



August 2018

DRAFT HABITATS REGULATIONS ASSESSMENT (SCREENING): LOGGERHEADS SUBMISSION NEIGHBOURHOOD PLAN V2.18

1. Introduction

- 1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Newcastle-under-Lyme Borough Council in respect of the Loggerheads Neighbourhood Plan 2013-2033 Version 2.18 Submission.
- 1.2 The Loggerheads Neighbourhood Plan has been produced to guide development within the parish up to 2033. The Neighbourhood Plan sets out the following vision for Loggerheads Parish:
- 'To create an enhanced sustainable rural community that provides for people of all ages'*
- 1.3 If the Loggerheads Neighbourhood Plan is approved by the local community through a referendum and subsequently made by Newcastle-under-Lyme Borough Council, it will be used in determining planning applications within the Neighbourhood Plan Area, as part of the development plan.
- 1.4 In January 2018, Newcastle-under-Lyme Borough Council undertook a Habitat Regulations Assessment Screening for the Loggerheads Neighbourhood Plan. The report identified no likely significant effect on European sites. Statutory Consultees were consulted and concurred with the assessment that concluded that the plan can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.
- 1.5 The previous screening was undertaken on the regulation 14 version 2.17, changes were made to the Neighbourhood Plan and version 2.18 was presented for submission. Recent case law following a Court of Justice of the European Union (CJEU) ruling on the People over Wind and Peter Sweetman v Coillte Teoranta (C-323/17¹). The Borough Council as 'Competent Authority' under The Conservation of Habitats and Species Regulations 2017 has taken the decision to re-screen the Loggerheads Neighbourhood Plan to assess whether it will result in any likely significant effects on European sites within relative proximity of the Neighbourhood Plan Area; and in respect of the changes made to the Neighbourhood Plan between

¹ [CJEU case no:C-323/17](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CJ0323)

versions 2.17 and 2.18. Consultation on this screening marked 'draft' will be undertaken with the statutory consultees. Once consultation is complete their responses will be incorporated into a 'final' version which will indicate the outcome of the screening stage and this will be issued to Loggerheads Neighbourhood Planning Group.

2. Legislative background

2.1 The Natura 2000 network (European sites) consists of sites across Europe designated for their nature conservation importance. These consist of:

- *Special Areas of Conservation (SACs) and potential SACs (pSACs)* - these are designated under the Habitats Directive to protect those habitat types and species that are considered to be most in need of conservation at a European level (excluding birds).
- *Special Protection Areas (SPAs) and potential SPAs (pSPAs)* - these are designated under the Birds Directive to protect rare and vulnerable birds, and also regularly occurring migratory species.
- *Ramsar sites* - these are wetlands of international importance designated under the Ramsar Convention.

2.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') states:

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

2.3 The Conservation of Habitats and Species Regulations 2017² (the "Habitats Regulations 2017") consolidate and update all the various amendments made to the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations 2010"). They also introduce a small number of minor amendments designed to take account of changes to other related legislation, such as amendments to Town and Country Planning legislation.

² <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

- 2.4 The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations 2017'), the UK's transposition of the Habitats Directive and Regulation 105, provides:
- '(1) Where a land use plan –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and;
 - (b) is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives'.
- 2.5 In the assessment of the implications for European Sites in the case of Neighbourhood Development Plans, Regulation 106 (1) states "A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required."
- 2.6 This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). An 'appropriate assessment' is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as the competent authority must ascertain that it would not adversely affect the integrity of the European site(s).
- 2.7 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and it is therefore necessary to demonstrate that it is not likely to have a significant effect on a European site.

