

# Nuthall Neighbourhood Plan Habitats Regulations Assessment (HRA) Screening Statement

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## Introduction

Article 6(3) of the European Habitats Directive (1992) requires that any plan (or project), which is not directly connected with or necessary to the management of a European site [also known as a “Natura 2000” site], but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an ‘appropriate assessment’ of its implications for the European site in view of the site’s conservation objectives. The plan-making body shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the site concerned, unless in exceptional circumstances the provisions of Article 6(4) are met.

The Habitats Directive was initially incorporated into national law through The Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994 No 2716). These Regulations were amended in 2007 to include a requirement for the relevant body (i.e. East Northamptonshire Council (ENC) and/ or the relevant Town Council(s), Parish Council(s) or Neighbourhood Forums) to undertake a discrete ‘appropriate assessment’ or Habitat Regulations Assessment (HRA). The 2004/ 2007 Regulations were subsequently consolidated into The Conservation of Habitats and Species Regulations 2010 (SI 2010 No 490), as amended.

The adopted Aligned Core Strategy and the emerging Part 2 Local Plan, which set the strategic policy framework for the Neighbourhood Plan, has already been subject to HRA screening. The Screening Assessments have already concluded that the adopted and emerging Local Plan will not have any significant impacts upon any Natura 2000 sites.

## Screening

For the HRA “screening” assessment the Neighbourhood Plan area was checked to see if any Special Protection Areas (SPA), Special Areas of Conservation sites (SAC), or Ramsar sites were located within its area, as well as those considered as potential sites (pSPA, cSAC & pRamsar). The assessment also checked to see if any of these internationally important sites were located within a 15km radius from the Neighbourhood Plan area. In this case the Sherwood Forest area is to be afforded pSPA or SPA status within the scope of Nuthall.

## **Assessment**

This is a voluntary Habitats Regulation Assessment. The contents of the Nuthall Neighbourhood Development Plan does not technically require a Habitats Regulation Assessment (HRA) in accordance with the European Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010.

While the provisions of 'the Habitats Regulations' do not apply in this situation Natural England recommend to adopt a risk based approach, in order to provide decision-making with a degree of future-proofing until there is more certainty on whether Sherwood Forest area is to be afforded pSPA or SPA status. No allocations are considered and therefore the likely impacts on the breeding nightjar and woodlark populations avoid any potential effects as far as possible. Based on evidence from other SPAs, where ground nesting birds are the interest feature, it is considered that 400 metres represents the zone of highest potential impact on the SPA, from new residential development, and represents an area where it is unlikely that the effects resulting from increased recreational pressure and predation by cats could be successfully avoided or mitigated.

## **Conclusion**

Following the undertaking of the Screening Assessment it has been shown that the Neighbourhood Plan in its current form will not have any significant negative effects on any identified European sites. It is considered therefore that a full habitat regulations assessment is not necessary. This determination has been reached by assessing the contents of the Submission Plan against criteria provided in Schedule 1 of the 2004 Regulations and with regard to Regulation 32 of the 2015 Neighbourhood Planning Regulations and the Habitat Regulations.