

# **Habitats Regulations Assessment for the Peak District National Park Management Plan 2018-23**

## Introduction

The Peak District National Park Authority is preparing the Peak District National Park Management Plan (NPMP) 2018-23. Under the Conservation of Habitats and Species Regulations 2010<sup>1</sup>, commonly referred to as the Habitats Regulations, any spatial plan that might have a significant effect on one or more European wildlife sites requires an appropriate assessment. There are several European wildlife sites, known and Natura 2000 sites, inside and within close proximity to the Peak District National Park. The NPMP therefore is a plan that has the potential to significantly affect these sites and must be subjected to an appropriate Habitats Regulations Assessment (HRA).

## Relevant Background

The NPMP contains 14 intentions chosen to address 6 areas of impact that have been identified through a series of stakeholder engagement events. These areas of impact relate directly to the purposes of national parks which are to:

- Conserve and enhance natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

In pursuing these purposes the Authority has a duty to 'seek to foster the social and economic well-being of local communities'.

The 6 areas of impact of the NPMP are:

1. Preparing for a future climate
2. Ensuring a future for farming and land management
3. Managing landscape conservation on a big scale
4. A national park for everyone
5. Encouraging enjoyment with understanding
6. Supporting thriving and sustainable communities and economy

Addressing these areas within the context of national park purposes and duty should mean there is little scope for significant adverse effects on Natura 2000 sites, indeed it is anticipated that many of the intentions of the NPMP will have a positive impact. This assessment tests this hypothesis.

## Relationship to the Local Development Framework

Habitat Regulation Assessments have previously been undertaken for the Local Development Framework Parts 1 and 2, known as the Core Strategy and Development Management Policies respectively. Both of these documents inform the development of the NPMP and the results of the HRAs both concluded that the policies and guidance contained within them ensure that there will be no significant adverse effects on Natura 2000 sites.

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 SI No 490 (as amended)

## The Habitats Regulations Approach

This HRA follows the guidance set out in *The Habitats Regulations Assessment Handbook*<sup>2</sup>. Current subscribers to the Handbook include Natural England, Natural Resources Wales and the Planning Inspectorate and the 'Practical Guidance for the Assessment of Plans under the Regulations' contained in Part F is considered to represent best practice as it is accepted by these bodies as appropriate for their own staff to follow.

Under the regulations, HRA is required in respect of both 'plans' and 'projects'. However, it is recognised that the level of detail contained within a 'plan' is often insufficient to enable a comprehensive assessment, unlike a project which often has very detailed information. Therefore a HRA undertaken on a plan requires a different approach to one undertaken on a project.

When undertaking HRA on a plan it is important to ensure that the assessment is undertaken at an 'appropriate' scale. A judge in the UK has noted:

*'Each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more. There does have to be an appropriate assessment at the Core Strategy stage, but such an assessment cannot do more than the level of detail of the strategy at that stage permits.'*<sup>3</sup>

Within the NPMP the greatest level of detail lies within the actions that are aimed at delivering the 14 intentions shown in Table 1. The European Commission in its own guidance on the application of the test<sup>4</sup> accepts that policies in a plan that are no more than general statements or which express the general political will of an authority cannot be likely to have a significant effect on a site.

Table 1: The intentions of the NPMP 2018-23

Intention 1.1	Reduce the effects of climate change on the special qualities
Intention 2.1	Secure funding for future land Management to benefit all
Intention 3.1	Ensure that the Management of upland moors delivers environmental, social & economic benefits
Intention 3.2	Develop a White Peak partnership
Intention 3.3	Maintain existing landscape scale delivery
Intention 4.1	Overcome physical barriers to access
Intention 4.2	Overcome perceived barriers to access
Intention 5.1	Balance opportunities for enjoyment with conserving a fragile environment
Intention 5.2	Ensure shared responsibility
Intention 5.3	Develop an awareness and understanding of the benefits of the Peak District National Park
Intention 6.1	Improve access to services
Intention 6.2	Support the provision of locally needed housing
Intention 6.3	Enable local businesses to thrive by supporting and benefiting from the special qualities of the Peak District National Park

<sup>2</sup> Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd.](#)

<sup>3</sup> Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

<sup>4</sup> European Commission, 2000, *Managing Natura 2000 Sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC* section 4.3.2 at [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf)

### Identification sites for assessment

In line with the HRAs of the previous NPMP, the Core Strategy and the Development Management Policies 9 sites have been identified that have the potential to be affected by the NPMP 2018-23. These are identified in Table 2.

