



# **Habitat Regulations Assessment**

## **Screening Report**

**Feb 2019**

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## 1.0 Introduction & Legislative Background

### Neighbourhood Planning Regulations

1.1 This report is the Habitats Regulations Assessment (HRA) 'Screening Report' of the submission draft Dore Neighbourhood Plan (DNP). The purpose of the report is to determine whether significant adverse effects on relevant European 'Natura 2000' sites are likely as a result of DNP, in accordance with Schedule 4B to the Town and Country Planning Act 1990:

- Para 8(2)(f) which requires DNP to not breach and be otherwise compatible with EU obligations
- Para 8(2)(g) which prescribes that the making of a neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

### European Union Obligations

1.2 The relevant EU obligations are '*Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*' and '*Directive 2009/147/EC on the conservation of wild Birds*'.

1.3 Article 6 para 3 of Directive 92/43/EEC 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."*

### Conservation of Habitats and Species Regulations 2017

1.4 Section 106 of the Conservation of Habitats and Species Regulations 2017 regarding 'assessment of implications for European site: neighbourhood development plans' 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."*

1.5 Section 105 of the Conservation of Habitats and Species Regulations 2017 regarding 'assessment of implications for European sites' states:

*"Where a land use plan (a) is likely to have a significant effect on a European 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."*

## Natura 2000 sites

1.6 Natura 2000 is the Europe-wide network of sites of international importance for nature conservation established under the European Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC Habitats Directive).

1.7 The Natura 2000 network comprises:

- (i) Special Protection Areas (SPAs). SPAs are classified under the European Council Directive on the conservation of wild birds (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats
- (ii) Special Areas of Conservation (SACs). SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- (iii) The Government also expects candidate SACs (cSACs) & potential SPAs (pSPAs), to be included within the HRA.
- (iv) Ramsar sites. Ramsar sites support internationally important wetland habitats (Ramsar Convention, 1971).

1.8 There are 3 'Natura 2000' sites either within Dore Neighbourhood Area or within a 15 km radius of the Area (see Appendix 2):

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

## Scope of Report

1.9 This HRA report is a 'screening report' designed to determine whether or not significant effects (and 'in combination effects) on the above sites are likely as a result of Dore Neighbourhood Plan (DNP), and whether or not an Appropriate Assessment is required. It contains the most up-to-date information reflecting the iterative process between Dore Neighbourhood Forum, the 2 planning authorities (Sheffield City Council SCC and Peak District National Park Authority PDNPA) and Natural England NE. This HRA may be reviewed subsequently if material changes are made to Dore Neighbourhood Plan from pre-Submission to Submission versions.

1.10 The HRA screening process to date is as follows:

- Submission Draft DNP (April 2018) produced following Regulation 14 consultation
- HRA Version 1 undertaken on Submission Draft DNP. This concluded that

*"There is likely to be no significant effect, either alone or 'in combination' of the Dore Neighbourhood Plan on the European sites. Therefore an Appropriate Assessment is not required."*
- HRA Version 1 and Strategic Environmental Assessment Screening (SEA) Report V1 sent to NE for consultation (see Appendix 3: email from SCC to NE)
- NE reply to consultation (see Appendix 4) stating:

“We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions.”

“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.”

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

- SCC and PDNPA provide further ecological information to support both the HRA and SEA screening decision. (SCC Ecologist’s report in Appendix 4, PDNPA Ecologist’s report in Appendix 6).
- PDNPA Ecological Report concludes “The potential impacts on Natura 2000 sites are adequately covered by the HRA screening report and Natural England’s response, concluding that there is likely to be no significant effect, either alone or ‘in combination’, of the Dore Neighbourhood Plan on the European sites.”
- SCC Ecological Report concludes “The lack of ‘significant populations’ of protected species in the areas potentially affected by future urban land use development and the precautionary approach to additional housing provision in Policy DN5 provides evidence that it is not likely that there would be significant negative effects from policy DN5 or other DNP policies on Natura 2000 sites within 15km of the DNP area.

## 2.0 Description of Relevant Natura 200 Sites

### South Pennine Moors SAC

2.1 The South Pennine Moors SAC is designated for:

- Northern Atlantic wet heaths with *Erica tetralix* for which the area is considered to support a significant presence.
- European dry heaths for which this is considered to be one of the best areas in the United Kingdom.
- Blanket bogs for which this is considered to be one of the best areas in the United Kingdom.
- Transition mires and quaking bogs for which the area is considered to support a significant presence.
- Old sessile oak woods with *Ilex* and *Blechnum* for which this is considered to be one of the best areas in the United Kingdom.

