



HABITATS REGULATIONS ASSESSMENT (SCREENING)

CHAPEL AND HILL CHORLTON, MAER AND ASTON, AND WHITMORE NEIGHBOURHOOD PLAN (DRAFT 1.0 MARCH 2018)

July 2018

HABITATS REGULATIONS ASSESSMENT (SCREENING) FOR THE CHAPEL AND HILL CHORLTON, MAER AND ASTON, AND WHITMORE NEIGHBOURHOOD PLAN (DRAFT 1.0 MARCH 2018)

Contents

1. Introduction	3
2. Information about the Neighbourhood Plan	3
3. Habitats Regulations Assessment Screening	4
4. Legislative background	4
5. European sites in and around the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Area.....	7
6. Screening assessment of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan	8
7. Conclusion	16
8. Consultation.....	16
Appendix 1 European Sites within a 15km radius.....	17
Appendix 2 Consultation responses from Historic England, Natural England and Environment Agency	21
(i) Historic England Response	21
(ii) Natural England Response	23
(iii) Environment Agency response.....	25

1. Introduction

- 1.1 This report will determine whether the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species. A HRA is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. Good practice suggests that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. See Table 2 and Appendix 1 for the list of sites screened as part of this assessment.
- 1.2 The purpose of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is to guide development within the three parishes. It will contain land-use policies with the purpose of guiding the sustainable development of the Neighbourhood Area (NA) and achieve the overall aim of the Plan, which is to protect the rural character of the NA while allowing for appropriate development. The Plan describes the changes which should or should not take place, provides the community's views on these and, where appropriate, identifies policies which any proposed development or change should comply with for the period to 2033. A map of the Neighbourhood Area is shown on Map 1 of the Neighbourhood Plan. This HRA screening report has been undertaken on the Draft 1.0 March 2018 version which was provided by the Qualifying Body for the purposes of this report.
- 1.3 The legislative background set out in the section 4 outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of both the likely significant effects of the implementation of the Plan and the need for a Habitats Regulation Assessment.
- 1.4 A summary of findings and conclusions for the screening process can be found in section 7.

2. Information about the Neighbourhood Plan

- 2.1 The Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan has been produced to guide development within the three parishes. It will contain land-use type policies with the purpose of guiding the sustainable development of the NA and achieve the overall aim of the Plan, which is to protect the rural character of the NA while allowing for appropriate development.
- 2.2 The policies apply to all new development, comprising development on greenfield or brownfield sites, redevelopment of existing developed sites, and extensions of existing buildings. They are organised according to the policy themes identified in the

vision and aims of the Plan (see Neighbourhood Plan, Introduction, section 8). Where there is an element of overlap between policy themes a cross-reference is provided to the theme under which the policy has been placed (see the content list at the top of this chapter).

- 2.3 The Neighbourhood Plan sets out the following vision for the Neighbourhood Plan Area:
- *The Neighbourhood Development Plan will maintain and enhance the rural character of the three parishes and protect and enhance the area's built and natural heritage for the benefit and enjoyment of all who live and work in the Neighbourhood Area, visit it or travel through it, now and in the future.*
 - *It will provide for a range of homes to meet the needs of community members and promote a truly sustainable community and a diversified rural economy.*
 - *Residents and businesses will be encouraged to adopt a variety of renewable energy technologies that do not adversely impact on the landscape.*
 - *The plan will promote health and well-being by providing space and facilities for exercise and other leisure activity.*
- 2.4 If the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is successful at examination, and approved by the local community through a referendum it attains the same legal status as a Local Plan, and at this point comes into force as part of the statutory development plan¹. It will then be used in determining planning applications within the Neighbourhood Plan Area. Prior to referendum it may carry some weight in planning decisions as a material consideration as an emerging plan. Paragraph 216 of the National Planning Policy Framework² sets out the weight that may be given to relevant policies in emerging plans in decision taking. The referendum ensures that the community have the final say in the Neighbourhood Plan coming into force as part of the development plan.

