

Local Plan for Bolsover District

Habitats Regulations Assessment: Scope and Approach

1. Introduction

1.1 Overview

Bolsover District Council (the Council) is currently preparing a new Local Plan for Bolsover District. The Local Plan will set out the vision, objectives, planning policies and site allocations that will guide development in the District to 2033. Amec Foster Wheeler Environment and Infrastructure UK Ltd (Amec Foster Wheeler) has been commissioned by the Council to undertake a Habitats Regulations Assessment (HRA) of the Local Plan.

This Technical Note has been prepared to support ongoing discussions with Natural England regarding the scope and content of the HRA of the Local Plan.

1.2 The Local Plan for Bolsover District

The new Local Plan for Bolsover District will, once adopted, replace the saved policies of the Bolsover District Local Plan adopted in February 2000. The new Local Plan will be a single document setting out the vision, objectives and spatial strategy for the District and will detail the Council's key planning policies and land allocations. More specifically, the Local Plan will:

- ▶ provide a blueprint to guide development in the District to 2033;
- ▶ contribute to achieving sustainable development;
- ▶ set out strategic policies for the provision of homes, jobs, retail, leisure, infrastructure, social and community facilities, climate change mitigation / adaptation and conservation / enhancement of the natural and historic environment;
- ▶ set out the allocation of sites to promote development and flexible use of land, bringing forward new land where necessary;
- ▶ identify areas or land where limits to development will be required or where development would be inappropriate;
- ▶ set out detailed policies on form, scale, access and quantum of development where appropriate;
- ▶ set out detailed policies providing the criteria against which proposals for development will be determined;
- ▶ carefully consider deliverability and viability when assessing options and policies for the Plan;
- ▶ be accompanied by a policies map to illustrate geographically the policies in the Plan;
- ▶ include a monitoring and implementation framework;

- ▶ have regard to any other issues to meet Government, or other emerging policy areas (for example taking account of progress on the proposed HS2 rail line);
- ▶ be produced through on-going co-operation with neighbouring authorities and other bodies to reflect issues and sites that are wider than District level; and
- ▶ be produced through a consultative process so that the Plan reflects the collective vision of communities in the District.

The Council's Local Development Scheme (LDS) (October 2014) (as amended) sets out the timetable for preparation of the Local Plan in accordance with the requirements for plan production contained in The Town and Country Planning (Local Planning) (England) Regulations 2012. The key plan preparation milestones are detailed in **Table 1.1**.

Table 1.1 Local Plan Preparation Milestones

Stage	Date
Consultation on what the Local Plan should contain (Regulation 18)	October/November 2014
Consultation on Identified Strategic Options	October/November 2015
Consultation on Draft Local Plan	September/October 2016
Consultation on Publication Draft Local Plan (Regulation 19)	June/July 2017
Submission (Regulation 22)	November 2017
Examination in Public (Regulation 24)	March 2018
Adoption (Regulation 26)	September 2018

Adoption of the Local Plan is scheduled to take place in September 2018 and will be preceded by four principal periods of consultation during which the Plan will be developed and refined. The Council is currently consulting on the Local Plan for Bolsover District: Identified Strategic Options (the Strategic Options consultation document) and which identifies a number of strategic options concerning the quantum and distribution of future development in the District as well as potential strategic sites. Consultation on the Strategic Options consultation document is taking place between Friday 30th October and Friday 11th December 2015.

Further information in respect of the preparation of the Local Plan is available via the Council's website: <http://www.bolsover.gov.uk/planning/new-local-plan>.

1.3 Habitats Regulations Assessment

Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitats Regulations') states that if a land-use plan is "*(a) is likely to have a significant effect on a European site¹ or a European offshore marine site² (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*" then the plan-making authority must

¹ Strictly, 'European sites' are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (NPPF para. 118) when considering development proposals that may affect them. "European site" is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites.

² 'European offshore marine sites' are defined by Regulation 15 of *The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007* (as amended); these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

“...make an appropriate assessment of the implications for the site in view of that site’s conservation objectives” before the plan is given effect.

The process by which Regulation 102 is met is known as Habitats Regulations Assessment (HRA)³. An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a plan’s implementation (either on its own or ‘in combination’ with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site’s integrity. The current European Commission (EC) guidance⁴ suggests a four-stage process for HRA as shown in **Box 1**, although not all stages may be necessary.

