

Stainton and Thornton Neighbourhood Plan.
Habitats Regulations Assessment Screening Report.

Neighbourhood Planning (General) Regulations 2012 (as amended)

February 2021

1. INTRODUCTION.

The European Habitats Directive and Wild Birds Directive provide protection for sites that are of exceptional importance in respect of rare and endangered or vulnerable natural habitats and species. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both types can also be referred to as European sites. The National Planning Policy Framework (NPPF) also states that Ramsar sites should be afforded the same level of protection as European Sites.

The requirement to undertake Habitats Regulation Assessment (HRA) of development plans is set out in the Conservation of Habitats and Species Regulations (2017) (as amended). It is also a requirement of Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012 (as amended). In order to proceed to referendum a Neighbourhood Plan must meet a series of “basic conditions” which include that it does not breach and is otherwise compatible with, EU obligations.

Regulation 105 of the Conservation of Habitats and Species Regulations (2017) states

“Where a land use plan” is

- a) 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,

then 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.

The HRA is therefore undertaken in stages and should conclude whether or not a proposal or policy in the Plan would adversely affect the integrity of any sites.

STAGE 1: Determining whether a plan is likely to have a significant effect on a European site. This needs to take into account of the likely impacts in combination with other relevant plans and policies. The assessment should be made using the precautionary principle. The screening assessment must reflect the outcomes of the 2018 judgement of the Court of Justice of the E U, which has ruled that where mitigation is necessary this must be identified through an Appropriate Assessment.

STAGE 2: Carrying out an Appropriate Assessment and ascertaining the effect on site integrity. The effects of the plan on the conservation objectives of sites should be assessed to ascertain whether the plan has an adverse effect on the integrity of a European site.

STAGE 3: Identifying mitigation measures and alternative solutions. The aim of this stage is to find ways of avoiding or significantly reducing adverse impacts, so that the site integrity is no longer at risk. If there are still likely to be negative impacts, the option should be dropped, unless exceptionally it can be justified by imperative reasons of overriding public interest.

The Stainton and Thornton Neighbourhood Plan Group has prepared their Plan and in accordance with STAGE 1 of the HRA process this screening assessment considers whether there are likely to be significant effects on protected European sites and whether a full Appropriate Assessment will be required.

When the Housing Local Plan was being prepared an Appropriate Assessment was undertaken by the LPA. The Appropriate Assessment(AA) showed that the Council's Housing Local Plan was unlikely to have any significant effects on the nearest Special Areas of Conservation(SAC) and Special Protection Areas(SPA) sites- Teesmouth and Cleveland Coast SPA/Ramsar site and the North Yorks Moors SAC and SPA. Due to changes in legislation it is now considered necessary to carry out a STAGE 1 – HRA screening assessment for the Stainton and Thornton Neighbourhood Plan.

Middlesbrough Borough Council(LPA) are in the process of putting together a new Local Plan, which is likely to require a STAGE 2- Appropriate Assessment, but unfortunately will not be ready in time for this Neighbourhood Plan.

This screening report therefore, only contains the results of STAGE 1 of the HRA process in relation to the Stainton and Thornton Neighbourhood Plan. STAGES 2 and 3 are only required if the screening stage concludes that there is likely to be a significant impact on a European Site.

2. IDENTIFICATION OF RELEVANT EUROPEAN SITES COVERED BY THIS SCREENING REPORT.

The first step of the HRA process is to establish the impact that may arise from the policies and to ascertain over what distance those potential impacts may be identified. The following identification of relevant European sites (see below) has been taken from MBC's 2018 Publication Local Plan HRA commissioned from Baker Consultants.

While the policies set out in the Neighbourhood Plan may be considered to only affect the Borough of Middlesbrough, impacts arising from the policies may give rise to trans-boundary effects that could result in effects upon European sites outside the Borough. In relation to this, Government advice states that "when considering whether the plan option is likely to have a significant effect on a European site, it should be noted that such a site may be located either within or outside the area covered by the plan, Significant effects may be incurred even in cases where the area of the plan is some distance away"

In line with the distance other Tees Valley local authorities have applied in their HRA, the LSE screening has been carried out on all sites within 15km of the boundary of the Borough.

Two types of European site are involved in this screening assessment and are collectively referred to as the "Natura 2000" network of European sites:

Special Protection Areas (SPAs)- designated under the Birds Directive for rare and vulnerable bird species, for regularly occurring migratory bird species and for the protection of wetlands of international importance.

Special Areas for Conservation (SACs)- protected sites under the Habitats Directive that make a significant contribution to conserving habitat types and species (excluding birds) identified in Annexes 1 and 11 of the Directive .

In addition the UK Government's NPPF 2018 requires that listed or proposed RAMSAR sites are given the same level of protection as European sites. Ramsar sites are wetlands of international importance designated under the Ramsar Convention (1971)

Middlesbrough, as of January 2020 contains one internationally designated site- the Teesmouth and Cleveland Coast SPA and Ramsar. The North York Moors SPA and SAC sites, although located outside the Boundary are within 15km of it.

EUROPEAN SITES POTENTIALLY AFFECTED BY THE STAINTON AND THORNTON NEIGHBOURHOOD PLAN.