3. Habitats Regulations Assessment Screening

- 3.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Newcastle-under-Lyme Borough Council in respect of the Draft Chapel and Hill Chorlton; Maer and Aston; and Whitmore Neighbourhood Plan Draft 1.0 March 2018.
- 3.2 The aim of this HRA screening report is to assess whether the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan will result in any likely significant effects on any European sites within relative proximity of the Neighbourhood Plan Area.

4. Legislative background

- 4.1 The Natura 2000 network (European sites) consists of sites across Europe designated for their nature conservation importance. These consist of:

¹ <http://www.legislation.gov.uk/ukpga/2004/5/section/38>

² <https://www.gov.uk/guidance/national-planning-policy-framework/annex-1-implementation#para216>

- *Special Areas of Conservation (SACs) and potential SACs (pSACs)* - these are designated under the Habitats Directive to protect those habitat types and species that are considered to be most in need of conservation at a European level (excluding birds).
- *Special Protection Areas (SPAs) and potential SPAs (pSPAs)* - these are designated under the Birds Directive to protect rare and vulnerable birds, and also regularly occurring migratory species.
- *Ramsar sites* - these are wetlands of international importance designated under the Ramsar Convention.

4.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (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 or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public'.

4.3 The Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations 2017") consolidate and update all the various amendments made to the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations 2010"). They also introduce a small number of minor amendments designed to take account of changes to other related legislation, such as amendments to Town and Country Planning legislation. It should be noted that there have been two reviews of the implementation of the Habitats Regulations 2010 which have concluded that they remain fit for purpose. This included a fitness check of the Nature Directives conducted by the EU and in June 2017 the EU launched an Action Plan to address the shortcomings in implementation.³ A further review of the Regulations would be a complex and time consuming exercise which could only be undertaken when resources are available and would be best considered following our exit from the European Union. The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations 2017'), the UK's transposition of the Habitats Directive and Regulation 105, provides:

³ <https://www.gov.uk/government/publications/report-of-the-habitats-and-wild-birds-directives-implementation-review> <https://www.gov.uk/government/publications/progress-of-the-habitats-directive-implementation-review> http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/communication_en.pdf

‘(1) Where a land use plan –

(a) is likely to have a significant effect on a European site or a European offshore marine site (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,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives’.

4.4 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area), (also includes RAMSAR sites) must first undergo an assessment to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European site(s) concerned.

4.5 This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). An ‘appropriate assessment’ is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures. An appropriate assessment looks at the implications of a plan for a European site in view of the site’s conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as the competent authority must ascertain that it would not adversely affect the integrity of the European site(s).

4.6 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and it is therefore necessary to demonstrate that it is not likely to have a significant effect on a European site.

Table 1: Stages of HRA

Stages of Habitats Regulations Assessment
<p>Stage 1- Screening</p> <p>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 determines whether these impacts are likely to be not significant (inconsequential), significant or whether this is uncertain.</p>
<p>Stage 2 - Appropriate Assessment</p> <p>Where there are likely significant effects, or the effects are uncertain, the Plan should be subject to appropriate assessment. This stage considers the impacts of the plan or project on the integrity of the relevant European sites, either alone or in conjunction with other projects or plans, with respect to the sites structures 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</p> <p>Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the order that avoids adverse impacts on the integrity of European sites.</p>
<p>Stage 4 - Assessment Where No Alternative Solutions Exist and where Adverse Impacts Remain</p> <p>This stage assesses compensatory measures where it is deemed that the project or Plan should proceed for imperative reasons of overriding public interest.</p>

5. European sites in and around the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Area

- 5.1 The first step of the screening process is to consider the European sites that could be affected by a plan. In addition to those sites located within the plan area, best practice suggests that sites occurring within 10 -15km of the area directly affected by a plan should be identified and assessed, although in some instances effects could be likely over a greater distance where pathways exist.
- 5.2 There are no European sites within the Neighbourhood Plan area and no likely pathways with sites over a greater distance, acknowledging that the Neighbourhood Plan covers a predominantly rural area and does not allocate sites for development.
- 5.3 The following sites are within 15 km of the neighbourhood plan area boundary:

Table 2: European sites within 15 km of the plan area

Site Name	Distance from plan area	Type
Cop Mere (Midlands Meres and Mosses Phase 2)	c. 6.7 km S	Ramsar
Cracow Moss and Betley Mere (Midlands Meres and Mosses Phase 1)	c.5.3 km N	Ramsar
Black Firs & Cranberry Bog (Midlands Meres and Mosses Phase 2)	c. 7.6 km N	Ramsar
Wybunbury Moss (West Midlands Mosses)	c. 9.1 km NW	Special Area of Conservation (SAC)
Oakhanger Moss (Midlands Meres and Mosses Phase 2)	c. 10.9 km N	Ramsar

5.4 Further details of each of these sites can be found at Appendix 1.

6. Screening assessment of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan

6.1 The screening assessment has had regard to the conservation objectives of the various European sites located within 15km of the plan area. Natural England's Impact Risk Zones for SSSIs which underpin the European site designations have been used to consider whether development proposed in the Neighbourhood Plan is likely to affect a European Site. It is acknowledged that IRZs do not alter or remove the requirements to consult Natural England on other natural environment impacts or other types of development proposal under the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other statutory requirements. This assessment also makes reference to other plans and projects, including the adopted development plan. Key questions relating to the neighbourhood plan are included below and along with the screening assessment, help to establish if an appropriate assessment is required.

Is the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

6.2 The Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is not directly connected with, or necessary to the management of a European site, so screening for the need of a Habitats Regulations Assessment is required.

Are there any European sites within the plan area?

6.3 There are no European sites within the plan area.

Are there any European sites within 15km of the plan area?

6.4 Yes there are 5 sites within 15km of the plan area, 1 designated SAC and 4 designated as Ramsar sites. These sites are listed in Table 2 at paragraph 5.3. See Appendix 1 for more detailed site information.

Does the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan propose new development or allocate sites for development?

6.5 No, the Neighbourhood Plan does not allocate sites for development, but it does propose changes to the village envelope of Baldwins Gate, to take into the settlement boundary, two areas which are contiguous with the existing settlement boundary where reserved matters planning permission has been granted in respect for residential development:

- An area of land at the south-western end of the settlement comprising (i) No. 2 Lakeside Close, (ii) Holmcroft and (iii) land at Watering Close granted reserved matters planning consent in 2015 for 4 dwellings(15/00294/REM); and
- On the north-western side of the settlement, land at Gateway Avenue granted reserved matters planning consent in 2016 for 109 dwellings (16/00676/REM).

Are there any other projects or plans that together with the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?

6.7 Yes, these are listed at paragraphs 6.9 to 6.28.

Policy screening assessment

6.8 The following table reflects the findings of the screening assessment for each of the policies within the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan.

Table 3: Policy Assessment

Policy Number	Description	Likely significant effect identified
NE1	Natural Environment	No impact. The policy seeks to preserve and enhance the local natural environment.
NE2	Sustainable Drainage	No impact. In principle there could be hydrological pathways between the NA and European sites identified in Appendix 1 which could be sensitive to changes in the water environment. However, it is considered that there are no pathways between the NA and the sites identified. The policy seeks to ensure that any development proposals ensure that site drainage infrastructure is adequate or can accommodate additional run-off. However because the site is not allocating any sites for development the NP is unlikely to cause any impact.
COM1	Community Facilities	No impact. The policy requires new development to demonstrate that there would be no significant adverse impact on the natural environment.
COM2	Local Green Space	No impact. The policy is designed to retain existing local green spaces and prevent encroachment.
COM3	Developer Contributions	No impact. Policy is designed to secure contributions from developers.
DC1	Local Heritage	No impact. The policy is designed to conserve non-statutory local historic buildings.
DC2	Sustainable Design	No impact. The policy is designed to ensure that development is of a high standard of design and materials, and respects local character.
DC3	Public Realm and Car	No impact. The policy is intended to