2.2 The South Pennine Moors SAC is vulnerable due to grazing and burning regimes, visitor access, & atmospheric pollution, which have led to large areas of eroded and de-vegetated peat. Much of the area is subject to intensive landscape scale conservation and regeneration delivered via numerous projects and partnerships of public, private and 3rd Sector organisations, including the National Park Authority.

### Peak District Moors SPA

2.3 The Peak District Moors SPA is designated for (it's 'qualifying features') its importance for several upland breeding species including: *Falco columbarius*, Merlin (Breeding); *Pluvialis apricaria*, European golden plover (Breeding); *Asio flammeus*, Short-eared owl (Breeding).

2.4 The conservation objectives for the site, currently being delivered via numerous projects and partnerships of public, private and 3<sup>rd</sup> Sector organisations, including the national park authority, are to maintaining or restore:

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features
- the supporting processes on which the habitats of the qualifying features rely
- the population of each of the qualifying features
- the distribution of the qualifying features within the site

### Peak District Dales Special Areas of Conservation

2.5 The Peak District Dales SPA is designated for:

- European dry heaths
- Semi-natural dry grasslands and scrubland facies on calcareous substrates
- Alkaline fens
- Calcareous and calcshist screes of the montane to alpine
- Calcareous rocky slopes with chasmophytic
- Tilio-Acerion forests of slopes, screes and ravines
- *Austropotamobius pallipes*
- *Lampetra planeri*
- *Cottus gobio*

2.6 The main threat is inappropriate grazing management. The ideal management for nature conservation purposes - light grazing throughout most of the year, with a break in grazing during the spring and early summer - tends to conflict with today's agricultural regimes. The result is neglect & invasion by scrub, or overgrazing and the loss of the important vegetation communities.

2.7 The conservation objectives for the site are currently being delivered via numerous projects and partnerships of public, private and 3rd Sector organisations, including the national park authority.

### 3.0 Determination of the likeliness of significant environmental effects of Dore neighbourhood plan

#### Planning Context

3.1 DNP is (once made) a development plan whose policies must be in general conformity with the strategic planning policies of Sheffield City Council (SCC) and Peak District National Park Authority (PDNPA). Therefore any consideration of DNP's effects on Natura 2000 sites should also take into account the following Habitats Regulation Assessments. This screening report acknowledges that these assessments are not current and considers each of the DNP policies individually for their likely effects.

3.2 The **HRA for the PDNPA Core Strategy** (2011) concluded:

- *15 of the total of 35 policies in the Core Strategy are unlikely to have a significant effect on Natura 2000 sites Sites, as they relate to broad strategic objectives, qualitative criteria and/or aim to protect and enhance the environment.*
- *More detailed assessment (Appropriate Assessment) was undertaken in relation to the remaining 20 policies and the emerging findings were discussed with Natural England.*
- *Of the remaining 20 policies that were subject to full Appropriate Assessment, six have been judged as unlikely to have any adverse effect on the integrity of N2K Sites*
- *The 6 areas of concern include the impact of some policies on drainage, water quality, air quality, human activity, hydrology and small scale wind turbine development*

[http://www.peakdistrict.gov.uk/\\_data/assets/pdf\\_file/0018/90144/ldf-a004-habitatsassessmentappraisal.pdf](http://www.peakdistrict.gov.uk/_data/assets/pdf_file/0018/90144/ldf-a004-habitatsassessmentappraisal.pdf).

3.3 The **HRA for SCC's Core Strategy** (2007) concluded:

*“ . . . in agreement with Natural England, it is found that the Core Strategy is not likely to directly affect the content and qualitative state of Natura 2000 sites.”*

3.4 The **HRA for SCC's 'Citywide Options for Growth** (2015)' concluded:

*“ . . . the majority of housing growth sub-options are unlikely to impact upon the three European sites within the scope of this assessment. However, there are three sub-options where the potential impact is uncertain. They are:*

*Option D (a) Stocksbridge and Upper Don Valley*

*Option E (a) Small urban extensions into Green Belt*

*Option E (b) Redevelopment of existing previously developed sites in the Green Belt*