Box 1 Stages of Habitats Regulations Assessment
<p>Stage 1 – Screening: This stage identifies the likely impacts upon a European site of a project or plan, either alone or ‘in combination’ with other projects or plans, and considers whether these impacts are likely to be significant.</p>
<p>Stage 2 – Appropriate Assessment: Where there are likely significant effects, or effects are uncertain, then ‘appropriate assessment’ is required. This stage considers the impacts of the plan or project on the integrity of the relevant European sites, either alone or ‘in combination’ with other projects or plans, and with respect to the sites’ structure and function and their conservation objectives. Where there are adverse impacts, it also includes an assessment of the potential mitigation for those impacts.</p>
<p>Stage 3 – Assessment of Alternative Solutions: Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European sites.</p>
<p>Stage 4 – Assessment Where No Alternative Solutions Exist and Where Adverse Impacts Remain: This stage assesses compensatory measures where it is deemed that the project or plan should proceed for imperative reasons of overriding public interest (IROPI). The EC guidance does not deal with the assessment of IROPI.</p>

Regulation 102 essentially provides a test that a final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options in the context of local plans). However, as with Sustainability Appraisal (SA), it is accepted best-practice for the HRA of local plans to be run as an iterative *process* alongside their development, with the emerging policies or options continually assessed for their possible effects on European sites and modified or abandoned (as necessary) to ensure that the subsequently adopted plan is not likely to result in significant effects on any European sites, either alone or ‘in combination’ with other plans. This is undertaken in consultation with Natural England and other appropriate consultees. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.

At the ‘screening’ stage, the plan should be considered ‘likely’ to have an effect if the competent authority is unable (on the basis of objective information) to exclude the possibility that it could have significant effects on any European site, either alone or in combination with other plans or projects; an effect will be ‘significant’ if it could undermine the site’s conservation objectives. The ‘screening’ stage or ‘test of significance’ is therefore a relatively low bar: ‘significant effects’ can generally be interpreted as any effects that are not negligible or inconsequential. If a significant effect is likely, or if this is uncertain, then ‘appropriate assessment’ is required; the scale and scope of such an assessment is not defined and will depend on the type of plan and the effects that require assessment.

1.4 Habitats Regulations Assessment and the Local Plan for Bolsover District

There are no European sites within Bolsover District. There are five European sites within 15 km of the District boundary, the closest of which (Birklands and Bilhaugh SAC) is approximately 7 km to the east. The remaining sites are all 10 km or more from the local authority boundary.

³ The term ‘Appropriate Assessment’ has been historically used to describe the process of assessment; however, the process is now more accurately termed ‘Habitats Regulations Assessment’ (HRA), with the term ‘Appropriate Assessment’ limited to the specific stage within the process; see also Box 1.

⁴ *Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC 2002).*

The Local Plan can only directly influence or control development within the local authority area and so 'direct' effects on these European sites will not occur as a result of the Plan. However, it is accepted that local plans can affect European sites beyond their administrative boundaries through a range of mechanisms and that it is appropriate to identify and avoid or mitigate potential effects during the development of the plan. Having said that, distance is a strong determinant of the scale and likelihood of most effects and the scope of any HRA should reflect the likely environmental outcomes of the plan and its 'zone of influence', as well as the interest features of nearby European sites and their potential vulnerabilities⁵. Clearly, the distance between the District and the nearest European sites is such that most of the potential effects typically ascribed to local plans (e.g. increases in visitor pressure) are likely to be weak or effectively absent in this instance.

1.5 This Technical Note

Taking into account the distance between the District and the nearest European sites, it is considered that effects on European sites as a result of the Local Plan (alone or in combination with other plans or projects) are likely to be marginal, and it may be possible to 'screen out' the Local Plan from detailed assessment for these reasons. This Technical Note therefore identifies a preferred approach for screening the Local Plan to ensure that the HRA is proportionate and commensurate with the likely risks of significant effects.

This Technical Note is not a definitive screening report; it provides background information to inform discussions with Natural England regarding the scope and content of the HRA and is intended to assist with the identification of any data gaps or potential mitigation measures that might be employed to avoid effects on European sites.