	Parking	ensure high standards of urban design and that appropriate parking standards and strategies are applied in new build development.
DC4	Connectivity and Spaces	No impact. The policy is designed to protect existing footpaths, public rights of way, bridleways, cycle ways, green links and open spaces and where possible make new connections to them.
DC5	Street Lighting and Illuminated Signage	No impact. The policy is designed to minimise such lighting to not disturb dark skies and cause minimal impact on the environment, wildlife and minimise light pollution.
DC6	Housing Standards	No impact. The policy is designed facilitate standards for new housing in relation to bin storage, hard surfacing, cycle storage and electrical car charging points.
DC7	Renewable Energy	No impact. The policy is designed to encourage take-up of renewable energy technologies provided that there is no significant adverse impact on landscape or rural character.
EB1	High-Speed Connectivity and Telecommunications	No impact. The policy seeks to ensure that new development has high-speed internet connectivity and does not impact negatively on the functionality of existing telecommunications infrastructure.
EB2	Commercial and Tourism	No Impact. The policy is designed to support rural tourism.
HG1	New Housing	No impact. The policy is designed to enable new housing development within the village envelope or where it is small-scale infill subject to set sustainability criteria.
HG2	Housing Mix	No impact. The policy is designed to ensure that an appropriate mix of house types to meet local needs and deliver affordable housing is provided.
HG3	Local Play, Sports and Recreational Facilities	No impact. The policy is designed to ensure that play areas are provided of an appropriate scale in accordance with the scale of new housing development is permitted.

In Combination Effects

6.9 Different plans and programmes can interact to produce impacts that are greater than any individual plan alone, so it is necessary to identify other plans which could lead to potentially significant ‘in-combination’ impacts. It is one of the ‘basic conditions’ that a neighbourhood plan has to be in ‘general conformity’ with the strategic policies of the development plan for the area.

6.10 The adopted development plan consists of:

- The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (adopted 2009)⁴
- The ‘saved policies’ of the Newcastle-under-Lyme Local Plan 2011⁵
- The Staffordshire and Stoke-on-Trent Joint Waste Local Plan Strategy 2010-2026⁶

6.11 The Neighbourhood Plan area shares a boundary with the following authorities:

- Shropshire Council
- Stafford Borough Council
- Eccleshall Parish Council
- Standon Parish Council
- Swynnerton Parish Council
- Woore Parish Council
- Keele Parish Council
- Loggerheads Parish Council
- Madeley Parish Council

6.12 The following plans have been reviewed in terms of ‘in-combination’ effects:

- The Plan for Stafford Borough 2011 -2032 (Part 1 adopted 19 June 2014 and Part 2 adopted 31 January 2017)⁷
- The Shropshire Core Strategy⁸ (adopted 24 February 2011) and the Site Allocations and Management of Development Plan⁹ (adopted 17 December 2015)

⁴ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/current-development-plan/newcastle-under-lyme-and-stoke-trent>

⁵ https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/Saved%20Policies%20of%20the%20Newcastle-under-Lyme%20Local%20Plan%20154KB.pdf

⁶ <https://www.staffordshire.gov.uk/environment/planning/policy/thedevelopmentplan/wastelocalplan/Staffordshire-and-Stoke-on-Trent-Joint-Waste-Local-Plan-2010-to-2026-adopted-March-2013.pdf>

⁷ <https://www.staffordbc.gov.uk/lp>

⁸ <https://shropshire.gov.uk/media/8534/core-strategy.pdf>

⁹ <https://shropshire.gov.uk/media/8503/samdev-adopted-plan.pdf>

- Eccleshall Parish Neighbourhood Plan 2011 -2031¹⁰

The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS)

- 6.13 The CSS was adopted in 2009 and provides a broad framework for the development of Newcastle-under-Lyme and Stoke-on-Trent. The plan (which was subject to Habitats Regulations Assessment¹¹) seeks to focus development and investment to the city and town centres, prioritising the use of previously developed land. A number of strategic sub areas are identified, for example Rural Areas, within which the Parishes of Chapel and Hill Chorlton; Maer; and Whitmore are located; and include areas within and beyond the green belt. The settlements of Baldwins Gate and Whitmore are identified as villages where no further growth is planned, and efforts will be made to ensure existing services and activities in these villages are protected.
- 6.14 Policy ASP6: Rural Area Spatial Policy made provision for positive approach to rural enterprise; appropriate design policies; and preserving and enhancing conservation areas.
- 6.15 The boundary for the village envelope for Baldwins Gate village was previously defined in the Newcastle-under-Lyme Local Plan 2011 and carried over into the CSS. This is the only settlement within the Neighbourhood Plan area with a defined village envelope.
- 6.17 The Neighbourhood Plan makes a change to the village envelope of Baldwins Gate. This change reflects inclusion of sites with planning permission for residential development that abut the existing village envelope boundary (planning application references 16/00676/REM (109 dwellings) and 15/00294/REM (4 dwellings)). The Neighbourhood Plan does not seek to allocate housing sites.
- 6.18 The CSS was subject to Habitats Regulations Assessment and it was concluded that there would be no likely significant effects.
- 6.19 It is unlikely that there will be any in-combination effects arising from the CSS and Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan.