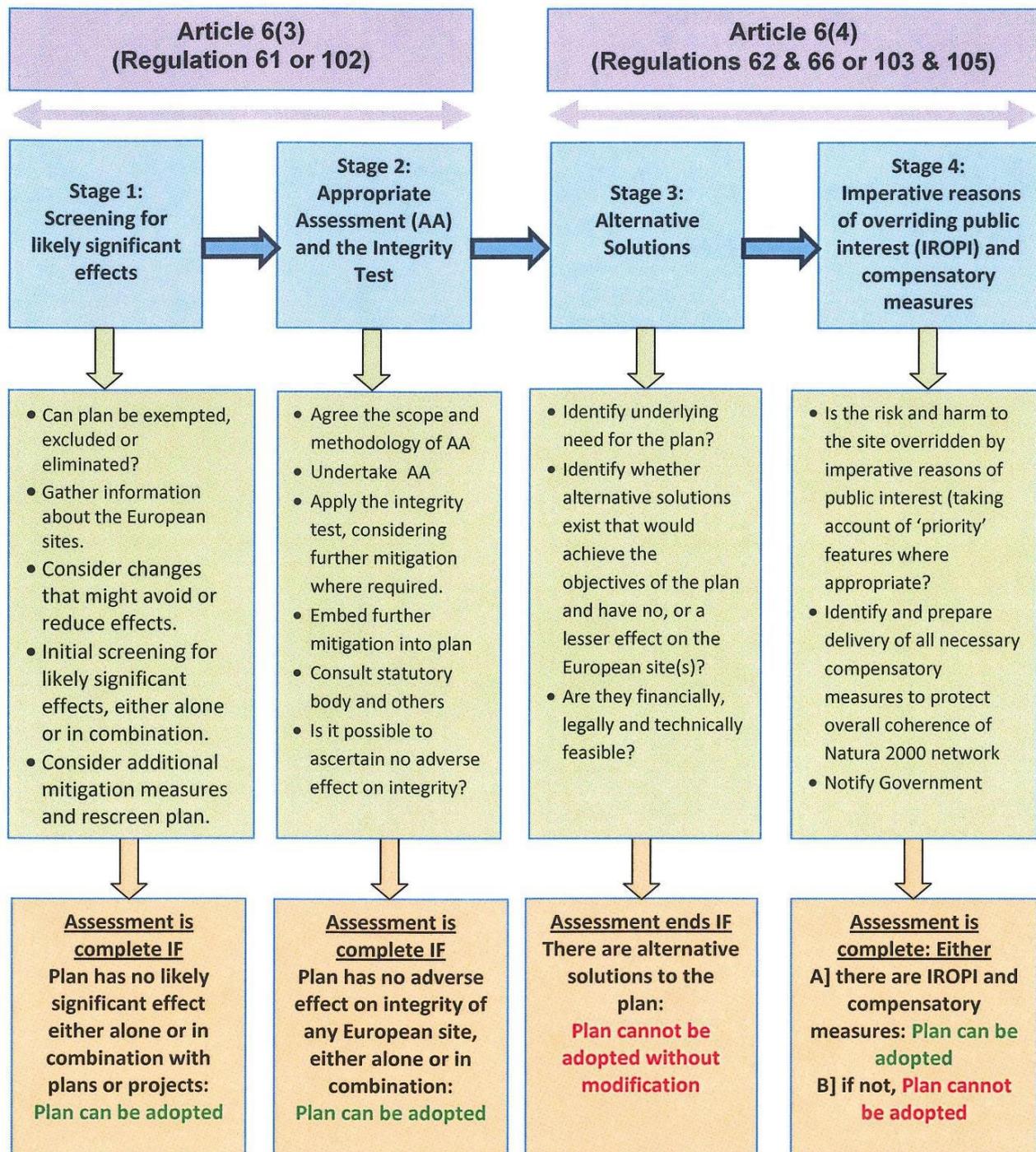
Table 2: European sites potentially affected by the NPMP 2018-23 (reproduction of table 3.2 from the HRA of the Core Strategy)

<b>Natura 2000 Site Name</b>	<b>Site Category</b>	<b>Location</b>
<b>Sites within the Peak District National Park Boundary</b>		
Peak District Dales	SAC	Within
South Pennine Moors	SAC	Largely within
Peak District Moors (South Pennine Moors Phase 1)	SPA	Largely within
<b>Sites outside Peak District National Park Boundary (within 15km)</b>		
Midland Meres & Mosses - Phase 1	Ramsar	Within 15km
Rochdale Canal	SAC	Within 15km
Bees Nest & Green Clay Pits	SAC	Within 15km
Denby Grange Colliery Ponds	SAC	Within 15km
Gang Mine	SAC	Within 15km
South Pennine Moors Phase 2	SPA	Largely within 15km