The remainder of this Technical Note is structured as follows:

- ▶ **Section 2** defines the proposed spatial scope of the HRA and provides information relating to the European sites to be considered as part of the assessment of the Local Plan.
- ▶ **Section 3** identifies the main mechanisms by which the Local Plan could affect European sites within the proposed study area.
- ▶ **Section 4** presents initial screening observations based on the analysis of potential impact pathways in **Section 3**.
- ▶ **Section 5** sets out the next steps in the HRA process.

1.6 Commenting on this Technical Note

The Technical Note is being issued to Natural England as part of the HRA of the Local Plan and includes a series of questions. The Council would welcome Natural England's response to these questions or any other aspect of the HRA of the Local Plan. We would be grateful if Natural England could provide comments by **5pm on Friday 11th December 2015**. Comments should be sent to:

By email: planning.policy@bolsover.gov.uk

By post: Planning Policy Team, Bolsover District Council, The Arc, High Street, Clowne, S43 4JY

It is the Council's intention to discuss the contents of this Technical Note with Natural England both prior to, and following, the receipt of comments.

2. Proposed Scope

2.1 Spatial Scope

It is not usually appropriate to employ 'arbitrary' zones to determine those European sites that should be considered within an HRA. However, as distance is a strong determinant of the scale and likelihood of most

⁵ The vulnerability of an interest feature will depend on its 'sensitivity' and 'exposure' to a potential effect.

effects, the considered use of a suitably precautionary search area as a starting point for screening (based on a thorough understanding of both the plan outcomes and European site interest features) has some important advantages. It allows the systematic identification of European sites using GIS, so minimising the risk of sites or features being overlooked, and also ensures that sites where there are no reasonable impact pathways can be quickly and transparently excluded from any further screening or assessment. It also has the significant advantage of providing a consistent point of reference for consultees following the assessment process, allowing the 'screening' to focus on the potential effects, rather than on explaining why certain sites may or may not have been considered in relation to a particular aspect of the plan.

We propose that the HRA of the Local Plan considers potential effects on all European sites within 15km of the Bolsover District boundary. This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. This area includes the following European sites:

- ▶ Birklands and Bilhaugh SAC;
- ▶ Gang Mine SAC;
- ▶ Peak District Moors (South Pennine Moors Phase 1) SPA;
- ▶ Peak District Dales SAC; and
- ▶ South Pennine Moors SAC.

Additional sites that may be hydrologically linked to the Local Plan's zone of influence will be considered as appropriate, depending on the likely outcomes of the Plan. However, significant impacts as a result of water supply or discharges are not anticipated⁶.

Q1: Is Natural England content that the proposed spatial scope is reasonable for the HRA of the Local Plan?

2.2 European Sites and Features

The European sites and interest features to be considered in the screening are detailed in **Table 2.1** and shown in **Figure 2.1**. It is considered that there will be no effects (as opposed to 'no significant effects') on any other sites due to their distance from the Local Plan area and the absence of reasonable impact pathways.

⁶ With regard to water supply, both Severn Trent Water (STW) and Yorkshire Water (YW) have completed 25 year Water Resources Management Plans (WRMPs) which have been subject to HRAs; these concluded that the preferred water management options will have no significant effect on any European sites. The WRMPs provide the best estimate of future water resource demand, and therefore it is reasonable to assume that the growth predicted within the Local Plan (if in line with STW and YW predictions) can be accommodated without significant effects on any European sites due to Public Water Supply abstractions. With regard to sewerage, the nearest downstream European site are associated with the Humber Estuary, and therefore some distance outside the District.