The 'saved policies' of the Newcastle-under-Lyme Local Plan 2011.

- 6.20 The Newcastle-under-Lyme Local Plan was adopted in 2003 and a number of its policies were 'saved' beyond 2007 by the Secretary of State for Communities and Local Government. They continue to form part of the Development Plan for the Borough.

¹⁰

<https://www.staffordbc.gov.uk/sites/default/files/cme/DocMan1/Planning%20Policy/Neighbourhood%20Planning/Eccleshall/Eccleshall---Neighbourhood-Plan-for-Referendum-2011---2031.pdf>

¹¹ https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/SpatialStrategy/SUB008%20Appropriate%20Assesment%20Screening%20Report.pdf

- 6.21 The Local Plan sought to focus development to sustainable locations such as the defined village envelopes and to enable the appropriate re-use of rural buildings. It is unlikely that there will be any in-combination effects arising from the Chapel and Hill Chorlton, Maer and Aston, and Whitmore NP and the Newcastle-under-Lyme Local Plan.

The Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026.

- 6.22 The Joint Waste Local Plan does not allocate any sites for the development of new waste facilities within the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan area. It is unlikely that there will be any in-combination effects arising from the Chapel and Hill Chorlton, Maer and Aston, and Whitmore NP and the Staffordshire and Stoke-on-Trent Joint Waste Core Strategy.

Emerging plans: The Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan (JLP)

- 6.23 Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are currently preparing a Joint Local Plan. The Joint Local Plan once adopted, will replace the existing CSS and Newcastle-under-Lyme Local Plan. The Councils' consulted on the Strategic Options Document in the summer of 2017, and the Preferred Options Document in February 2018. Given the early stage of plan production, it is not possible to ascertain whether there will be any future in-combination effects. However, the JLP will also be subject to Habitats Regulations Assessment in due course and this will have to take into account any in-combination effects.

The Plan for Stafford Borough 2011 -2032 (Part 1 adopted 19 June 2014 and Part 2 adopted 31 January 2017)

- 6.24 The plan covers the period 2011-2032 and identifies the level of development proposed within this period. This includes the provision of 10,000 new dwellings and 160 hectares of employment land. A settlement hierarchy is defined and settlement boundaries for Stafford, Stone and Key Service Villages are identified. This includes the village of Eccleshall which is close to the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Area. Both Part 1 and Part 2 plans were subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given the scope and scale of the policies in the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan, it is unlikely that there will be any 'in combination' effects with the Plan for Stafford Borough.

Emerging Plans: Stafford Local Plan Review

- 6.25 Stafford Borough Council initiated its Local Plan Review in July 2017. This review, will in time, replace the adopted Plan for Stafford Borough 2011-2031 (adopted June 2014) and the Plan for Stafford Borough Part 2 (adopted January 2017), setting out the long-term spatial vision and strategy for the Borough. The review is at an early

stage in its production and therefore any in-combination effects are not known, although given that the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is not allocating any sites for development it is unlikely that there would be any in-combination effects with the Stafford Local Plan Review.

The Shropshire Core Strategy (adopted 24 February 2011) and the Site Allocations and Management of Development Plan (adopted 17 December 2015)

- 6.26 The plan covers the period to 2026 and identifies the level of development proposed within this period. This includes the provision of 27,500 homes and 290 hectares of employment land. A settlement hierarchy is defined with Shrewsbury being identified as the county town and sub-regional centre and a number of other towns and key centres being identified together with community hubs and cluster settlements. The Core Strategy and Management of Development Plan were subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given that the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the Shropshire Core Strategy and Management of Development Plan.