### Screening for likely significant effects

Figure 1 outlines the four stage approach to the assessment of plans under the Habitats Regulations and is taken from the HRA Handbook. The first stage involves a screening process to determine if any intention alone, or in conjunction with any other plans, policies or projects, has the potential to have an adverse effect on a Natura 2000 site. The process assess the intention against a set of criteria to determine if it should be screened in, i.e. it should be subjected to further appropriate assessment, or screened out, i.e. it can be determined that, from the information available, there is not likely to be an adverse effect on a Natura 2000 site.

Figure 1: Outline of the four stage approach to the assessment of plans under the Habitats Regulations



In accordance with the approach adopted for this assessment a list of ‘screening categories’ have been used to provide a rigorous and transparent approach to the screening process. These categories are taken from Part F of the HRA Handbook<sup>5</sup> and are as follows:

- A. General statement of policy / general aspiration (screened out).
- B. Policy listing general criteria for testing the acceptability / sustainability of proposals (screened out).
- C. Proposal referred to but not proposed by the plan (screened out).
- D. Environmental protection / site safeguarding policy (screened out).
- E. Policies or proposals which steer change in such a way as to protect European sites from adverse effects (screened out).
- F. Policy that cannot lead to development or other change (screened out).
- G. Policy or proposal that could not have any conceivable effect on a site (screened out).
- H. Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out).
- I. Policy or proposal with a likely significant effect on a site alone (screened in)
- J. Policy or proposal with an effect on a site but not likely to be significant alone, so need to check for likely significant effects in combination (screened in).
- K. Policy or proposal not likely to have a significant effect either alone or in combination (screened out after the in combination test).
- L. Policy or proposal likely to have a significant effect in combination (screened in after the in combination test).

The intentions and actions of the NPMP were screened against these categories and a summary of the results are contained in Table 3. A more comprehensive set of conclusions including the rationale for each decision is contained in Appendix 1.

All intentions and actions of the NPMP were screened out for the need for further assessment according to the categories above as summarised in Table 3 below:

Table 3: Summary of screening conclusions

Screening Category	Intentions and associated Actions Screened Out
A	2.1 3.2 3.3
A + B	2.2
A + E	4.1
D	5.3 6.3
D + E	1.1
E	5.1 5.2
G	3.1 6.0
K	4.2 6.1

Taken together, the result is that most of the intentions and actions in the NPMP will contribute positively to Natura 2000 objectives, and where there is potential conflict there are existing mechanisms in place, such as planning policy, to resolve them. This will ensure compliance with Natura 2000 objectives. The detailed rationale behind each screening decision can be found at Appendix 1.

<sup>5</sup> Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd.](#)

## Conclusion

This document comprises a Screening of the Peak District National Park Management Plans proposed actions, as required under the Conservation of Habitats and Species Regulations 2010. Its purpose is to identify whether the proposed intentions of the draft NPMP, alone or in combination with other plans and projects, are likely to have an adverse effect on the integrity of any Natura 2000 Sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites). All proposed actions have been screened out for the need for further assessment. This is mainly due a lack of detail available with many of the actions yet to progress to definitive on the ground action. Other reasons include the fact that the NPMP does not operate in isolation and both the Core Strategy and Development Management Polices contain policies that provide a safeguard for inappropriate development within a national park context.

It is expected that further HRAs will be undertaken once specific project plans are developed and greater detail on the potential impacts on Natura 2000 sites is available.

## Appendix 1: Screening Conclusions

<b>Area of Impact 1: Preparing for a future climate</b>			
<b>Intention</b>	<b>Action</b>	<b>In/Out</b>	<b>Rationale</b>
<b><i>Intention 1.1: Reduce the effects of climate change on the special qualities</i></b>	Undertake a climate change vulnerability assessment on the special qualities of the National Park and produce a mitigation/adaption plan setting out priority actions. Seek resources with partners to implement the priority actions.	<b>OUT</b>	<b>Categories D &amp; E:</b> This intention and action are designed to understand how climate change might affect the special qualities of the Peak District National Park. This in itself will not have any adverse effect on any Natura 2000 site. The resulting mitigation/adaption plan will need to be subjected to a further HRA to ensure any proposed actions will not negatively affect any Natura 2000 site.