Figure 2.1 European Sites within the Proposed Study Area

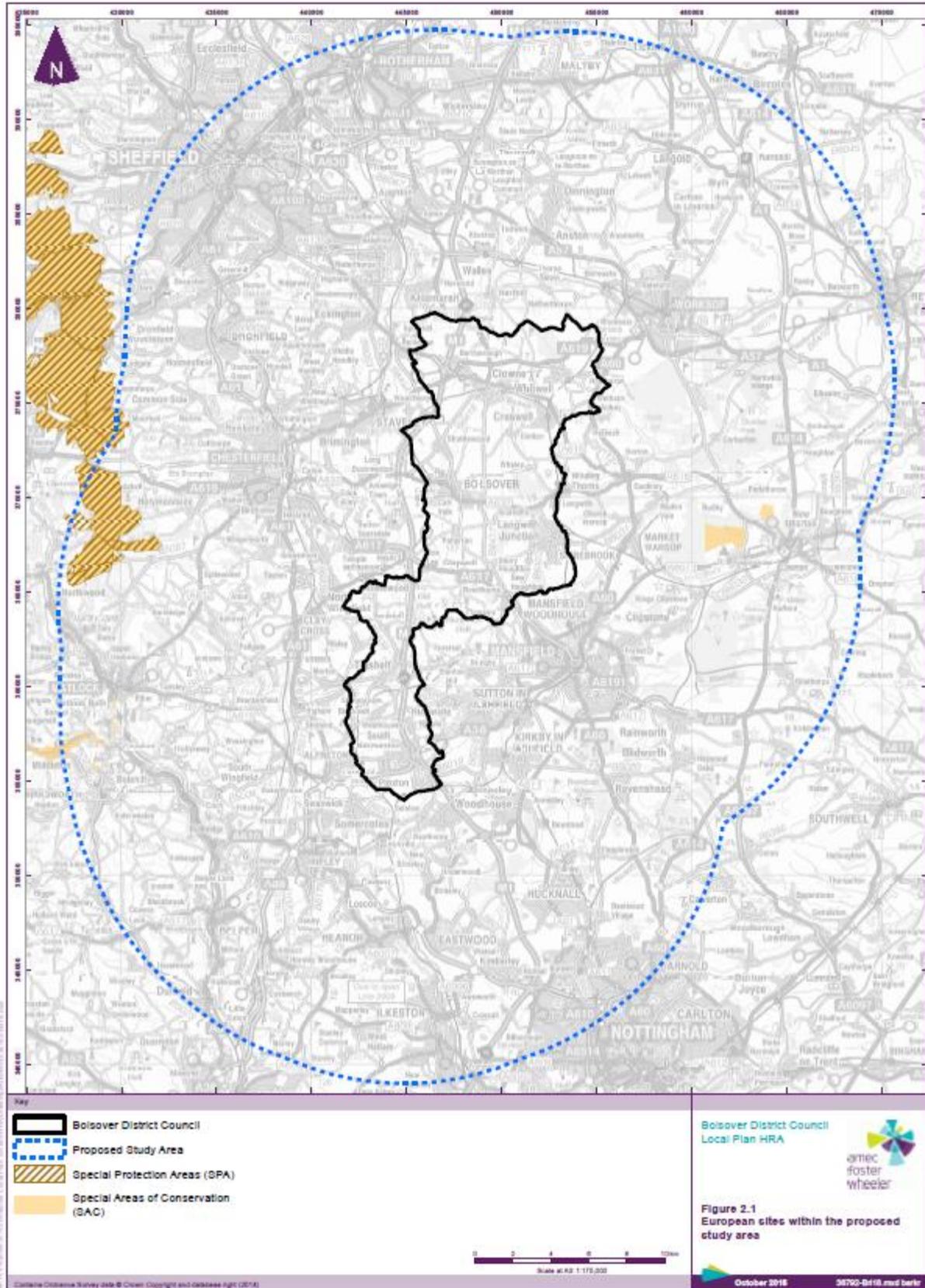


Table 2.2 European Sites within the Proposed Study Area

Site	Location [†]	Interest Features (abbreviated)
Birklands and Bilhaugh SAC	7km E	<u>Annex I Features:</u> Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains
Gang Mine SAC	10km W	<u>Annex I Features:</u> Calaminarian grasslands of the <i>Violetalia calaminariae</i>
Peak District Moors (South Pennine Moors Phase 1) SPA	10km W	<u>Article 4.1 qualification:</u> Short-eared owl <i>Asio flammeus</i> (B); European golden plover <i>Pluvialis apricaria</i> (B); Merlin <i>Falco columbarius</i> (B)
Peak District Dales SAC	12km W	<u>Annex I Features:</u> Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*if important orchid sites); <i>Tilio-Acerion</i> forests of slopes, screes and ravines*; European dry heaths (Q); Calaminarian grasslands of the <i>Violetalia calaminariae</i> (Q); Alkaline fens (Q); Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>) (Q); Calcareous rocky slopes with chasmophytic vegetation (Q). <u>Annexe II Features:</u> White-clawed crayfish <i>Austropotamobius pallipes</i> ; Brook lamprey <i>Lampetra planeri</i> (Q); Bullhead <i>Cottus gobio</i> (Q).
South Pennine Moors SAC	10km W	<u>Annex I Features:</u> European dry heaths; Blanket bogs (* if active bog); Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; Northern Atlantic wet heaths with <i>Erica tetralix</i> (Q); Transition mires and quaking bogs (Q).