Emerging Plans: Shropshire Local Plan Partial Review

- 6.27 Shropshire Council has begun a partial review of the local plan. The review will include consideration of housing requirements, employment land requirements, the distribution of development and a review of green belt boundaries, as part of the consideration of strategic options to deliver new development. The Council recently consulted on the 'Preferred Scale and Distribution of Development' document between 27 October 2017 and 22 December 2017. Given that the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the partial review.

Eccleshall Parish Neighbourhood Plan 2011 -2031

- 6.28 Eccleshall Parish is located to the south of Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan area. Eccleshall village is identified as a Key Service Village in the Plan for Stafford Borough and this is approximately 7 km away from the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Area boundary. The Eccleshall Neighbourhood Plan identifies a settlement boundary for Eccleshall Village. Given that the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the Eccleshall Neighbourhood Plan.

7. Conclusion

- 7.1 As a result of the assessment above, it is considered unlikely that any likely significant effects on European sites would occur from the implementation of the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan. This is because the Neighbourhood Plan does not allocate sites for development and there are no logical pathways between the Neighbourhood Area; and the European or Ramsar Sites identified. If the plan changes, following the Regulation 14 pre submission consultation, it may be necessary to re-screen the plan. However at this stage, the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan does not require a further HRA appropriate assessment to be undertaken.

8 Consultation

- 8.1 The Habitats Regulations require that the appropriate nature conservation body is consulted (Natural England), as well as the Environment Agency. The statutory consultees, Environment Agency, Historic England and Natural England have been consulted. They concur with the opinion of Newcastle-under-Lyme Borough Council of no likely significant effect upon the named European designated sites. Appropriate Assessment is therefore not required; and consequently no significant changes have been made to this screening report. Copies of their responses have been included as Appendix 2.

Appendix 1 European Sites within a 15km radius

European site	Midland Meres and Mosses Phase 2 Ramsar site (Cop Mere)
Distance from NP boundary	6.7km
Site information and Qualifying Ramsar feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Cop Mere comprises a diverse range of habitats from open water to raised bog. It supports a number of rare species of plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i> and, elongated sedge <i>Carex elongata</i>. Also present are the nationally scarce bryophytes <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Also supports an assemblage of invertebrates including several rare species. There are 16 species of British Red Data Book insect listed for this site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p>
Impact Risks	<p>Infrastructure; Minerals, Oil and Gas; Air Pollution; Combustion, Waste/Landfill; Composting; Water supply for industry >1000 m².</p> <p>The NA does not fall within the SSSI Impact Risk Zones.</p>

European site	Midland Meres and Mosses Phase 1 Ramsar site (nearest site Betley Mere)
Distance from NP boundary	5.3 km N
Site information and Qualifying Ramsar feature	<p>Midland Meres & Mosses (Phase 1). Comprises a series of lowland open water and peatland sites set in depressions in glacial drift left by receding ice sheets. The 16 component sites include nutrient-rich water bodies (meres), associated fringing habitats of reed swamps, fen, carr and damp pasture, and floating quaking bog (schwingmoor). The wide range of resulting habitats supports numerous rare species of plants and invertebrates. Human activities include recreation, fishing, livestock grazing, and haymaking.</p> <p>Betley Mere comprises a diverse range of habitats from open water to raised bog.</p> <p>Supports a number of rare species of plants associated with wetlands including five nationally scarce species together with an assemblage of rare wetland invertebrates (three endangered insects and five other British Red Data Book species of invertebrates)</p>
Impact Risks	<p>Infrastructure (airports, helipads, aviation proposals); Combustion processes >50mw, sewage treatment works, incineration, etc.;</p> <p>Discharges of water or liquid waste >20,000 litres per day.</p> <p>The NA falls within SSSI Impact Risk zones, but does not propose development of types that fall within the IRZ categories.</p>
European site	Midland Meres and Mosses Phase 2 Ramsar site (Black Firs & Cranberry Bog).
Distance from NP boundary	7.6 km
Site information and Qualifying Ramsar feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Black Firs and Cranberry Bog comprises a diverse range of habitats from open water to raised bog and sports a number of rare species of plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i> and, elongated sedge <i>Carex elongata</i>. Also present are the nationally scarce bryophytes <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Also supports an assemblage of invertebrates including several rare species. There are 16 species of British Red Data Book insect listed for this site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p>
Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.