Table 1: Stages of Habitats Regulations Assessment

Stages of HRA
<p style="text-align: center;">Stage 1- Screening</p> <p>This stage identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and determines whether these impacts are likely to be not significant (inconsequential), significant or whether this is uncertain.</p>
<p style="text-align: center;">Stage 2 - Appropriate Assessment</p> <p>Where there are likely significant effects, or the effects are uncertain, the Plan should be subject to appropriate assessment. This stage considers the impacts of the plan or project on the integrity of the relevant European sites, either alone or in conjunction with other projects or plans, with respect to the sites structures and function and their conservation objectives. Where there are adverse impacts, it also includes an assessment of the potential mitigation for those impacts.</p>
<p style="text-align: center;">Stage 3 - Assessment of Alternative Solutions</p> <p>Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the order that avoids adverse impacts on the integrity of European sites.</p>
<p style="text-align: center;">Stage 4 - Assessment Where No Alternative Solutions Exist and where Adverse Impacts Remain</p> <p>This stage assesses compensatory measures where it is deemed that the project or Plan should proceed for imperative reasons of overriding public interest.</p>

3. European sites in and around Loggerheads Parish

- 3.1 The first step of the screening process is to consider the European sites that could be affected by a project/plan, either alone or in combination. In addition to those sites located within the Loggerheads Neighbourhood plan area, best practice suggests that sites located within 10 km of the area with the potential to be directly affected should be identified and assessed.
- 3.2 There are no European sites within the plan area.
- 3.3 The following sites listed in Table 2 are within 10 km of the Neighbourhood Area boundary:

Table 2: European sites within 10 km of the plan area

Site Name	Distance from plan area	Type
Cop Mere (Midlands Meres and Mosses Phase 2)	c. 5.8 km	Ramsar
Betley Mere (Midlands Meres and Mosses Phase 1)	c.7.3 km	Ramsar
Black Firs & Cranberry Bog (Midlands Meres and Mosses Phase 2)	c. 9.6 km	Ramsar
Wybunbury Moss (West Midlands Mosses)	c. 9.8 km	SAC

- 3.4 Further details of each of these sites can be found at Appendix 1.
- 3.5 The European sites identified are all wetland sites and are underpinned by SSSI designations which are likely to be sensitive to hydrological impact pathways. This assessment has not identified any hydrological impact pathways between the Neighbourhood Area and European Sites because they lie in different river catchments and are not triggered by development categories within Natural England's SSSI Impact Risk Zones.

4. Screening assessment of the Loggerheads Neighbourhood Plan

- 4.1 The screening assessment has had regard to the conservation objectives of the European sites identified in Table 2 located within 10km of the plan area. It also makes reference to other plans and projects, including the adopted development plan. Key questions relating to the neighbourhood plan are included below and along with the screening assessment, help to establish if an appropriate assessment is required.

Is the Loggerheads Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

- 4.2 The Loggerheads Neighbourhood Plan is not directly connected with, or necessary to the management of a European site, so a Habitats Regulations Assessment Screening is required.

Are there any European sites within the plan area?

- 4.3 There are no European sites within the plan area.

Are there any European sites within 10km of the plan area?

- 4.4 Yes there are 4 sites within 10km of the plan area, 1 SAC and 3 Ramsar sites.

Does the Loggerheads Neighbourhood Plan propose new development or allocate sites for development?

- 4.5 Yes, two sites are allocated through Policy LNPS2. These sites front Market Drayton Road, Loggerheads village and the proposed allocations comprise:

- Site LV1: Mixed use community and sports facility including uses falling within use classes D1 and D2 with ancillary uses, including a café.
- Site LV2: Sports pitches.

- 4.6 It is also proposed to amend the village envelopes for both Loggerheads village and Ashley to allow for growth and recognise where development has been approved. These amendments include:

- The Burnt Wood Residential Estate (site of former sanatorium).

- Land at Market Drayton Road. A resolution to grant planning permission for residential development subject to the completion of a Section 106 agreement was reached in September 2017 (17/00067/DEEM4).
- Land at Market Drayton Road – to accommodate the proposed allocation of sites LV1 and LV2 for Multi-Sport/ Community Facilities.
- Land at Mucklestone Road. Planning permission has previously been granted for residential development (Ref: 15/00202/OUT & 16/00784/REM) on this area of land (excluding the sewage treatment works site).
- Land at Eccleshall Road. A resolution to grant planning permission for residential development subject to the completion of a Section 106 agreement was reached on the 2 February 2017. (Note the site excludes land at 140 Eccleshall Road and land to the immediate north-west of this property).
- Bell Orchard, Ashley. Planning permission was granted in 1992 for an affordable housing development and this is fully constructed.