*It is not possible to assess the potential impact of these sub-options at this stage, because it is dependent upon the location and scale of specific site allocations. A review of Sheffield's Green Belt is ongoing, and any sites which are proposed as a result of this will have been through a rigorous assessment procedure. Our provisional view is that the majority of Sheffield's Green Belt is too environmentally sensitive to be suitable for development. Therefore the impact on European sites from any future Green Belt development is likely to be limited.*



*In addition, relevant policies in the Sheffield Plan, including those covering ecology and biodiversity; air quality; and water resources, would be likely to mitigate any negative impacts arising from potential development either in the Green Belt or within the urban area which could otherwise have impacted upon the European sites.”*

3.5 **Table 1** assesses the likeliness of significant negative harmful effects of DNP policy on Natura 2000 sites within the context of strategic planning policies and issues of concern raised in the HRA of the PDNPA Core Strategy and the SCC Citywide Options for Growth. **Appendix 1** shows the DNP policies in relation to the Natura 2000 areas.

**Table 1: Assessment of DNP policies and their likeliness of significant negative effects on Natura 2000 sites within a 15 km radius**

Dore Neighbourhood Plan (DNP) policy	Summary of policy	Corresponding Policy from Strategic Plans		Are HRAs of strategic policy significant to Dore policy?	Likeliness of significant negative effects, including 'in combination effects' of the DNP policy on Natura 2000 sites within 15km radius of plan area.
		PDNPA	SCC Planning Area		
DN1	No development on open access land that would restrict walkers	Core Strategy L1	Not applicable to SCC	No	Not likely. This policy does directly apply to South Pennine Moors SAC and Peak District Moors SPA. However the DN Policy would have no effect on the numbers of walkers. The policy does not apply to Peak District Dales SAC. There are no 'in combination effects'.