European site	West Midlands Mosses SAC (nearest site Wybunbury Moss)
Distance from NP boundary	9.1 km NW
Qualifying feature	Natural dystrophic lakes and ponds (Annex I habitat). Transition mires and quaking bogs (Annex I habitat)
Conservation objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely
Requirements to maintain favourable condition status of site	<p>Dystrophic Pools (Schwingmoor)</p> <p>Maintain present distribution of species representative of community;</p> <p>Maintain present pH range and water levels;</p> <p>Maintain sediment quality and quantity;</p> <p>Filamentous algae should be absent or at very low levels.</p> <p>Basin mire with a quaking surface (Schwingmoor): NVC types M2 and M18</p> <p>Water level and degree of fluctuation capable of sustaining the floating raft composed of NVC type appropriate to longstanding water chemistry and fertility; Maintain raft characteristics, exclude surface and drainage water likely to increase fertility; Stable groundwater, not fluctuating more than 30cm annually; Maintain type and extent of site specific NVC communities; Scrub or woodland limited to margins, or no more than scattered over open NVC communities; Maintain NVC communities: M2 Sphagnum recurvum bog pool community and M18 Erica tetralix-Sphagnum papillosum mire. Scrub not to be more than occasional; Maintain or enhance populations of special or rare plant (and animal) species.</p>
Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.

European site	West Midlands Meres and Mosses Phase 2 Ramsar site (nearest site Oakhanger Moss)
Distance from NP boundary	10.9 km N
Site Information and Qualifying Ramsar feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Oakhanger Moss is one of the shallowest of a cluster of depressions in glacial sands lying to the west of Alsager. It is of greatest importance for the range of mire vegetation communities it supports and the way they, together with the sediment and peat deposit record, so clearly demonstrate the vegetation succession stages from open water to raised bog. The site was known to be a mere at least until the 1600s, sustained by a flow of water from Alsager Mere to the east. Since that time the basin has become completely infilled, firstly with sedge and reedswamp peat, and latterly with peat derived from Sphagnum mosses.</p> <p>The site supports four different mire communities, each of which has a well-developed shrub cover giving the site a wooded appearance. Over much of the site, in the wettest, low-lying areas associated with the few drains which cross the site, there is swamp vegetation dominated by lesser pond-sedge <i>Carex acutiformis</i>, over which willow carr, with goat willow <i>Salix caprea</i>, sallow <i>S. cinerea</i> and downy birch <i>Betula pubescens</i>, has developed. In the south-west, where inundation from the drains has less effect on water level and nutrient supply, sedges give way to purple moor-grass <i>Molinia caerulea</i> with broad buckler-fern <i>Dryopteris dilatata</i> locally, and birch displacing willow from the shrub layer. More diverse are the areas of fen which have developed along the site's eastern edge, where surface water enters the basin, and nutrient levels are at their highest. Here alder <i>Alnus glutinosa</i> and willows dominate above mature greater tussock-sedge <i>Carer paniculata</i>, with cyperus sedge <i>C. pseudocyperus</i>, marsh pennywort <i>Hydrocotyle vulgaris</i>, marsh violet <i>Viola palustris</i>, purple-loosestrife <i>Lythrum salicaria</i> and marsh cinquefoil <i>Potentilla palustris</i>, all uncommon plants in Cheshire. Similarly diverse botanically are the two distinct areas of vegetation dominated by bog moss <i>Sphagnum recurvum</i> in the centre of the site. The moss 'lawns' are noticeably higher than the surrounding communities and at times of high groundwater continue to remain free of its nutrient influence because of the buoyant properties of <i>Sphagnum</i>. This incipient raised bog community includes common cotton-grass <i>Eriophorum angustifolium</i>, cross-leaved heath <i>Erica tetralix</i>, and cranberry <i>Vaccinium oxycoccos</i>. Birch dominates the canopy which is comparatively open in character, and around the edges of the <i>Sphagnum</i> areas, in the transition to more nutrient-rich fen, alder buckthorn <i>Frangula alnus</i> becomes a common shrub with white sedge <i>Carex curta</i> and narrow buckler-fern <i>Dryopteris carthusiana</i> growing amongst the mosses. Drier perimeters of the site support a few pedunculate oaks <i>Quercus robur</i> over a bracken <i>Pteridium aquilinum</i> ground layer. The vegetation communities represented at this site, their development as recorded in the sediments and peats, and the site's comparison with nearby peatlands renders it a particularly important link in the Midlands Meres and Mosses series of glacial wetlands.</p> <p>Adders <i>Vipera berus</i>, a protected species, are found here and at only one other known site in Cheshire.</p>
Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.