Are there any other projects or plans that together with the Loggerheads Neighbourhood Plan could impact on the integrity of a European site, the ‘in combination’ impact?

4.7 Yes, these are listed at paragraph 5.8.

Screening assessment

4.8 The following table reflects the findings of the screening assessment for each of the policies within the Loggerheads Neighbourhood Plan.

Table 3: Policy Assessment

Policy Number	Description	Likely significant effect identified
LNPG1	New Housing Growth	<p>The plan does not allocate housing sites but seeks to direct any future housing development to the village envelope of Loggerheads village.</p> <p>An amended village envelope is defined and the proposed approach is based on the previous village envelope boundaries defined by the adopted Local Plan but with some expansion to recognise where development has been built or where sites have received planning permission. Any sites that have received planning permission or are subject to a resolution to grant planning permission have been subject to screening under EIA legislation.</p> <p>Outside the village envelope, residential development is limited to infill and subject to criteria. While the policy makes general provision for housing development it is unlikely that the scale of development will have a likely</p>

		significant effect on a European site due to the distance and lack of impact pathways.
LNPG2	Housing Mix	The policy seeks to guide the mix of sizes of dwellings proposed within the limits established by Policy LNPG1. The policy itself will not lead to development or other change because it relates to qualitative criteria for development. It has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways connecting the policy and European sites.
LNPP1	Urban Design and Environment	The policy is designed to ensure that development is of a high standard of design. The policy has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPP2	Local Character and Heritage	The policy is designed to ensure that new development complements and reinforces the local character of the area; and that that new development must complement non designated heritage assets. The policy has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPP3	Local Green Space	The policy is designed to retain and protect existing green spaces in such use. The policy has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPT1	Sustainable Transport	The policy seeks to promote sustainable forms of transport and to ensure that proposals do not have a negative impact on road safety and traffic congestion. The policy has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPS1	Community Infrastructure	The policy requires new development to demonstrate that there is adequate infrastructure or that additional is provided. The policy has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPS2	Site Allocation for Multi-Sport	The policy makes provision for sports and community facilities at the edge of the village. The proposals have

	and Community Facility and Sports Pitch	<p>the potential to lead to increased vehicular movements in respect of new community facilities being provided and result in increased surface water drainage.</p> <p>Existing Development Plan policy requires sustainable/ natural drainage systems in particular circumstances, and this is reinforced by this Neighbourhood Plan policy. Such measures are included in policy to achieve sustainable development and are not included to act as mitigation for any likely significant effects on European sites.</p> <p>It is unlikely that the proposal will result in a likely significant effect upon a European site due to the distance from the site allocation and the nearest European site (5.8 km). There are no obvious impact pathways between the site and the European sites as the site lies in a different water catchment.</p>
LNPS3	Sports Pitches	The policy seeks to retain existing sports pitches in their current use, unless no longer required or alternatives have been provided. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPE1	Employment	The policy allows for the change of use of existing buildings to employment use subject to no significant adverse impact on residential amenity, the local environment and the open character of the rural environment. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPE2	Retail	The policy allows for retail development within Loggerheads Village and the retention of existing retail uses. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.
LNPE3	Broadband	The policy seeks to ensure that new development has high speed broadband access. This may increase the ability for home working which could result in less traffic movements outside of the plan area. . The policy has no relationship to European sites. No likelihood of significant effects identified because of a lack of impact pathways between the policy and European sites.

Table 4: Site Assessment

Site Reference	Possible use and site character	Summary of potential effects on European sites
LNPS2 Site LV1	Mixed use community and sports facility including uses falling within use classes D1 and D2 with ancillary uses, including a café	The proposals have the potential to lead to increased vehicular movements in respect of new community facilities being provided and result in increased surface water drainage.
Site LV2	Sports pitches, where the open character of the site is maintained.	Existing Development Plan policy requires sustainable/ natural drainage systems in particular circumstances, and this is reinforced by this Neighbourhood Plan policy. The policies are included to achieve sustainable development and such measures are not included to act as mitigation for any likely significant effects on European sites. It is unlikely that the proposals would result in a likely significant effect upon a European site due to the distance from the site allocation and the nearest European site (5.8 km). There are no obvious impact pathways between the site and the European sites as the site lies in a different water catchment.

