



## **Selby District Council – *PLAN* Selby Sites and Policies Local Plan Initial Consultation**

Habitats Regulations Assessment Screening Process

November 2014

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# Sites and Policies Local Plan Initial Consultation



## Habitats Regulations Assessment Screening Process

**Client Name:** Selby District Council  
**Document Reference:** E5072-104-R-2.2.2-JCB  
**Project Number:** E5072

### Quality Assurance – Approval Status

This document has been prepared and checked in accordance with Waterman Group's IMS (BS EN ISO 9001: 2008, BS EN ISO 14001: 2004 and BS OHSAS 18001:2007)

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## 1. Background

This document describes in brief terms how the needs of the Habitats Regulations<sup>1</sup> will be met in the development of Selby District Council's Sites and Policies Local Plan (SAPP), hereafter referred to as *PLAN Selby*.

The Habitats Regulations are a key component of the local planning process that employs the precautionary principle to protect 'European sites' from damaging activities. In practice, this introduces a short series of tests that evaluate whether a (development) plan is '... likely to have a significant effect on a European Site (either alone or in combination with other plans or projects)'. If significant effects cannot be ruled out, the plan may only be adopted once an 'appropriate assessment' has been carried out and 'after having ascertained that the plan will not adversely affect the integrity' of that site. Together, these tests are known as a 'Habitats Regulations Assessment' (HRA).

As *PLAN Selby* is at such an early stage of preparation, there are no policies or Site Allocations to appraise. This report therefore describes how *PLAN Selby* will be appraised as it during the next stage of its preparation.

<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 as amended

## 2. European Designated Sites of Nature Conservation Importance

European Designated Sites are the most important and heavily protected nature conservation sites in England and Europe. They include Special Protection Areas (SPA), classified under the EC Birds Directive 2009<sup>2</sup>, and Special Areas of Conservation (SAC) designated under the EC Habitats Directive 1992<sup>3</sup>. It is Government policy<sup>4</sup> to also include Ramsar sites<sup>5</sup> in this list. Together they form a network comprising over 28000 sites across all 28 member states of the EU that protect the very best of Europe's biodiversity. European sites found within, or close to the Council's boundary are set out in Table 1.

Table 1: European and Ramsar Sites Located Within or in Close Proximity to Selby District

European Site Name	Designation
Lower Derwent Valey	SPA, SAC & Ramsar
River Derwent	SAC
Skipwith Common	SAC
Thorne Moor	SAC
Hatfield Moor	SAC
Thorne & Hatfield Moors	SPA
Humber Estuary	SAC, SPA, Ramsar
Strensall Common	SAC
Kirk Deighton	SAC

Features supported by these sites include wintering and breeding bird populations, migratory fish, saltmarsh, mudflats, heathlands and wetlands. However, it is possible that impacts from policies and allocations in Selby District may affect sites beyond those listed above and so additional sites and features may need to be considered.

<sup>2</sup> EC Council Directive on the Conservation of Wild Birds 2009 (2009/147/EC)

<sup>3</sup> EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 1992 (92/43/EEC)

<sup>4</sup> paragraph 118 of the National Planning Policy Framework of March 2012

<sup>5</sup> The Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, Iran 2/2/71 as amended

### 3. The HRA Screening Assessment Method

The proposed methodology for this assessment is adapted from published guidance and best practice. It utilises advice published by the Countryside Council for Wales<sup>6</sup> and Scottish Natural Heritage<sup>7</sup> as Natural England have not released guidance in England. What follows also draws heavily on independent best practice<sup>8</sup>.

At this stage in Selby's development plan, we are only concerned with the very first step in Habitats Regulation Assessment process, that is, whether *PLAN* Selby is '... likely to have a significant effect on a European Site (either alone or in combination with other plans or projects)'. This process is usually called 'screening'. A 'likely' effect is one that cannot be ruled out on the basis of objective information and so it is the 'likelihood' of an effect rather than the 'certainty'<sup>9</sup>. A 'significant' effect is one that adversely affects the reasons for the designation of the European site.