Appendix 2 Consultation responses from Historic England, Natural England and Environment Agency

(i) Historic England Response

Ms Janet Belfield
Newcastle-under-Lyme Borough Council
Neighbourhood Planning
Civic Offices, Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Direct Dial: 0121 625 6887

Our ref: PL00408024

1 June 2018

Dear Ms Belfield

CHAPEL AND HILL, CHORLTON, MAER AND ASTON AND WHITMORE NEIGHBOURHOOD PLAN- SEA AND HRA SCREENING

Thank you for your consultation and the invitation to comment on the SEA and HRA Screening Document for the above Neighbourhood Plan.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage.

Our comments are based on the information supplied with the screening request. On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required. Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at: <https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

I trust the above comments will be of help in taking forward the Neighbourhood Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Boland', is positioned above the typed name. The signature is fluid and cursive.

Peter Boland

Historic Places Advisor

peter.boland@HistoricEngland.org.uk

cc:

(ii) Natural England Response

Date: 12 June 2018

Our ref: 246577

Your ref: N/a



Newcastle under Lyme Borough Council

For attention of Janet Belfield

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ
T 0300 060 3900

Dear Janet

Planning consultation: Neighbourhood development plan areas Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Reports for the Chapel and Hill Chorlton; Maer and Aston; and Whitmore Neighbourhood Plan

Thank you for your consultation on the above dated 10 May 2018 which was received by Natural England on the same day. I am sorry for the delay responding.

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.

Strategic Environmental Assessment – Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that no SEA is required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

Habitats Regulations Assessment Screening

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon the named European designated sites:

- Midland Meres and Mosses Phase 2 Ramsar site (Cop Mere).

- Midland Meres and Mosses Phase 1 Ramsar site (nearest site Betley Mere)
- Midland Meres and Mosses Phase 2 Ramsar site (Black Firs & Cranberry Bog).
- Midlands Meres and Mosses Phase 2 Ramsar site (nearest site Oakhanger Moss)
- West Midlands Mosses SAC (nearest site Wybunbury Moss)

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 020 802 60939. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for a Better Environment Team

(iii) Environment Agency response

Ms Janet Belfield
Newcastle Under Lyme Borough Council
Planning Services Department
Civic Offices
Merrial Street
Newcastle
Staffordshire
ST5 2AG

Our ref: UT/2006/000035/SE-04/SC1-L02

Your ref: SEA/HRA Screening

Date: 02 July 2018

Dear Ms Belfield

SEA Screening Request for Chapel and Hill Chorlton; Maer and Aston; and Whitmore Neighbourhood Plan

SEA/HRA Screening Request for Chapel and Hill Chorlton; Maer and Aston; and Whitmore Neighbourhood Plan
Thank you for your email which was received on 11 May 2018. We apologise for the delay in response.

Following on from our previous response ref. UT/2006/000035/SE-04/SC1-L01 dated 06 June 2018, we do not consider there to be any significant environmental impacts as a result of this plan. Therefore, we concur with the conclusions of the Draft Habitats Regulations Assessment (Screening) Report and do not require a further HRA assessment to be undertaken.

Yours sincerely

Ms Anne-Marie McLaughlin
Planning Advisor

Direct dial 020 3025 4111

Direct e-mail anne-marie.mclaughlin@environment-agency.gov.uk

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

End