Table Notes

† Location relative to the Bolsover District boundary.

* Priority features

Q Species / habitats present as a qualifying feature; all other features are primary reasons for selection of the site.

B Breeding

Annex I / II Habitats or species listed on Annex I or II (respectively) of *Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora* (the 'Habitats Directive')

Article 4.1 / 4.2 Bird species qualifying under Article 4.1 or 4.2 of *Directive 2009/147/EC on the Conservation of Wild Birds* (the 'new Wild Birds Directive')

2.3 In Combination Plans and Programmes

HRA requires that the effects of other projects, plans or programmes be considered for effects on European sites 'in combination' with the Local Plan. There is limited guidance on the precise scope of 'in combination' assessments for local plans, particularly with respect to the levels within the planning hierarchy at which 'in combination' effects should be considered. However, the assessment should not necessarily be limited to plans at the same level in the planning hierarchy and there is consequently a wide range of plans that could have potential 'in combination' effects with the Local Plan. There is also limited guidance on the mitigation that may be appropriate if a European site is already being significantly affected by other plans; this is possible, since some plans will pre-date the requirement for HRA of plans, and therefore cannot be relied on to have no significant effect in their own right.

The plans identified in the SA will provide the basis for the assessment of any 'in combination' effects; these plans will be reviewed to identify any potential effects and these were then considered (as necessary) within the screening or appropriate assessment. The assessment will not include national strategies, national policy or legislation since the Local Plan must be compliant with these.

It should also be noted that the assessment of in combination plans depends, to some extent, on the alone assessment: if the plan will have no effects on a site (as opposed to no significant effects) then it cannot have in combination effects.

3. Initial Review of Impact Pathways

3.1 Typical Impact Pathways

The main mechanisms by which the Local Plan could affect European sites are:

- ▶ through spatial allocations that have indirect effects on European sites; or
- ▶ through policies that direct development (or do not control development) such that significant effects are likely.

The typical environmental aspects associated with strategic plans, and the pathways by which the Local Plan for Bolsover District could potentially affect European sites, are as follows:

- ▶ **Recreational pressure:** Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. Local plans can influence recreational pressure through their allocations and associated controls. Attempts to predict the effects of increased recreation on European sites that may be associated with development or allocations derived from strategic plans generally aim to identify the distance within which a certain percentage of visits originate. Several studies have used site-specific questionnaire surveys to identify visitor catchments and characterise the typical use of a site; these data are then used to identify 'buffer zones' within which new development would be considered likely to have significant effects on a site, unless appropriately mitigated. Natural England, as part of its input to the County Durham Plan, has noted that it adopts a '75% rule' to determine significance, whereby recreational buffers are based on the distance within which 75% of visits are made to the site; analysis of available information from sites across the country suggests this distance is usually less than 6km.
- ▶ **Urbanisation:** Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. This would include varied aspects such as fly-tipping or vandalism, predation by cats, or the dispersal of invasive species, although the effects of these aspects depend on proximity, accessibility and the interest features of the sites. Recreational pressure is arguably one type of effect associated with urbanisation, although it is usually considered separately as it is less closely associated with proximity.
- ▶ **Atmospheric pollution:** The most relevant air pollutants to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO₂, typically from combustion of coal and heavy fuel oils), nitrogen oxides (NO_x, mainly from vehicles) and ammonia (NH₃, typically from agriculture). These pollutants affect habitats and species mainly through acidification and eutrophication. In general, the assessment of effects associated with local plans focuses on local air pollution rather than regional diffuse pollution: there is little guidance on the assessment of diffuse pollution, although Natural England have previously indicated to Runnymede Borough Council that the HRA of its local plan "*can only be concerned with locally emitted and short range locally acting pollutants*" (i.e. emission and deposition within 1 – 2 km or less) as wider diffuse pollution is beyond the control or remit of the authority. This is arguably correct, since trans-boundary air pollution can only be realistically addressed by national legislation or higher-tier plans, policies or strategies.
- ▶ **Water resources and flow regulation:** The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by local plans; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is therefore managed through specific consenting regimes that are independent of local plans.