In Combination Effects

4.9 Different plans and programmes can interact to produce impacts that are greater than any individual plan alone, so it is necessary to identify other plans which could lead to potentially significant ‘in-combination’ impacts. It is one of the ‘basic conditions’ that a neighbourhood plan has to be in ‘general conformity’ with the strategic policies of the development plan for the area.

4.10 The adopted development plan consists of:

- [The Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy \(adopted 2009\)](#)
- [The ‘saved policies’ of the Newcastle-under-Lyme Local Plan 2011.](#)
- [The Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026.](#)

4.11 The Neighbourhood Plan area shares a boundary with the following authorities:

- Shropshire Council
- Stafford Borough Council
- Woore Parish Council
- Norton-in Hales Parish Council
- Market Drayton Town Council
- Sutton upon Tern Parish Council
- Cheswardine Parish Council
- Eccleshall Parish Council
- Maer & Aston Parish Council

4.12 The following plans have been reviewed in terms of 'in-combination' effects:

- [The Plan for Stafford Borough 2011 -2032 \(Part 1 adopted 19 June 2014 and Part 2 adopted 31 January 2017\)](#)
- [The Shropshire Core Strategy](#) (adopted 24 February 2011) and the [Site Allocations and Management of Development Plan](#) (adopted 17 December 2015)
- [Eccleshall Parish Neighbourhood Plan](#) 2011 -2031

The Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy (CSS)

- 4.13 The CSS was adopted in 2009 and provides a broad framework for the development of Newcastle-under-Lyme and Stoke-on-Trent. The plan (which was subject to Habitats Regulations Assessment³) seeks to focus development and investment to the city and town centres, prioritising the use of previously developed land. A number of strategic sub areas are identified, for example Rural Areas, within which the Parish of Loggerheads is located.
- 4.14 Policy ASP6: Rural Area Spatial Policy made provision for a maximum of 900 net additional dwellings primarily located on sustainable brownfield land within the village envelopes of the key rural service centres including Loggerheads to meet identified local requirements – in particular, the need for affordable housing.
- 4.15 Boundaries for the village envelopes for Loggerheads village and Ashley were previously defined in the Newcastle-under-Lyme Local Plan 2011 and carried over into the CSS.
- 4.16 The supporting text acknowledges that '*whilst the priority is to make the maximum use of brownfield land, it is recognised that it may be necessary to identify greenfield sites to meet the area's housing requirements later in the plan period and if necessary, the boundaries of village envelopes will be reviewed as part of the preparation of the Site Allocations and Policies Development Plan Document*'.

³ https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/SpatialStrategy/SUB008%20Appropriate%20Assessment%20Screening%20Report.pdf

- 4.17 The Loggerheads NP makes some changes to the village envelopes of Ashley and Loggerheads village. These changes reflect development that has been constructed since the village envelopes were defined and also recent planning permissions. The plan does not seek to allocate housing sites.
- 4.18 The CSS which identifies Loggerheads as a Rural Service Centre was subject to Habitats Regulations Assessment and it was concluded that there would be no significant effects.
- 4.19 It is unlikely that there will be any in-combination effects arising from the CSS and Loggerheads Neighbourhood Plan.

The 'saved policies' of the Newcastle-under-Lyme Local Plan 2011.

- 4.20 The Newcastle-under-Lyme Local Plan was adopted in 2003 and a number of its policies were 'saved' beyond 2007 by the Secretary of State for Communities and Local Government. They continue to form part of the Development Plan for the Borough.
- 4.21 The Local Plan sought to focus development to sustainable locations such as the defined village envelopes and to enable the appropriate re-use of rural buildings. It is unlikely that there will be any in-combination effects arising from the Loggerheads NP and the Newcastle-under-Lyme Local Plan.

The Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026.

- 4.22 The Joint Waste Local Plan does not allocate any sites for the development of new waste facilities within the Loggerheads plan area. It is unlikely that there will be any in-combination effects arising from the Loggerheads NP and the Staffordshire and Stoke-on-Trent Joint Waste Core Strategy.