<p>DN2</p>	<p>The land lying between the boundary of the Peak District National Park and the developed Dore Village which is conspicuous from the National Park and has landscape characteristics which flow within landscape character types appearing on both sides of the National Park boundary forms the natural setting of the National Park and will not be viewed as suitable for housing development except in very special circumstances.</p>	<p>Core Strategy L1 and para 9.15 (valued characteristics)</p> <p>This proposed DN policy relates to land that is outside the National Park (NP) but where development would impact upon its special qualities and should therefore be considered in the context of Section 62(2) of the Environment Act 1995 which requires the Neighbourhood Plan to have regard to the statutory purposes of the National Park.</p>	<p>No specific Core Strategy policy.</p> <p>The Core Strategy has taken into consideration the special qualities and statutory purposes of the National Park, as required by Section 62(2) of the Environment Act 1995.</p>	<p>Yes. The HRA for SCC's 'Citywide Options for Growth (2015)' concluded that the potential impacts on the SAC/SPA were 'uncertain' with regard to Option E (b) 'Redevelopment of existing previously developed sites in the Green Belt' because "... it is not possible to assess the potential impact of these sub-options at this stage, (as) it is dependent upon the location and scale of specific site allocations."</p>	<p>Not likely. This DN policy applies to land that is directly adjacent to South Pennine Moors SAC and Peak District Moors SPA. However the DN policy does not propose or allocate land for development, but if and when development is proposed aims to protect the landscape character (and therefore the habitats and species) that forms the South Pennine Moors SAC and Peak District Moors SPA. The policy does not apply to Peak District Dales SAC. The 'in combination' effects of this policy are likely to be small scale and positive.</p>
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<p>DN3</p>	<p>The existing green infrastructure network in Dore, which is important to landscape quality, visual amenity, recreation and leisure, community use, townscape and areas of natural interest will be protected and enhanced. Development proposals will be supported that contribute to the value of the green infrastructure in the Green Belt adjoining the National Park and between Dore Village and Ecclesall Woods by . . . .</p>	<p>Core Strategy L1 and para 9.15 (valued characteristics)</p> <p>This proposed DN policy relates to land that is outside the NP but where development would impact upon its special qualities and should therefore be considered in the context of Section 62(2) of the Environment Act 1995 which requires the Neighbourhood Plan to have regard to the statutory purposes of the National Park.</p>	<p>Core Strategy policies CS73, CS45, CS46, CS47;</p> <p>The Core Strategy has taken Into consideration the special qualities and statutory purposes of the National Park, as required by Section 62(2) of the Environment Act 1995.</p>	<p>Yes. The HRA for SCC's 'Citywide Options for Growth (2015)' concluded ". . . relevant policies in the Sheffield Plan, including those covering ecology and biodiversity; air quality; and water resources, would be likely to mitigate any negative impacts arising from potential development either in the Green Belt or within the urban area which could otherwise have impacted upon the European sites."</p>	<p>Not likely. This DN policy applies to land that is directly adjacent to South Pennine Moors SAC and Peak District Moors SPA. The DN policy does not propose or allocate land for development, but if and when development is proposed aims to mitigate its effect by retaining and enhancing connectivity for ecosystems. The policy does not apply to Peak District Dales SAC.</p> <p>The 'in combination' effects of this policy are likely to be small scale and positive.</p>
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<p>DN4</p>	<p>In order to protect the landscape character of the countryside around Long Line new single dwellings will be permitted as infill on Long Line in the following locations: Properties Numbered 1-19, 57-63 and 139-175 Long Line.</p>	<p>Core Strategy L1 and para 9.15 (valued characteristics)</p> <p>This proposed DN policy relates to land that is outside the NP but where development would impact upon its special qualities and should therefore be considered in the context of Section 62(2) of the Environment Act 1995 which requires the Neighbourhood Plan to have regard to the statutory purposes of the National Park.</p>	<p>Core Strategy policy CS71</p> <p>The Core Strategy has taken into consideration the special qualities and statutory purposes of the National Park, as required by Section 62(2) of the Environment Act 1995.</p>	<p>Yes. The HRA for SCC's 'Citywide Options for Growth (2015)' concluded "... relevant policies in the Sheffield Plan, including those covering ecology and biodiversity; air quality; and water resources, would be likely to mitigate any negative impacts arising from potential development either in the Green Belt or within the urban area which could otherwise have impacted upon the European sites."</p>	<p>Not likely. This DN policy applies to land that is directly adjacent to South Pennine Moors SAC and Peak District Moors SPA. The DN policy permits a limited amount of 'infill' within existing 'development clusters' along ribbon development that intrudes into open countryside. However any development permitted under this policy would be very small scale. The policy does not apply to Peak District Dales SAC.</p> <p>The 'in combination' effects of this policy are likely to be small scale and positive.</p>
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DN5	New infill housing development in the housing area. Due to environmental and housing area character constraints within Dore Village new dwellings will only be permitted on the existing frontage and not elsewhere in mature gardens . . . .	This proposed DN policy relates to land that is outside the NP but where development would impact upon its special qualities and should therefore be considered in the context of Section 62(2) of the Environment Act 1995 which requires the Neighbourhood Plan to have regard to the statutory purposes of the National Park.	No Core Strategy or UDP policies restricting development in gardens but Core Strategy policies CS22 & CS24 relate to New Housing  The Core Strategy has taken Into consideration the special qualities and statutory purposes of the National Park, as required by Section 62(2) of the Environment Act 1995.	No.	Not likely. The 'housing area' is not close to the relevant SACs/SPA and would only enable a small amount of development.  There are no 'in combination effects'.
DN6	The provision of smaller dwellings suitable for downsizing	Not applicable to PDNP	No Core Strategy policy	No.	Not likely. The DN Policy does not propose development or allocate sites.  There are no 'in combination effects'.
DN7	Local Green Spaces	Not applicable to PDNP	Core Strategy policy CS47;	No.	Not likely. Designation of local green spaces would prevent development.  The 'in combination' effects of this policy are likely to be small scale and positive.
DN8	Retail use in Dore Village Centre	Not applicable to PDNP	Core Strategy policy CS39	No.	Not likely. The retail area is not close to the relevant SACs/SPA and existing retail uses that the DN policy supports do not have a significant affect.  There are no 'in combination effects'.

