

## **Neighbourhood Development Order – Biddulph Town Centre**

### **Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)**

#### **Screening Determination Statement**

This determination statement is intended to demonstrate that the Neighbourhood Development Order – Biddulph Town Centre is compatible with certain European Union obligations as required by the basic conditions, namely:

- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment; and
- Article 6(3) and (4) of the EU Habitats Directive and with the Conservation of Habitats and Species Regulations 2010 (as amended).

This statement sets out the reasons for the determination that the draft Neighbourhood Development Order – Biddulph Town Centre is unlikely to lead to significant environmental effects and therefore a Strategic Environmental Assessment is not required.

In addition this statement determines that the making of the Neighbourhood Development Order – Biddulph Town Centre is not likely to have an adverse effect on any European site, both alone and in combination with other plans and projects, and therefore further Habitats Regulations Assessment is not required.

Biddulph Town Council and Staffordshire Moorlands District Council will publish this determination statement in accordance with the regulatory requirements.

## **Statement of Reasons**

This statement has been produced to ensure the Neighbourhood Development Order (NDO) - Biddulph Town Centre will, when examined, comply with the Neighbourhood Planning (General) Regulations 2012 (as amended) in particular Regulation 32 and Regulation 15(1)e(ii) of the Neighbourhood Planning (General) (Amendment) Regulations 2015.

A neighbourhood order is required to meet a number of basic conditions (which are set out in the Town and Country Planning Act 1990), one of which being it must not breach and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood development orders to fully consider the requirements of the SEA regulations which transpose the EU's SEA Directive into law and which requires those making plans or orders that could impact on the environment to consider whether they are likely to have a significant effect or not.

Regulation 32 in the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe two basic conditions in addition to those set out in primary legislation, including that the making of a Neighbourhood Plan or Order does not breach requirements of the Conservation of Habitats and Species Regulations 2017.

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening reports have been prepared by Staffordshire Moorlands District Council (SMDC) for the draft NDO – Biddulph Town Centre.

An initial screening was carried out in June 2019 and the reports sent to the statutory consultees (Historic England; Natural England and Environment Agency) for their opinions. Consultation responses have been received from the three bodies and their conclusions are summarised below. The full responses are reproduced in the consultation section of the screening reports.

### **SEA**

Based on the material provided, SMDC came to the conclusion that the Neighbourhood Development Order – Biddulph Town Centre is not likely to have a significant effect on the environment under the terms of the SEA Directive and would therefore not require an SEA. This view has been based on the following points:

1. The draft Order does not allocate sites for development, it relates to change of use and replacement shopfronts.
2. The draft Order applies within a specified town centre boundary.
3. The absence of any forecast impact from development on sensitive environmental receptors based on the draft requirements of the order.

Consultation responses from the SEA bodies are summarised as follows:

### **Environment Agency**

I have had a look at the Neighbourhood Development Order and we have no comments or issues with the proposals.

## **Historic England**

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.

## **Natural England**

Natural England notes and concurs with the screening outcome of both the Neighbourhood plan and the Neighbourhood Development Order that significant effects on the environment are considered to be unlikely to occur. Therefore no further environmental assessment is required.

## **HRA**

Based on the material provided, SMDC came to the conclusion that that the making of the Neighbourhood Development Order – Biddulph Town Centre is not likely to have an adverse effect on any European site, both alone and in combination with other plans and projects and therefore further Habitats Regulations Assessment is not required. This view has been based on the following points:

1. The emerging Staffordshire Moorlands Local Plan has been subjected to Habitats Regulations Assessment (HRA) as part of plan preparation. The Appropriate Assessment stage of HRA was undertaken and Natural England supported the conclusion that the submission Local Plan will not result in adverse effects, both alone and in combination with growth in neighbouring areas.
2. The draft Neighbourhood Development Order does not allocate sites for development, it supports sustainable development of the town centre.
3. The HRA of the emerging Local Plan provides guidance as to when a development proposal may require project level HRA because of the risk of impact on a European site (2km zone of influence around South Pennine Moors Phase 1 SPA and 500m zone around Peak District Dales SAC). The Biddulph Neighbourhood Plan Area is approximately 10km beyond the zones of influence.

The consultation response from **Natural England** is summarised below:

Natural England welcomes the consideration given to the Habitats Regulations. We are satisfied that the conclusion of the Local Planning Authority (as competent authority) that there are no likely significant effects on European sites is appropriate, and therefore advise that further Habitats Regulations Assessment is not required for both the Neighbourhood Plan and the Neighbourhood Development Order.

**September 2019**