**Area of Impact 2: Ensuring a future for farming and land management**

Intention	Action	In/Out	Rationale
<b>Intention 2.1:</b> <b>Secure funding for future land management to benefit all</b>	The Land Managers Forum to work with key private and public sector partners to build on the work of National Parks England "Future of Farming in National Parks" and describe a future support system for the Peak District National Park, which will deliver a full range of public goods, using the White Peak as an example.	<b>OUT</b>	<b>Category A:</b> This intention and action are general statements of aspiration. Once completed the result will be a description of a potential future support system for farmers within the Peak District National Park which in itself cannot have any negative effect on a Natura 2000 site. A further HRA will be required once more detail is known of how any future support system will work including what its stated objectives are.

<b>Intention 2.2:</b> <b>Ensure that the management of upland moors delivers environmental, social &amp; economic benefits</b>	That the proposals from the Moorland Working Group are implemented. These will focus on: <ol style="list-style-type: none"> <li>1. <i>Visitor engagement</i></li> <li>2. <i>Fire risk</i></li> <li>3. <i>Resilient sustainable moorland</i></li> <li>4. <i>Moorland birds</i></li> </ol>	<b>OUT</b>	<b>Category A &amp; B:</b> This intention is general statement of aspiration with not enough detail yet available to ascertain if there would be any negative effect on a Natura 2000 site. However, it is accepted that delivery of social and economic benefits may undermine the potential to deliver environmental benefits as the intention does not give weight to any one particular are. A further HRA will be required once more detail of how this will be achieved is available. The action does not state what the actual proposals are so again there is not enough detail available to undertake a more comprehensive assessment. At this stage though proposal are on the table and are currently going through a testing process beyond the scope of the NPMP to ascertain their sustainability.
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<b>Area of Impact 3: Managing landscape conservation on a big scale</b>			
<b>Intention</b>	<b>Action</b>	<b>In/Out</b>	<b>Rationale</b>
<b><i>Intention 3.1: Establish monitoring at a landscape scale</i></b>	We will have agreed and established a system of monitoring at a landscape scale encompassing landscape, wildlife and cultural heritage.	<b>OUT</b>	<b>Category G:</b> This intention is only about establishing monitoring and this on its own cannot have a negative effect on any Natura 200 site. Once monitoring objectives and methodologies have been agreed a further HRA will be required.
<b><i>Intention 3.2: Develop a White Peak partnership</i></b>	We will have a White Peak Partnership that is delivering agreed priority actions.	<b>OUT</b>	<b>Category A:</b> This is an aspirational intention and as of yet there are no agreed priority actions so it is not possible do conclude if there would be any negative impacts on any Natura 2000 site. Once more detail becomes available a further HRA will be required.
<b><i>Intention 3.3: Maintain existing landscape scale delivery</i></b>	Develop a clear long term vision, plan and have funding in place for the Dark Peak and South Pennines to 2050	<b>OUT</b>	<b>Category A:</b> This is an aspirational intention so it is not possible do conclude if there would be any negative impacts on any Natura 2000 site. Once more detail becomes available a further HRA will be required.
	Develop a clear future plan and funding to develop and continue landscape scale delivery on the South West Peak	<b>OUT</b>	<b>Category A:</b> This is an aspirational intention so it is not possible do conclude if there would be any negative impacts on any Natura 2000 site. Once more detail becomes available a further HRA will be required.

<b>Area of Impact 4: A National Park for everyone</b>			
<b>Intention</b>	<b>Action</b>	<b>In/Out</b>	<b>Rationale</b>
<b><i>Intention 4.1: Overcome physical barriers to access</i></b>	Create a programme to develop a sustainable visitor economy that encourages the Peak District National Park to be a welcoming place for all.	<b>OUT</b>	<b>Categories A &amp; E:</b> This is an aspirational intention with the action, at this stage, only designed to create a "programme to develop" which in itself cannot have any negative impact on any Natura 2000 site. Once the programme has been agreed a further HRA will be required to assess its objectives and actions. Given that the action specifies the creation of a "sustainable" visitor economy of which ensuring the sustainability of protected sites would be a key part it is not expected that there would be any negative effects on Nany Natura 2000 site.

