

ADVICE TO PEAK DISTRICT NATIONAL PARK AUTHORITY

Shadow Habitats Regulations Assessment
to inform the assessment of the
Development Management Policies (Part
2 of the Local Development Plan for the
Peak District National Park)

STATUS: FINAL UPDATED VERSION

**BY
DTA ECOLOGY**



DTA Ecology

*...continuing the work of
David Tyldesley & Associates*

Rectory Farm
Finchampstead
Wokingham
Berkshire
RG40 4JY

Tel 0118 973 4700

caroline@dt-a.co.uk

🌐 Website: www.dt-a.co.uk

Contents

Contents.....	1
1 Relevant background and introduction	2
1.1 Relevant background	2
1.2 Habitats Regulations of land use plans generally	2
1.3 The HRA approach	4
1.4 Scope of this assessment	8
1.5 The Defra guidance on competent authority co-ordination.....	8
2 Identification of European sites potentially affected	11
2.1 Scanning and site selection.....	11
3 Screening the DMP Document for a likelihood of significant effects	11
3.1 An introduction to screening	11
3.2 Screening the introductory chapter.....	12
3.3 Screening the Development Management Policies.....	13
3.4 The need for assessment in-combination with other plans and projects	14
4 Conclusions	15
4.1 Overall conclusion.....	15
Appendix.....	16

Document Management & Control

This September 2016 version updates that dated 12th February 2016. This update is in response to more substantial changes made to chapter 11 of the document only.

In their role as a competent authority under the Habitats Regulations, the Peak District National Plan Authority have assessed the degree of change across other policies (contained within chapters 1-10) which have been updated since February 2016 and are satisfied that any changes have not altered the intent of policy to the extent that it affects the original HRA conclusions. Any other changes which have been made since February 2016 are not therefore subject to formal review as part of this assessment.

1 Relevant background and introduction

1.1 Relevant background

- 1.1.1 Peak District National Park Authority (PDNPA) is preparing a Development Management Policies (DMP) Document for the Peak District National Park. This document contains a written statement of policies for the positive management and control of development and the use of land; building on the strategic principles set out in the adopted Core Strategy. The purpose of the DMP Document is to provide a policy framework in which high quality development that is in accordance with the Core Strategy should be approved, and proposed development which conflicts should be refused.
- 1.1.2 The DMP Document forms Part 2 of the PDNPA's Local Plan. Policies are applied alongside the adopted Core Strategy and any adopted supplementary planning documents.
- 1.1.3 The DMP Document consists of 11 chapters as follows:
1. Introduction
 2. Development management Practice
 3. Conserving and Enhancing the National Park's Valued Characteristics
 4. Farming and Economy
 5. Recreation and Tourism
 6. Housing
 7. Shops, services and community facilities
 8. Bakewell
 9. Travel and transport
 10. Utilities
 11. Minerals and Waste

1.2 Habitats Regulations of land use plans generally

- 1.2.1 PDNPA is a competent authority under the Conservation of Habitats and Species Regulations 2010¹ (as amended), commonly referred to as the Habitats Regulations. In accordance with Regulation 102 of those regulations, PDNPA has already made an assessment of the implications of their Core Strategy as a matter of law before it was adopted². This assessment is generally referred to as a 'Habitats Regulations Assessment' or 'HRA' and the regulations set out a clearly defined step-wise process which must be followed.
- 1.2.2 Under the regulations, HRA is required in respect of both 'plans' and 'projects'. Where a project is subject to assessment, there is generally sufficient detailed *project specific* information against which to make a comprehensive assessment. A plan based assessment is different; in most cases a plan is a strategic level document setting out broad intentions and often lacking the project specific details which may not be developed until after the plan has been published. Indeed, it is the plan itself which frequently steers the detail of the projects

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

² Peak District Core Strategy Submission Draft Habitats Regulations Assessment prepared for the Peak District National Park Authority by Land Use Consultants August 2010.

which it envisages. As such the HRA of a 'plan' is recognised to require a different approach to that of a 'project'.