Increased housing growth (which is likely to be supported by a local plan) increases demand on public water supply abstractions, some of which are associated with European sites; however, the consenting regimes are subject to HRA and, importantly, water companies are required to produce 25 year WRMPs that take into account predicted population growth and protected sites when considering future water resource provision. It is therefore very unlikely that development within one local planning authority area could have direct and consequential effects on a European site if growth is in line with water company predictions, particularly as most water companies operate conjunctive-use systems that do not rely on single-source provision.

- ▶ **Water quality:** Most waterbodies and watercourses are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates. Point sources are usually discrete discharge points, such as wastewater treatment works (WTW) outfalls, which are generally managed through specific consenting regimes that are independent of local plans. In contrast, diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by local plans is likely to increase demand on wastewater treatment works, and potentially increase run-off which could indirectly affect downstream European sites – although there will inevitably be attenuation as distance from the source increases.

3.2 Sensitivities, Pressures and Threats

Analysis of the available data for European sites within the proposed study area and the condition assessments for their component Sites of Special Scientific Interest (SSSIs) indicate that the most common reasons for an ‘unfavourable’ condition assessment of the component SSSI units are inappropriate management of some form (e.g. over- or undergrazing, scrub control, water-level management etc.) or secondary effects from agriculture (e.g. local drainage, run-off, grazing pressure etc.). These are aspects over which the Local Plan will have no or little influence, although it is important to understand the pressures currently experienced (particularly when considering ‘in combination’ effects).

Table 3.1 summarises the principal pressures, threats and sensitivities of the European sites within the study area, based on the Site Improvement Plans, citations, and any Supplementary Advice available from Natural England.

Table 3.1 Principal Pressures, Threats and Sensitivities of European Sites within the Proposed Study Area and Potential Impact Pathways for the Local Plan

Site	Principal Pressures / Threats / Sensitivities	Potential Local Plan Impact Pathways
Birklands and Bilhaugh SAC	<ul style="list-style-type: none"> • Public access / disturbance (site is a popular recreational area). • Land management. • Physical modification (generally associated with current and historic coal mining). • Air pollution (atmospheric nitrogen). • Disease. • Invasive species. 	<p>The site is ~7km from the District, and so visitors from Bolsover are unlikely to make a significant proportion of the visits to the site. Allocations within the Local Plan area are unlikely to substantially alter this, although this aspect may require further review.</p> <p>The Local Plan will have a limited effect with regard to the other threats (etc.) due to the distances and / or absence of impact pathways / influence.</p>
Gang Mine SAC	<ul style="list-style-type: none"> • Air pollution (atmospheric nitrogen). 	<p>The site is 10km to the west of the District, and so atmospheric pollution associated with development supported by the Local Plan would seem unlikely to significantly affect this aspect due to the distance and position relative to the prevailing winds; however, the Plan should seek to minimise air pollution.</p>
Peak District Dales SAC	<ul style="list-style-type: none"> • Inappropriate management (including scrub control; overgrazing; and undergrazing). • Public access / disturbance (including access by vehicles; and flytipping). 	<p>The site is 10km to the west of the District, and so atmospheric pollution associated with development supported by the Local Plan would seem unlikely to significantly affect this aspect due to the distance and position relative to the prevailing winds.</p>