<p><b>Intention 4.2:</b> <b>Overcome perceived barriers to access</b></p>	<p>A consistent message that all partners use that encourages more under-represented groups to visit the National Park. To enable all marketing bodies to target the full potential audience and working with and in the local communities to encourage them to visit.</p>	<p><b>OUT</b></p>	<p><b>Category K:</b> It is accepted that bringing more people into fragile, protected environments has the potential to have adverse effects on wildlife and habitats. However taken in combination with action 4.1 and the associated supporting text within the NPMP, which emphasises that any development should be sustainable, there is enough evidence, at this stage of screening, that this intention and action will not have a negative effect on any Natura 2000 site.</p>
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<p><b>Area of Impact 5: Encouraging enjoyment with understanding</b></p>			
<p><b>Intention</b></p>	<p><b>Action</b></p>	<p><b>In/Out</b></p>	<p><b>Rationale</b></p>
<p><b>Intention 5.1:</b> <b>Balance opportunities for enjoyment with conserving a fragile environment</b></p>	<p>As part of a reviewed brand develop a new <u>Peak District</u> countryside code in partnership that all partners promote and disseminate consistently and coherently</p>	<p><b>OUT</b></p>	<p><b>Category E:</b> This intention and action are designed to “conserve a fragile environment” of which Natura 2000 sites are a part of. They are designed to raise awareness of these environments so people can engage in helping protect them. Once the code is developed a further HRA will be required to confirm that none of the messages being promoted will have a negative effect on any Natura 2000 site.</p>
<p><b>Intention 5.2:</b> <b>Ensure shared responsibility</b></p>	<p>Review and develop current arrangements for events management in the Peak District.</p>	<p><b>OUT</b></p>	<p><b>Category E:</b> Any review of the event management system should ensure that environmental protection is enhanced which would benefit Natura 200 sites.</p>

<p><b>Intention 5.3:</b> <b>Develop an awareness and understanding of the benefits of the Peak District National Park</b></p>	<p>Utilising the valuable work of 'Inspired by the Peak District' and the Peak District Environmental Quality Mark (EQM) consider a revised approach to the promotion of the Peak District brand so we establish a provenance which is coherent and effective at promoting the link between business development, the special qualities and the unique offer of the Peak District National Park.</p>	<p><b>OUT</b></p>	<p><b>Category D:</b> This intention and action are designed to ensure that businesses operating within the Peak District National Park are sustainable and actively conserve and enhance its special qualities, the very features that support and sustain their business.</p>
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<p><b>Area of Impact 6: Supporting thriving and sustainable communities and economy</b></p>			
<p><b>Intention</b></p>	<p><b>Action</b></p>	<p><b>In/Out</b></p>	<p><b>Rationale</b></p>
<p><b>Intention 6.0</b> <b>Supporting thriving and sustainable communities and economy</b></p>	<p>Define what is meant by thriving and sustainable communities, in the context of the National Park Management Plan.</p>	<p><b>OUT</b></p>	<p><b>Category G:</b> Defining what is meant by "thriving and sustainable communities" cannot have a negative effect on a Natura 2000 site.</p>
<p><b>Intention 6.1:</b> <b>Improve access to services</b></p>	<p>Work with providers to improve broadband and mobile connectivity across the National Park in line with the UK's Next Generation Access (NGA) standards.</p>	<p><b>OUT</b></p>	<p><b>Category K:</b> In combination with the Core Strategy and the Development Management Policies, both of which have been subject to a rigorous HRA process, the realisation of this intention and action will not have any negative effect on a Natura 2000 site.</p>

<p><b><i>Intention 6.2: Support the provision of locally needed housing</i></b></p>	<p>Work through the National Park Management Plan Advisory Group Housing Sub-Group to address the local need for appropriate housing in the National Park.</p>	<p><b>OUT</b></p>	<p><b>Category K:</b> In combination with the Core Strategy and the Development Management Policies, both of which have been subject to a rigorous HRA process, the realisation of this intention and action will not have any negative effect on a Natura 2000 site.</p>
<p><b><i>Intention 6.3 Enable local businesses to thrive in a way that is compatible and, wherever possible, enhances the special qualities of the Peak District National Park</i></b></p>	<p>Assist the development of businesses in conjunction with relevant bodies. Linking business support, grant aid, planning and economic development.</p>	<p><b>OUT</b></p>	<p><b>Category D:</b> This intention is designed to ensure the protection of the Peak District National Parks special qualities. If this is achieved then there will be no negative effect on any Natura 2000 site. This action is focussed on connecting business with the various existing development opportunities. This in itself will not have a negative effect on any Natura 2000 site.</p>