For a policy or proposal to affect a European site, there has to be a plausible link between the habitats and species for which the site has been designated and the changes that *PLAN* Selby may cause. In terms of the European sites listed in Section 2, it is anticipated that this assessment will have to take account of a range of potential impacts that include but are not restricted to:

- Recreational effects;
- Increased discharge of effluent from wastewater treatment facilities;
- Increased air pollution from facilities and traffic;
- Increased water abstraction for domestic and light industrial needs; and
- Growing urbanisation and impacts from light, noise, litter and pollution.

The Council intends to 'screen' the proposals arising out of the *PLAN* Selby initial consultation exercise to identify which elements fall into the following categories:

- Those parts which would have no effect on a European site at all;
- Those parts which would not be likely to have a significant effect, either alone or in combination with other plans or projects.

Examples of these categories are set out in Table 2.

**Table 2: Examples of Parts of *PLAN* Selby that would be Screened Out of the HRA**

Categories	Explanation
General policy statements and criteria-based policies.	These are policies tend to set out the strategic direction for the Council and describe its expectations in relation to particular proposals. Because they are aspirational they cannot have any effect on a European site.
Projects referred to in, but not proposed by, <i>PLAN</i> Selby.	It is not the responsibility of the District Council to assess the impacts of major projects which it may refer to, but are proposed by other bodies and not the Council. Examples could include major roads; transmission lines; oil and gas pipelines. However, the effects of these projects may need to be considered in any 'in-combination' assessment.

<sup>6</sup> Guidance for Plan Making Authorities in Wales: The Appraisal of Plans under the Habitats Directive at <http://www.ccg.gov.uk/landscape--wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

<sup>7</sup> Habitats Regulations Appraisal of Plans: guide for plan making bodies in Scotland at [http://www.snh.gov.uk/policy-and-guidance/guidance-documents/document/?category\\_code=Guidance&topic\\_id=1472](http://www.snh.gov.uk/policy-and-guidance/guidance-documents/document/?category_code=Guidance&topic_id=1472)

<sup>8</sup> The Habitats Regulations Assessment Handbook. David Tyldesley and Caroline Chapman. Accessed on: 9 September 2014.

<sup>9</sup> Managing Natura 2000 sites, EC, 2000. Section 4.4.2.



Categories	Explanation
Other aspects of <i>PLAN</i> Selby that could have no likely significant effect on a site, alone or in combination with other aspects of the same plan, or with other plans or projects.	These comprise policies/proposals that because of their subject or location etc could not have a likely significant effect on a European site and include policies intended to protect the natural environment; those which don't lead to change and those which lead to change to no conceivable or significant effect.

If the screening test finds that *PLAN* Selby (or any part of it) falls into the above categories and, therefore, avoids, or would not be likely to result in, a significant effect on a European site, either alone or in combination with other plans or projects, then no further scrutiny is required and this part of the plan may proceed as normal.

However, if the risk of significant effects on a European site, either alone or in combination, cannot be ruled out, *PLAN* Selby must be subjected to further scrutiny by means of an appropriate assessment. Should this be required, this will be carried out at a later date and in a separate document. If *PLAN* Selby failed to pass that test then the plan would not be allowed to proceed unless exceptional circumstances prevailed.

Importantly, this screening stage may need to be carried out more than once. It may be necessary to repeat it at any time throughout the plan production period when changes are proposed.

The results of the screening stage and appropriate assessment, if found to be required, will be reported separately and issued for consultation at the appropriate time.

#### **4. Interaction with the Core Strategy and Other Documents**

*PLAN* Selby is one of a suite of documents that will, in time, comprise the Local Plan for Selby District; one key part of which is the existing Core Strategy. This was subject to a HRA prior to its adoption. However, where *PLAN* Selby relies on Core Strategy policies and proposals these issues will be evaluated anew to ensure there have been no changes in circumstances over time. This also applies to any saved policies or proposals from the previous Local Plan because these will not have been subjected to a HRA before.

# UK and Ireland Office Locations