DN9	Community uses in Dore village centre	Not applicable to PDNP	Core Strategy policy CS39;	No.	Not likely. The village centre is not close to the relevant SACs/SPA and community uses that the DN policy supports do not have a significant affect.  There are no 'in combination effects'.
DN10	Village centre environmental improvements	Not applicable to PDNPA	Strategy policy CS39;	No.	Not likely. The village centre is not close to the relevant SACs/SPA and the environmental enhancement that the DN policy supports would not have a significant affect.  There are no 'in combination effects'.
DN11	Sites of archaeological heritage significance	Core Strategy L3	Core Strategy policy CS74	No.	Not likely. Some sites of archaeological heritage significance are within or close to the relevant SPA/SACs. Strategic policy normally prevents any development of such sites. The DN Policy requesting desk and/or field evaluation of such sites in the situation of such a site being subject to a development proposal would in itself not lead to a significant negative effect on the SACs/SPA.  There are no 'in combination effects'.
DN12	Demolition in Dore Conservation Area	Not applicable to PDNPA	Core Strategy policy CS74	No.	Not likely. Policy only relevant to built environment in Dore Conservation Area.  There are no 'in combination effects'.
DN13	Protection of heritage assets of archaeological significance in Dore Conservation Area	Not applicable to PDNPA	Core Strategy policy CS74	No.	Not likely. Policy only relevant to built environment in Dore Conservation Area.  There are no 'in combination effects'.

DN14	Protection of non-designated heritage assets	Not applicable to PDNPA	No specific Core Strategy policy	No.	<p>Not likely. Some non-designated heritage assets may be within or close to the relevant SPA/SACs. Strategic policy would normally prevent any development within the SPA/SAC. The DN Policy requesting an assessment of the heritage significance of such assets, in the situation of such assets being subject to a development proposal, would in itself not lead to a significant negative effect on the SACs/SPA.</p> <p>The 'in combination' effects of this policy are likely to be small scale and positive.</p>
DN15	Protection of Dore and Totley Station park and ride	<p>Core Strategy T1. This proposed DN policy relates to land that is outside the NP but where development would impact upon its special qualities and should therefore be considered in the context of Section 62(2) of the Environment Act 1995 which requires the Neighbourhood Plan to have regard to the statutory purposes of the National Park.</p>	<p>Core Strategy policy CS53</p> <p>The Core Strategy has taken into consideration the special qualities and statutory purposes of the National Park, as required by Section 62(2) of the Environment Act 1995.</p>	<p>Yes. HRA for PDNPA Core Strategy States "Modelling of air quality has predicted that Nitrogen/acid deposition is likely to have exceeded critical loads at Peak District Dales SAC, South Pennine Moors SAC &amp; Peak District Moors SPA"</p>	<p>Not likely. The DN policy supports and safeguards public transport.</p> <p>The 'in combination' effects of this policy are likely to be small scale and positive.</p>



DN 16	Transport and Parking	Not applicable to PDNPA	Core Strategy policies CS51; CS53	No.	<p>Not likely. The requirement for road safety and sustainable transport routes would not in itself not lead to a significant negative effect on the SACs/SPA.</p> <p>The 'in combination' effects of this policy are likely to be small scale and positive.</p>
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## **4.0 Conclusion of screening process**

4.1 There is likely to be no significant effect, either alone or 'in combination' of the Dore Neighbourhood Plan on the European sites. Therefore an Appropriate Assessment is not required.

### Appendix 3

Email to Statutory consultees

Dear Statutory Consultees

This email to you is regarding the statutory consultation relating to the draft Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Opinions on the Pre-Submission Dore Neighbourhood Plan. These draft screening statements have been prepared by the 2 local planning authorities (Sheffield City Council and Peak District National Park) as the Dore Neighbourhood Area straddles these 2 planning authority areas. We are seeking your opinion on them.

As all the consultees have already been consulted recently on the Pre-Submission version of the Plan, would it be possible please to have your opinions within 3 weeks. The deadline is 20 June 2018.

Please can you respond to this email address. Any queries, feel free to ring me (particularly if you can't make the 3 week deadline). We would like to start discussions after the 3 weeks, if there are any differences in opinion on the screening statements.

We attach:

1. Draft SEA Screening Report and Statement of Reasons – on Pre-Submission Version of Dore Neighbourhood Plan
2. Draft HRA Screening Report – on Pre-Submission Version of Dore Neighbourhood Plan
3. Pre-Submission version of the Dore Neighbourhood Plan
4. Accompanying Policies Map to Pre-Submission version of the Dore Neighbourhood Plan

I have also sent this email to Dore Neighbourhood Forum and Peak District National Park Authority.

Thanks in advance

Sarah Smith  
Area Planner for South West Area and Nether Edge & Sharrow ward  
Forward and Area Planning Team  
Sheffield City Council

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