Site	Principal Pressures / Threats / Sensitivities	Potential Local Plan Impact Pathways
	<ul style="list-style-type: none"> • Water pollution (from WTWs). • Agricultural pollution. • River water level management (by weirs, dams etc.). • Air pollution (atmospheric nitrogen). • Disease. • Invasive species. 	<p>The effect of recreational pressure originating in the Bolsover area is uncertain: although unlikely to be significant, the unique attraction of the Peak District is likely to result in a greater visitor catchment than typical for many European sites.</p> <p>The Local Plan area is downstream of these sites, so will not contribute to water quality issues associated with WTWs.</p> <p>The Local Plan will have a limited effect with regard to the other threats (etc.) due to the distances and / or absence of impact pathways / influence.</p>
South Pennine Moors SAC	<ul style="list-style-type: none"> • Management (including hydrological changes (local drainage); burning; inappropriate management; overgrazing; and undergrazing). • Public access / disturbance (including access by vehicles; and arson). • Air pollution (atmospheric nitrogen). • Disease. • Invasive species. 	<p>The site is 10km to the west of the District, and so atmospheric pollution associated with development supported by the Local Plan would seem unlikely to significantly affect this aspect due to the distance and position relative to the prevailing winds.</p> <p>The effect of recreational pressure originating in the Bolsover area is uncertain: although unlikely to be significant, the unique attraction of the Peak District is likely to result in a greater visitor catchment than typical for many European sites.</p> <p>The Local Plan will have a limited effect with regard to the other threats (etc.) due to the distances and / or absence of impact pathways / influence.</p>
Peak District Moors (South Pennine Moors Phase 1) SPA	As for South Pennine Moors SAC	As for South Pennine Moors SAC

Q2: Are there any other threats, pressures or sensitivities that Natural England are concerned about for the European sites identified, and which the Local Plan could significantly influence?

Q3: Is Natural England aware of any other data sets (e.g. visitor data for Birklands and Bilhaugh SAC) or ongoing studies that may be relevant to the HRA of the Local Plan?

Q4: Does Natural England think that any of the European sites could be reasonably ‘screened out’ of further assessment, based on the characteristics and sensitivities of their interest features?

4. Summary and Initial Screening Observations

A brief, initial assessment of the European sites within 15km of the District (including a review of their condition and the current threats and pressures affecting them) has been presented in **Section 3**. Although the Local Plan is in the early stages of development, it is clear that any future effects on these European sites that can be attributed to the Local Plan ‘alone’ are likely to be weak or absent due to the distances involved; the characteristics and features of the sites; and the lack of impact pathways. ‘In combination’ effects with other plans may be possible (e.g. through recreational pressure) but again, the contribution of the Local Plan to these effects is likely to be limited.

We would tentatively suggest, therefore, that whilst the Local Plan as a whole should not be ‘screened out’ at this stage (the HRA as a process will still be important to its development), the likelihood of effects is sufficiently low that a ‘light-touch’ for the HRA of the Local Plan can be reliably adopted. We are not certain that extensive analyses that attempt to quantify effects that are self-evidently marginal or absent would be beneficial to the development of the Local Plan (or commensurate with the likelihood of effects). We would therefore propose that the HRA should focus on the assessment and review of the emerging policies to ensure that they minimise the risk of any effects as far as possible, particularly weak ‘in combination’ effects with other plans and programmes.

Q5: Does Natural England broadly agree with the above initial assessment of the likelihood of effects on European sites as a result of the Local Plan (based on equivalent plans locally, recognising that the detail of the Local Plan is not yet established and will be subject to review)?

Q6: Does Natural England agree that extensive supplementary analyses may not be required for a robust HRA of the Local Plan (based on equivalent plans locally, recognising that the detail of the Local Plan is not yet established and will be subject to review)?

5. Next Steps

The Council would welcome Natural England's response to the questions contained in this Technical Note or any other aspect of the HRA of the Local Plan. We would be grateful if Natural England could provide comments by **5pm on Friday 11th December 2015**. Comments should be sent to:

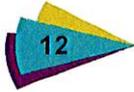
By email: planning.policy@bolsover.gov.uk

By post: Planning Policy Team, Bolsover District Council, The Arc, High Street, Clowne, S43 4JY

It is the Council's intention to discuss the contents of this Technical Note with Natural England both prior to, and following, the receipt of comments.

As noted in **Section 1.2**, the Council is currently consulting on the Local Plan for Bolsover District: Identified Strategic Options consultation document. The responses to the consultation, alongside evidence base work and assessment, will inform the development of a Draft Local Plan, which will contain both emerging Local Plan policies and smaller scale site allocations. Consultation on the Draft Local Plan is due to take place in September/October 2016.

At this stage, it is expected that there will be greater certainty with respect to the scope and content of the Local Plan. In consequence, the Council intends to undertake an initial screening exercise of the Draft Local Plan to inform the ongoing plan preparation process.



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