- 1.2.3 In the case of the EC v UK³ the European Court of Justice (the ECJ) required the UK Government to secure the assessment of Britain's land use plans under the provisions of the Habitats Directive. In that judgment the Advocate General, and the Court itself, recognised that although they considered Britain's land use plans could potentially have significant effects on European sites, despite the subsequent need for planning permission at 'project' level stage, the assessment of plans had to be tailored to the stage in plan making.
- 1.2.4 The Advocate General's opinion⁴ which informed the judgment of the court acknowledged the difficulties associated with an assessment of a plan. In paragraph 49 of her opinion Advocate General Kokott stated that adverse effects:

'...must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.'

Consistently, in the UK High Court case of Feeney⁵ the judge said:

'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.'

- 1.2.5 In undertaking plan based HRAs, it is therefore important to get the balance right; too severe an approach may be excessive. It is important, even adopting a precautionary approach, not to assign a 'likely significant effect' to policies and proposals that could not, realistically, have such an effect, because of their general nature. It is important to apply the precautionary principle in the 'likely significant effect test' in the Regulations, but the European Commission in its own guidance on the application of the test⁶, accepts that policies in a plan that are no more than general policy statements or which express the general political will of an authority cannot be likely to have a significant effect on a site.
- 1.2.6 To include such policies or general proposals in a formal 'appropriate assessment' is likely to generate a considerable amount of abortive or unnecessary work. It could even lead to the plan failing the 'integrity test'. Not because, in practice, any policy or proposal might adversely affect the integrity of any European site, but because policies have been 'screened in' which generate no more than theoretical risks, or vague or hypothetical effects, and for which no meaningful assessment can be made at this stage, because no particular significant effect on any particular European site can actually be identified. Such an approach is not believed to be in the interests of the plan or the European sites. In the Boggis judgment⁷, the Court of Appeal ruled that there should be "*credible evidence that there was a real,*

³ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

⁴ Opinion of advocate general Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

⁵ 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

⁶ 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

⁷ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

rather than a hypothetical, risk". What the assessment needs to concentrate on are those aspects of the plan that could, realistically, be likely to have a significant effect.

- 1.2.7 Too lenient a view however can be equally problematic. For example, in respect of proposed mitigation measures, the intention to simply rely on a general European 'site protection policy' in the eventual plan would not form a compliant basis for the HRA. Reliance on a general European site safeguard policy as the 'mitigation measure' in the HRA of a plan is insufficient to resolve any tensions or conflicts in the plan between site protection and policies or proposals which could significantly affect European sites. In the EC v UK, the ECJ found that it was the requirement to determine planning applications in accordance with the development plan (unless material considerations indicate otherwise) that made Britain's land use plans capable of significantly affecting European sites. Consequently, policies or proposals which could have a high potential for significant adverse effects on European sites should be removed from the plan, or policy-specific, or proposal-specific, mitigation measures must be introduced to the plan. This is in preference to a general protection policy which merely creates an internal conflict between plan policies, rather than avoiding the potentially significant effects. Any tension in the plan must be resolved in favour of protecting the European sites from harm which may be caused by the effects of the policies or proposals in the plan.
- 1.2.8 As stated in 1.2.1 above, PDNPA has already made an assessment of the implications of their Core Strategy as a matter of law before it was adopted. This DMP Document builds on the strategic principles set out in the Core Strategy as the policies provide the framework within which the Core Strategy will be implemented. The DMP Document is therefore a 'plan' in its own right but is very closely related to the Core Strategy in that it supplements the spatial strategy and core policies with detailed operational policies. The DMP document is subject to HRA as a 'plan' in its own right but the HRA approach should build on the HRA work undertaken to date to avoid duplication of assessment effort (see further 1.5 below).

