

Habitat Regulations Assessment

Screening Report

**Prepared in relation to the adoption of the
Good Design Supplementary Planning Document
of Craven District Council
December 2021**

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Completion Date: December 2021

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Note 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 2021. 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 Good Design 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). These undertaken 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.

1.2.2 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.

1.2.3 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 Good Design 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 good design for proposed development 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 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 Good Design SPD

2.2.1 The concept of good design cuts across all adopted local plan policies; hence all new and proposed development should be founded on good design principles. The aim of policy ENV3 is to ensure that development in Craven results in positive change in design terms, which benefits the local economy, environment and quality of life, including health and well-being.

2.2.2 Policy ENV3 and the content of the SPD focuses on the good design subject areas of context, distinctiveness, permeable, sense of place, backcloths and landmarks, public realm, and residential amenity. Discussions about good design are encouraged in this SPD between designers, their clients and Craven District Council.

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.cravencd.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 statutory consultation bodies has been consulted, in this case this body is Natural 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. Good design is intended to be implemented for all development in Craven. Hence, the criteria of Policy ENV3: Good Design and other policies relevant to this SPD have already considered 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 Good Design 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 Good Design 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 Good Design 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 Good Design SPD is not likely to cause any likely significant effects alone or in combination on the designated international sites, in terms of their integrity. Hence, it is not necessary to move to the Stage 2 Appropriate Assessment or beyond.

3.5 Consultation with Statutory Body

3.5.1 This HRA screening report is subject to consultation with the statutory consultee of Natural England. The response from the statutory body is presented in Appendix I.

Appendix I: Response from Statutory Body

The following response from Natural England was received on 30 November 2021. The text related to the HRA Screening Report for this SPD is shown below. The advice regarding some of the wording of Section 3.4.1 has been incorporated into the body of text above.

“Natural England broadly agrees with the conclusions of the Good Design SPD Habitat Regulations Assessment Screening report. Based on the information provided, Natural England advises that the SPD is unlikely to have a likely significant effect on any European site, either alone or in-combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment.

Please note that, as highlighted in our comments on the Rural Workers Dwelling SPD HRA, Section 3.4.1 states “in line with the HRA of the local plan, the Good Design SPD will not cause any adverse effects alone or in combination on the designated international sites, in terms of their integrity.” The purpose of the Screening stage of the HRA process is to determine 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. Therefore, the HRA Screening report should focus on likely significant effects and not draw conclusions about adverse effects on site integrity. We advise that this wording is revised.

Please note that relevant individual planning applications may still be subject to HRA Screening, if they are located in close proximity to European Sites.”

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