

Habitat Regulations Assessment

Screening Report

**Prepared in relation to the adoption of the
Affordable Housing Supplementary Planning Document
of Craven District Council
February 2021**

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Prepared for: Craven District Council (and reviewed by RP)

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Notes for readers

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. This report was prepared in November 2020 and updated in December 2020. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. HRA Purpose and Legislative Background

1.1 Purpose of the HRA Screening Report

1.1.1 This screening report has been prepared to determine whether the Affordable Housing Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Habitat Regulations Assessment (HRA) Appropriate Assessment or further assessment.

1.2 Legislative Background

1.2.1 A Habitat Regulation Assessment (HRA) refers to the several distinct stages of assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). In the UK, as of 01 January 2021, these regulations have both been amended so that they continue to operate effectively, in response to the UK completing its exit from the EU after the transition period ended. The changes that are now in force have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The amendments ensure that the strict protections afforded to sites, habitats and species, as derived from the EU Habitats and Wild Birds directives, continue in the UK. There is more information available on these legislation changes at: www.legislation.gov.uk/eu-legislation-and-uk-law.

1.2.2 The assessment stages determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. Hence, these regulations are for all plans and projects which may have likely significant effects on a designated international site or sites, and are not directly connected with or necessary to the management of the designated site.

1.2.3 These designated international sites feature Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. The SAC is defined in the Habitats Directive (92/43/EEC) and it is designated to protect habitats and species listed in Annex I and Annex II of the directive, which are considered to be of European and national importance. The SPA focuses on safeguarding the habitats of migratory birds and particularly certain threatened birds. A Ramsar site is a wetland site designated to be of international importance under the Ramsar convention. As a matter of Government policy, the HRA is also required for candidate SACs, potential SPAs, and proposed Ramsar sites for the purposes of considering plans or programmes which may affect them.

1.2.4 In the Planning Practice Guidance (PPG), paragraphs 65-001 to 65-010 give guidance on the use of Habitat Regulations Assessment. In paragraph 65-002, it states: *“if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site’s conservation objectives, must be undertaken”* and *“a significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site’s conservation objectives.”*

2. Overview of the Affordable Housing SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on the delivery of affordable housing in the Craven Local Plan area and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy H1: Specialist Housing for older people
- Policy H2: Affordable Housing
- Policy SP4: Spatial Strategy and Housing Growth
- Policy ENV3: Good Design
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formally adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Affordable Housing SPD

2.2.1 The NPPF defines affordable housing as social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.

2.2.2 Policy H2 of the Craven Local Plan states that affordable housing will be provided as part of general market housing developments, in ways specified within the policy. Paragraph 6.3 of the local plan (page 178) states that the provision of affordable housing for local needs is an important objective of the plan. The policy ensures that affordable housing, once provided, is occupied by those in affordable housing need in perpetuity (or any subsidy is recycled). The aforementioned paragraph 6.3 indicates that this SPD will be produced to set out in more detail how Policy H2 will operate and be administered.

3. The Screening Process and Conclusions

3.1 Habitat Regulations Assessment Stages

3.1.1 The Habitats Directive sets out various stages of the HRA process, and the relevant plan or programme must be analysed under the relevant stage(s) as deemed suitable based on the likelihood and severity of significant effects. These stages are listed and explained as follows:

- **Stage 1 – Screening:** To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;

- **Stage 2 – Appropriate Assessment:** To determine whether, in view of an international site’s conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- **Stage 3 – Assessment of alternative solutions:** Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and
- **Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain:** In exceptional circumstances (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

3.2 The Craven Local Plan and the HRA

3.2.1 A HRA Appropriate Assessment has been produced for the Craven Local Plan. It is available to view under the ‘Sustainability and habitats’ page of the Craven District Council website (www.cravencdc.gov.uk/planning/planning-policy/evidence-and-monitoring/sustainability-and-habitats). During the early stages of the local plan’s preparation, a Screening Assessment Report was prepared in 2016 to determine the requirement for an Appropriate Assessment. As the draft plan process evolved, the emerging spatial strategy, allocated sites, housing growth options and policies were subject to change in content, and at the time of completion, the screening assessment could not rule out potential significant effects on relevant internationally designated sites. An Appropriate Assessment report was hence deemed suitable to analyse all of the plan’s updated elements, as part of the continued interaction of the Habitats Regulations Assessment process with the evolving local plan.

3.2.2 Under this process, a number of iterations of the Appropriate Assessment were prepared to support each key stage of the local plan’s progression to adoption. The final Appropriate Assessment iteration was published to coincide with the adoption of the local plan in November 2019. It was the conclusion of the HRA that the chosen spatial strategy, housing growth option, policies and allocated sites chosen by the adopted Craven Local Plan would not have any adverse impacts on the designated European sites in terms of their ecological integrity.

