

## **Addendum to the Brackenfield Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report**

This Addendum to the Brackenfield Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (December 2018) (SEA and HRA Screening 2018) has been produced to meet the requirements of The Conservation of Habitats and Species Planning (Various Amendments) (England and Wales) Regulations 2018. These Regulations came into force on 28 December 2018 and amended the definition of a basic condition in relation to the examination of neighbourhood development plans. Examiners must now consider whether “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

### **The Conservation of Habitats and Species Planning (Various Amendments) (England and Wales) Regulations 2018**

In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 105 and 106, 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. The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies. The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take steps for that purpose as it considers appropriate.

In the light of the conclusions of the assessment, and subject to regulation 107 (considerations of overriding public interest), the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site.

A qualifying body which submits a proposal for a neighbourhood development plan (in this case Brackenfield Parish Council) 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. The assessment of implications is set out below.

### **Is the Brackenfield Neighbourhood Plan likely to have a significant effect on a European site (either alone or in combination with other plans or projects)?**

The Brackenfield SEA and HRA Screening 2018 concluded that the Brackenfield Neighbourhood Plan was unlikely to have a significant effect on a European Site. The Plan does not allocate sites for housing or other forms of development, but instead provides

further local criteria for proposals to meet in support of existing and emerging local planning policies.

*“It is not considered that the implementation of the Plan, by virtue of its scope, the nature of its policies and proximity will result in any likely significant effects upon qualifying features of the European sites identified above.”*

*The report also identifies that there are no ‘in combination’ effects as a result of this Plan. The intent of the Plan is to ensure that any development proposed through the emerging Local Plan protects the natural and built assets. The Plan is therefore unlikely to exacerbate vulnerabilities of the European sites through pollution, visitor disturbance and recreation.”*

**Is the Brackenfield Neighbourhood Plan directly connected with or necessary to the management of the site?**

No, there are no European sites within the Brackenfield Neighbourhood Area, therefore the Brackenfield Neighbourhood Plan does not relate to nor is it directly connected with the management of a European site. The policies in the Brackenfield Neighbourhood Plan can only apply within the designated Neighbourhood Area, not outside

**Consultation with the appropriate nature conservation body and any representations made by that authority**

Natural England is a non-departmental public body whose 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. Natural England is the statutory consultee for the purposes of the Habitats Regulations Assessment Screening.

The Brackenfield SEA and HRA Screening 2018 was sent to Natural England for comment on 23 December 2018.

Natural England concurred with the findings of the report *“we have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.”*

Natural England were contacted by NEDDC in May 2019 to seek their comment on the SEA and HRA Screening 2018 in light of the regulations and amendment to the basic condition which came into force in December 2018.

Natural England confirmed that their position had not changed in light of the Conservation of Habitats and Species Planning (Various Amendments) (England) and Wales) Regulation 2018 for Brackenfield Neighbourhood Plan. A copy of their email is attached as appendix1.

**The plan making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take steps for that purpose as it considers appropriate**

In the interest of transparency, the Brackenfield Neighbourhood Plan Strategic Environmental Assessment Screening and Habitats Regulation Assessment Screening Report (December 2018), this Addendum and revised Basic Conditions Statement will be made available on District Council and Parish Council websites.

**In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).**

NEDDC is satisfied, in consultation with Natural England, that the Brackenfield Neighbourhood Plan has no likely significant effects on a European site and thus regulation 107 does not apply.

**A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.**

Detailed information regarding the location, qualifying features and vulnerabilities of the four European sites located within a 10km radius of the Neighbourhood Area were included in the Brackenfield SEA and HRA Screening 2018. These sites include South Pennine Moors (SAC), Peak District Moors (South Pennine Moors Phase 1 (SPA), Peak District Dales (SAC)) and Gang Mine (SAC).

The qualifying body (Brackenfield Parish Council) provided the required information to enable North East Derbyshire District Council (NEDDC) to determine whether a full assessment was required.

## **Conclusion**

NEDDC have considered the HRA Screening Opinion in light of the legislative changes, and it is satisfied that the Screening Opinion for the Brackenfield Neighbourhood Plan remains valid, as criteria 105 1) to 5) of the Conservation of Habitats and Species Regulations 2017 are met. The reasons are:

- i) The distance of the Neighbourhood Area from a European site.
- ii) The HRA screening does not seek to take account of any measures intended to reduce or avoid any harmful effects of the Plan on any European site, in part due to the fact that the Neighbourhood Plan does not allocate any development sites.

**Appendix 1 - copy of email correspondence from Andy Stubbs, Natural England and Richard Cooper, North East Derbyshire District Council.**

**From:** Stubbs, Andy [<mailto:Andrew.Stubbs@naturalengland.org.uk>]  
**Sent:** 17 May 2019 14:38  
**To:** Cooper, Richard (Planning) <[Richard.Cooper@ne-derbyshire.gov.uk](mailto:Richard.Cooper@ne-derbyshire.gov.uk)>  
**Subject:** 2019-05-17 280900 ref: 269112, Brackenfield Neighbourhood Plan  
**Importance:** High

Dear Richard,

Thank you for contacting Natural England with regards to our previous response for the Screening of Brackenfield Neighbourhood Plan (and Dronfield Neighbourhood Plan) to seek advice on amending the wording of condition from

“The making of the neighbourhood plan is not 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”

to be replaced by a basic condition

“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

I can confirm that our position has not changed in the light of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018 for Brackenfield Neighbourhood Plan (or Dronfield Neighbourhood Plan), so we are satisfied with the suggested word changing.

Kind regards

Andy

Andy Stubbs, Lead Adviser,  
Planning and Licensing Area Delivery,  
East Midlands Area Team, Natural England,  
Apex Court, City Link,  
Nottingham, NG2 4LA

Tel **02080261978**  
Mobile **07785716811**

[www.naturalengland.org.uk](http://www.naturalengland.org.uk)