Emerging plans: The Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan (JLP)

- 4.23 Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are currently preparing a Joint Local Plan. The Joint Local Plan once adopted, will replace the existing CSS and Newcastle-under-Lyme Local Plan. The Councils' consulted on the Strategic Options Document in the summer of 2017. Given the early stage of plan production, it is not possible to ascertain whether there will be any future in-combination effects. However, the JLP will also be subject to Habitats Regulations Assessment in due course and this will have to take into account in-combination effects.

The Plan for Stafford Borough 2011 -2032 (Part 1 adopted 19 June 2014 and Part 2 adopted 31 January 2017)

- 4.24 The plan covers the period 2011-2032 and identifies the level of development proposed within this period. This includes the provision of 10,000 new dwellings and 160,000 hectares of employment land. A settlement hierarchy is defined and settlement boundaries for Stafford, Stone and Key Service Villages are identified. This includes the village of Eccleshall which is close to the Loggerheads Neighbourhood Area. Both Part 1 and Part 2 plans were subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given the scale of development proposed by the Loggerheads Neighbourhood Plan, it is unlikely that there will be any 'in combination' effects with the Plan for Stafford Borough.

Emerging Plans: Stafford Local Plan Review

- 4.25 Stafford Borough Council initiated its Local Plan Review in July 2017. This review, will in time, replace the adopted Plan for Stafford Borough 2011-2031 (adopted June 2014) and the Plan for Stafford Borough Part 2 (adopted January 2017), setting out the long-term spatial vision and strategy for the Borough. The review is at an early stage in its production and therefore any in-combination effects are not known.

The Shropshire Core Strategy (adopted 24 February 2011) and the Site Allocations and Management of Development Plan (adopted 17 December 2015)

- 4.26 The plan covers the period to 2026 and identifies the level of development proposed within this period. This includes the provision of 27,500 homes and 290 hectares of employment land. A settlement hierarchy is defined with Shrewsbury being identified as the county town and sub-regional centre and a number of other towns and key centres being identified together with community hubs and cluster settlements. The Core Strategy and Management of Development Plan were subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given the scale of development proposed by the Loggerheads Neighbourhood Plan, it is unlikely that there will be any 'in combination' effects with the Shropshire Core Strategy and Management of Development Plan.

Emerging Plans: Shropshire Local Plan Partial Review

- 4.27 Shropshire Council has begun a partial review of the local plan. The review will include consideration of housing requirements, employment land requirements, the distribution of development and a review of green belt boundaries, as part of the consideration of strategic options to deliver new development. The Council recently consulted on the 'Preferred Scale and Distribution of Development' document between 27 October 2017 and 22 December 2017. Given the scale of development proposed by the Loggerheads Neighbourhood Plan, it is unlikely that there will be any 'in combination' effects with the partial review.

Eccleshall Parish Neighbourhood Plan 2011 -2031

- 4.28 Eccleshall Parish is located to the south east of Loggerheads Neighbourhood Plan area. Eccleshall village is identified as a Key Service Village in the Plan for Stafford Borough and this is approximately 8 km away from the Loggerheads Neighbourhood Area boundary. The Eccleshall Neighbourhood Plan identifies a settlement boundary for Eccleshall Village. Given the scale of development proposed by the Loggerheads Neighbourhood Plan, it is unlikely that there will be any 'in combination' effects with this Neighbourhood Plan.

5. Summary

- 5.1 As a result of the assessment above, it is considered unlikely that any likely significant effects will occur from the implementation of the Loggerheads Neighbourhood Plan because of the nature of the Neighbourhood Plan's policies described in Table 3 and 4, and the absence of impact pathways connecting the Neighbourhood Plan area and the European sites identified. The Neighbourhood Plan has been revised, following the Regulation 14 pre-submission consultation, and this report re-screens the plan. At this stage, it is still considered that the Loggerheads Neighbourhood Plan does not require progression to the Appropriate Assessment stage as likely significant effects have been screened out.

6. Consultation

- 6.1 The Habitats Regulations require that the appropriate nature conservation body is consulted (Natural England), as well as the Environment Agency. Any responses made in regards to the HRA will be considered by the Council and will inform future iterations of the HRA. Details of any responses received will be made available in the final version of the HRA.