proposal be developed in association with other policies or proposals being put forward through the emerging Local Plan (i.e. JCS review and/ or Four Towns Plan)?

**N/A**

**Commentary** *N/A*

Could a “buffer” or exclusion zone be appropriate, to overcome any concerns regarding the potential impacts of a Neighbourhood Plan policy or proposal upon the SPA/ Ramsar site?	N/A	
<b>Commentary</b> N/A		
<b>Conclusions regarding proposed mitigation measures</b> N/A		

### **Conclusions: Rescreening the Neighbourhood Plan and deciding upon on the need for appropriate assessment (i.e. full HRA)**

Screening has revealed that the following emerging Neighbourhood Plan policies and proposals, which are deemed essential and integral to the overall Plan vision and outcomes, could have a potentially significant impact upon the Upper Nene Valley Gravel Pits SPA / Ramsar site:

**None.**

In order to overcome any potentially significant negative impact, the following amendments to policies or proposals within the emerging Neighbourhood Plan are proposed:

**N/A**

A view has been sought from Natural England, as to whether it will be necessary for the emerging **Chelveston-cum-Caldecott** Neighbourhood Plan to be accompanied by a full ‘appropriate assessment’ (HRA).

**N/A**

On this basis, this HRA Screening has revealed that it **will not** be necessary to undertake a full HRA ‘appropriate assessment’ to accompany the Neighbourhood Plan.

Please note that if a full HRA ‘appropriate assessment’ is deemed necessary, then it will be necessary for a full Strategic Environmental Assessment (SEA) to also be undertaken to accompany the Neighbourhood Plan.