

Statement on the need for Habitat Regulation Assessment of the Tattenhall Neighbourhood Plan

Introduction

The Tattenhall Neighbourhood Plan has been produced to guide development within the Neighbourhood Plan area of Tattenhall. It does not propose a level of new development beyond that proposed in the emerging Local Plan for the Borough and does not allocate sites. On adoption by Cheshire West and Chester, the Neighbourhood Plan will be a material consideration in determining planning applications, and is intended to inform pre-application discussions.

Cheshire West and Chester Council are required to assess whether plans or projects prepared to guide development within the Borough require a Habitats Regulation Assessment. If one is required the Council has the responsibility to carry it out. In the first instance the Council therefore has to take a view on whether a full stage 1 Habitats Regulation Assessment is or is not required.

This statement sets out the findings of this exercise.

Background

The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

Article 6(3) of the Habitats Directive 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 and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives’.

Screening Criteria Questions

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

No

2. Does the Neighbourhood Plan propose new development or allocate sites for development?

The Plan supports new development in line with the level of development set out in the emerging Plan for the Borough. It does not allocate sites. The emerging Local Plan for the Borough is subject to a HRA assessment. At the Preferred Policy Directions stage the HRA screening report indicated that subject to the proposed changes and investigations at the Publication stage of the Plan preparation the Local Plan will have sufficient policy framework to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.

3. Are there any other projects or plans that together with the Neighbourhood Plan that could impact on the integrity of a European Site?

No

The Tattenhall Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development over and above that in the emerging Local Plan. The emerging Local Plan is being subject to HRA and a HRA of the Neighbourhood Plan is not required as impacts of the levels of development proposed will be assessed at the Local Plan level.

Conclusion

The Tattenhall Neighbourhood Plan does not require a Habitat Regulation Assessment.