Teesmouth and Cleveland Coast SPA (UK9006061)

Location: Stockton-on-Tees, Hartlepool, Redcar and Cleveland and Middlesbrough.

Proximity: North-east and as of 2020, partly within the borough.

Primary reason for designation: Red knot *Calidris canutus* (Nonbreeding), Common redshank *Tringa totanus* (Nonbreeding), Sandwich tern *Sterna sandvicensis* (Nonbreeding), Little tern *Sterna albifrons* (Breeding), Pied avocet *Recurvirostra avosetta* (Breeding), Common tern *Sterna hirundo* (Breeding), Ruff *Calidris pugnax* (Nonbreeding) and Water bird assemblage.

Teesmouth and Cleveland Coast RAMSAR(RIS:UK11068)

Location: Stockton-on-Tees, Hartlepool, Redcar and Cleveland and Middlesbrough.

Proximity: North-east. As of January2020, partly within the borough.

Primary reason for designation: Common redshank (Spring/Autumn), Red knot (Winter), Sandwich tern and water assemblage.

North York Moors SAC(UK0030228).

Location: North Yorkshire National Park.

Proximity: South and south-east and approximately 10km at nearest point.

Primary reason for designation: Northern Atlantic wet heaths with crossleaved heath Erica tetralix, Wet heathland with crossleaved heath, European dry heaths and Blanket bogs.

North York Moors SPA(UK9006161)

Location: North Yorkshire Moors National Park.

Proximity: South and south-east and approximately 10km at the nearest point.

Primary reason for designation: Merlin Falco columbarius (Breeding) and European golden plover Pluvialis apricaria (Breeding)

3. The policies in the Stainton and Thornton Neighbourhood Plan are listed below. In addition, an assessment of whether each policy is likely to have a significant effect on the European protected sites.

List of Neighbourhood Plan Policies:

ST1: Green Infrastructure, Green Spaces and Natural Environment.

ST2: Heritage.

ST3: Community Assets.

ST4: Traffic/Parking/Public Transport and Roads.

ST5: Infrastructure and Rights of Way.

ST6: Services/Schools/Shops/Unicorn Centre/Larchfield Community.

ST7: Design Principles.

ST8: New Developments on Green Field Sites.

ST9: Developer Contributions and Planning Obligations.

ST10 Renewable Energy and Energy Efficiency.

4. Other Plans and Project.

The development plan for Middlesbrough comprises of the Housing Local Plan adopted November 2014, Core Strategy adopted February 2008, Regeneration DPD adopted February 2009, Minerals and Waste Core Strategy adopted 2011 and the Middlesbrough Local Plan saved Policies adopted August1999.

However, a new Local Plan for Middlesbrough is currently being prepared, but

until the adoption of the new Local Plan, the above plans and policies remain the adopted development plan for Middlesbrough.

5. Assessment of the likely effects of the Stainton and Thornton Neighbourhood Plan on the European sites.

Stage 1- HRA screening opinion analysis of the potential for impacts of the Stainton and Thornton Neighbourhood Plan on the identified SPA/SAC/RAMSAR sites:

Policy ST1: Green Infrastructure, Green Spaces and Natural Environment.

Development proposals will be expected to contribute towards the protection, enhancement and provision of new green infrastructure spaces and linkages.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST2: Heritage Assets.

The policy seeks to protect and enhance the character of the plan area.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST3: Community Assets.

Development proposals are designed to sustain, retain and enhance community facilities.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST4: Traffic/Parking/Public Transport and Roads.

The policy is designed to set minimum off-road parking standards and improve road infrastructure.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST5: Infrastructure and Rights of Way.

The policy is designed to try and improve roads, footpaths and cycleways in and around the plan/parish area.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST6: Services/Schools/Shops/Unicorn Centre/Larchfield.

The policy is designed to promote the inclusion of services, shops, schools and play facilities on allocated sites in accordance with the adopted Middlesbrough Council Local Plan.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST7: Design Principles.

The plan will seek to provide a choice of high-quality, energy efficient and well designed new homes to meet the existing and future needs of all members of the community.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST8: New Developments on Green Field Sites.

The policy is designed to promote development on a scale in keeping with the rest of the community and to provide, where possible green corridors linking the plan area to existing infrastructure.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST9: Planning Obligations.

The policy seeks to engage with developers at an early stage of any development to ensure that any developer contributions enhance the local area.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

Policy ST10: Renewable Energy and Energy Efficiency.

The policy is designed to promote renewable and energy efficiency systems on housing developments.

Likely Significant Effect: NONE IDENTIFIED, therefore NO appropriate assessment required.

6. Summary and conclusions.

The Stainton and Thornton Neighbourhood Plan will provide policy which will be used for determining planning applications alongside Middlesbrough Borough Council's existing and emerging Local Plan. It includes locally specific criteria based policies to be used for the determination of planning applications within the designated Stainton and Thornton Plan Area.

The Stainton and Thornton Neighbourhood Plan has been prepared to be in general conformity with the relevant policies in Middlesbrough Council's adopted development plan. The above proposed Neighbourhood Plan policies provide locally specific criteria and will not lead to likely significant effects on protected European Sites.