3.3 Determination of any significant effects relating to the SPD

3.3.1 The aforementioned HRA process for the adopted Craven local plan assessed whether the plan was likely to have significant effects on international sites that are partially inside the local plan boundary, adjacent to the boundary, or thought important through being potentially affected (e.g. downstream of a water body). A full determination cannot be made until the three statutory consultation bodies have been consulted, in this case these bodies are Natural England, the Environment Agency, and Historic England. The international sites which are relevant for the Craven Local Plan and any associated SPDs include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites, and are listed in alphabetical order as follows:

- Bowland Fells SPA
- Craven Limestone Complex SAC
- Ingleborough Complex SAC

- Leighton Moss SPA and Ramsar site
- Malham Tarn Ramsar site
- Morecambe Bay Pavements SAC and Morecambe Bay SPA
- North Pennine Dales Meadows SAC
- North Pennine Moors SAC and North Pennine Moors SPA
- South Pennine Moors SAC and South Pennine Moors (Phase 2) SPA

3.3.2 The HRA for the local plan took into account both the extent of the housing and economic growth for the plan area. It concluded that the growth planned could be accommodated without causing significant affects either alone or in combination on any of the aforementioned internationally designated sites. The inspector at the local plan's examination (October 2018) concluded that the plan also would not cause any adverse effects on the integrity of these designated sites. As stated in Policy H2, affordable housing will be provided as part of general market housing developments. Hence, the affordable housing element has already been considered as part of the plan's overall allocated housing growth in the appropriate assessment of the local plan.

3.3.3 All adopted Craven Local Plan policies, including those policies listed at section 2.1 above were analysed in the Sustainability Appraisal (SA) and HRA of the local plan and in the plan's examination, where they were judged to be a sound and suitably evidenced based policy fit for its purpose. The policies listed at paragraph 2.1.1, in terms of the type and amount of development they seek and promote, are not deemed to cause any adverse effects on these internationally designated sites.

3.4 Screening outcome

3.4.1 This screening report has assessed the potential effects of the proposed Craven District Council Affordable Housing SPD, with a view to determining whether an Appropriate Assessment (Stage 2) or further stage in the HRA process is required under the Habitats Directive. The Affordable Housing SPD provides further guidance to relevant policies in the Craven Local Plan, therefore it is closely related. Proposals in the SPD, including requirements for development, refer to policies set out in the district's local plan, but do not propose policies themselves. The Affordable Housing SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies. Hence, in line with the HRA of the local plan, the Affordable Housing SPD will not cause any adverse effects alone or in combination on the designated international sites, in terms of their integrity. Therefore it is not necessary to move to the Stage 2 Appropriate Assessment or beyond.

3.5 Consultation with Statutory Bodies

3.5.1 This HRA screening report is subject to consultation with the statutory consultees of Natural England, Environment Agency, and Historic England. Responses from the statutory bodies are presented in Appendix I. As outlined in this appendix, the HRA Screening Report is generally regarded as an indirect rather than direct area of interest for these latter two statutory bodies. Specific comments from these two statutory bodies are hence not expected for this document.

3.5.2 In Natural England's response, there is agreement with the conclusions of the Habitat Regulations Assessment Screening report and they broadly welcome the assessment. They advise that references to EU directives should be amended to reflect the post transition period legislative framework for Habitat Regulations Assessment, related to the UK's departure from the European

Union on 01 January 2021. This document was first prepared in November 2020 before the departure was finalised, and so these amendments have now being included in the previous text. Whilst Natural England welcomes this opportunity to give their views, they have stated that the topic of the Supplementary Planning Document does not appear to relate to their interests to any significant extent. Natural England therefore does not wish to comment.

Appendix I: Response from Statutory Bodies

This document was sent from the Planning Policy team of Craven District Council to the relevant statutory body of Natural England for consultation from Thursday, 07 to Monday, 18 January. The Environment Agency and Historic England also received this document in the same correspondence,

but the HRA Screening Report is generally regarded as an indirect rather than direct area of interest for these latter two statutory bodies. Specific comments from these two statutory bodies are hence not expected for this document.

A response from Natural England was received on Friday, 29 January and the text of which is included below. The original document was prepared in November 2020, before the UK's departure from the European Union on 01 January 2021. Hence in their correspondence, Natural England advised of the amendments to the relevant regulations so that they can continue to operate effectively upon departure from the EU. These changes have been accordingly now reflected within the report.

Natural England provided the following response to Craven District Council on 29 January:

Affordable Housing Supplementary Planning Document (SPD) SEA and HRA Screening

Thank you for your consultation on the above dated 7 January 2021

Natural England is a non-departmental public body. Our 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.

Habitat Regulations Assessment Screening Report

Natural England agrees with the conclusions of the Habitat Regulations Assessment Screening report and broadly welcomes the assessment. However Natural England advises that, as of 01 January 2021, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) have both been amended so that they continue to operate effectively now that the transition period has ended and the UK has completed its exit from the EU.

The changes that are now in force have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The changes ensure the strict protections afforded to sites, habitats and species as derived from the EU Habitats and Wild Birds directives continue. Most of these involve transferring functions from the European Commission to the appropriate authorities in England and Wales.

Defra has now published further information about these changes made to the Habitats Regulations as introduced by these amending regulations. This is now available on gov.uk at:

<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Strategic Environmental Assessment Screening Report

As with the Habitats Regulations Assessment Screening report we advise that references to EU directives should be amended to reflect the post transition period legislative framework for Strategic Environmental Assessment. Notwithstanding this we agree with the conclusions reached.

Draft Affordable Housing SPD

Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then please consult Natural England again.

*Please send all planning consultations electronically to the consultation hub at:
consultations@naturalengland.org.uk.*

Yours sincerely

Merlin Ash

Yorkshire and Northern Lincolnshire Team

Natural England

Appendix II: Acronyms

CDC	Craven District Council
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment

NPPF	National Planning Policy Framework
PP	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document