1.3 The HRA approach

- 1.3.1 This HRA follows the guidance set out in *The Habitats Regulations Assessment Handbook*⁸ (hereafter referred to as 'The HRA Handbook'). 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.
- 1.3.2 The process and method of assessment is summarised in the following three diagrams which are taken from the HRA Handbook. Figure 1.1 illustrates the statutory procedures required by the regulations. Figure 1.2 is an outline of the four stage approach to the HRA of plans. Figure 1.3 illustrates how the HRA process is integrated into the plan making process.

⁸ Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd.](#)

Figure 1.1: Procedures required by regulations 61 and 102 of the Habitats Regulations

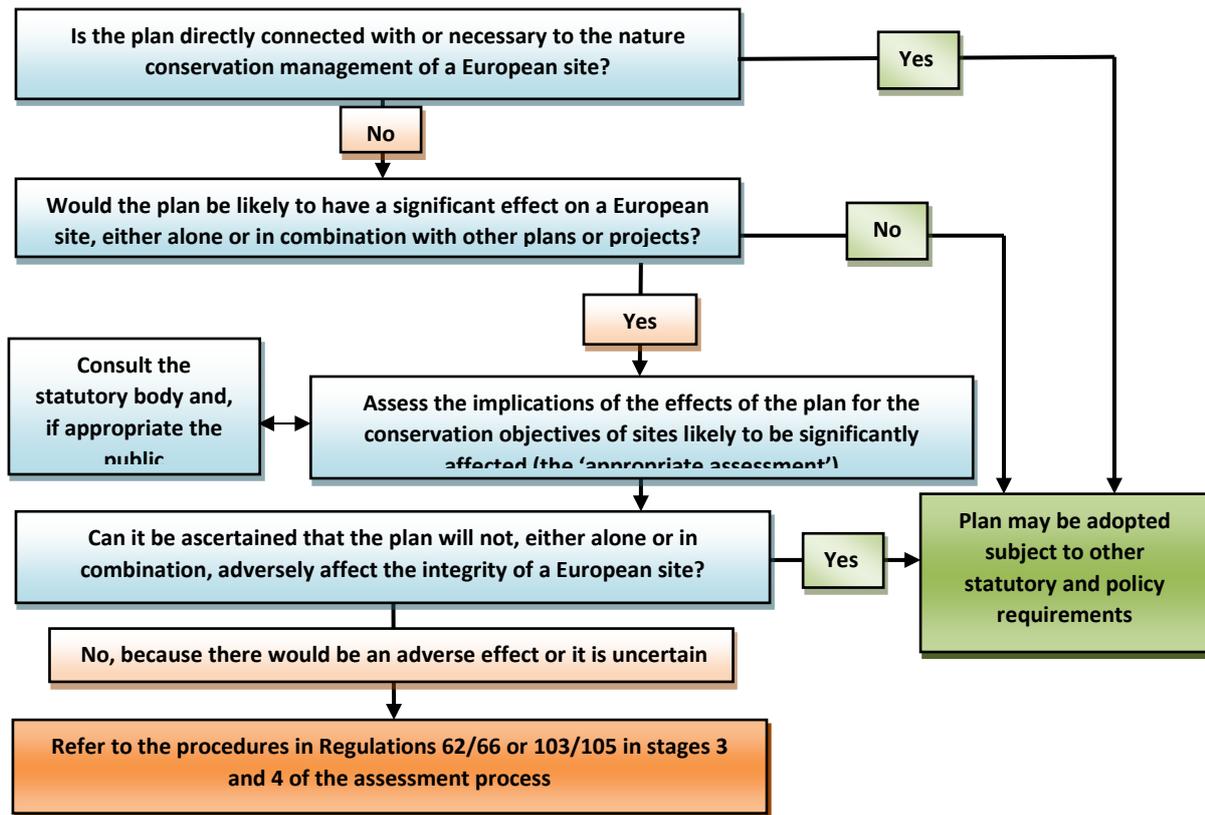


Figure 1.2

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

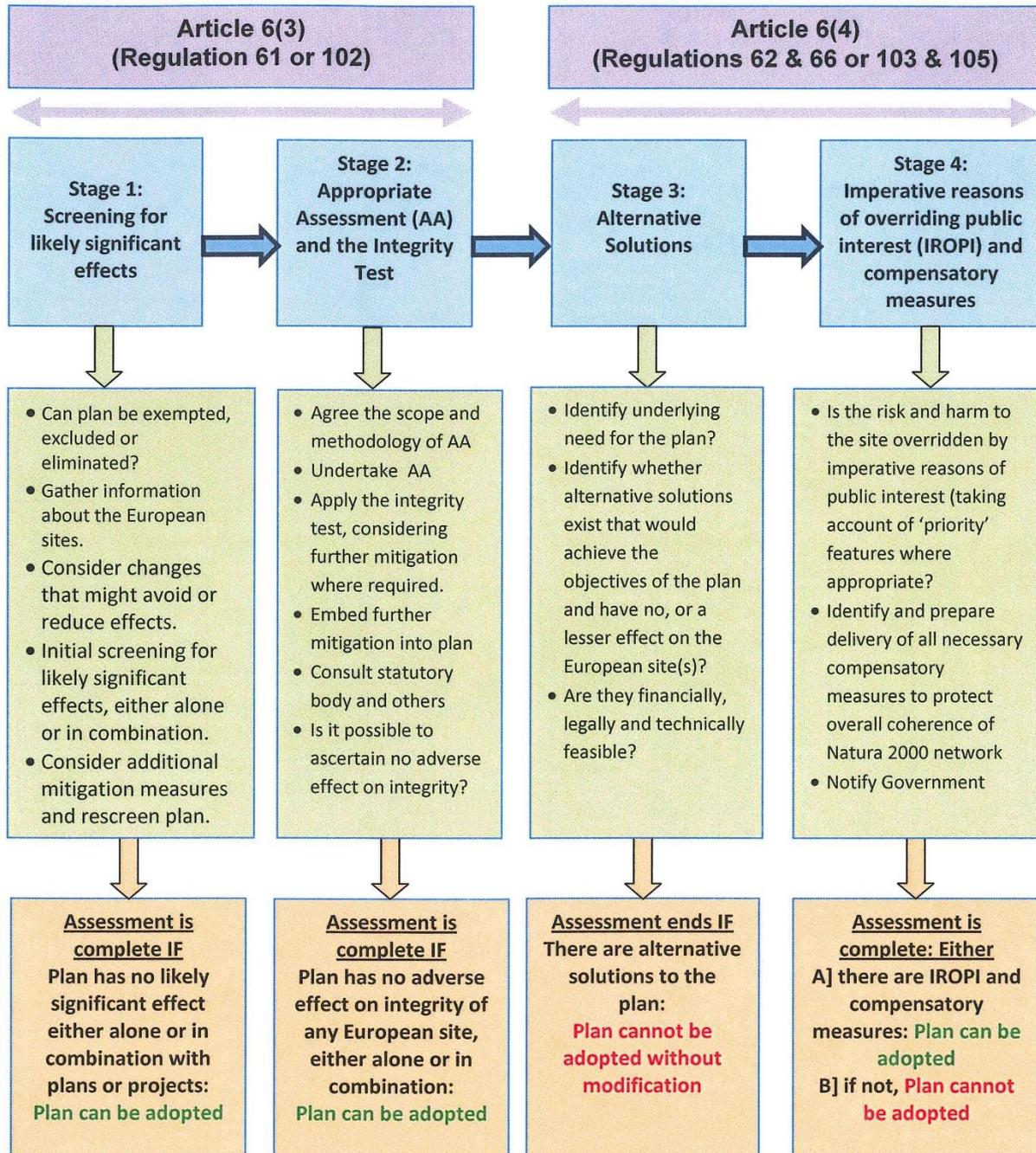
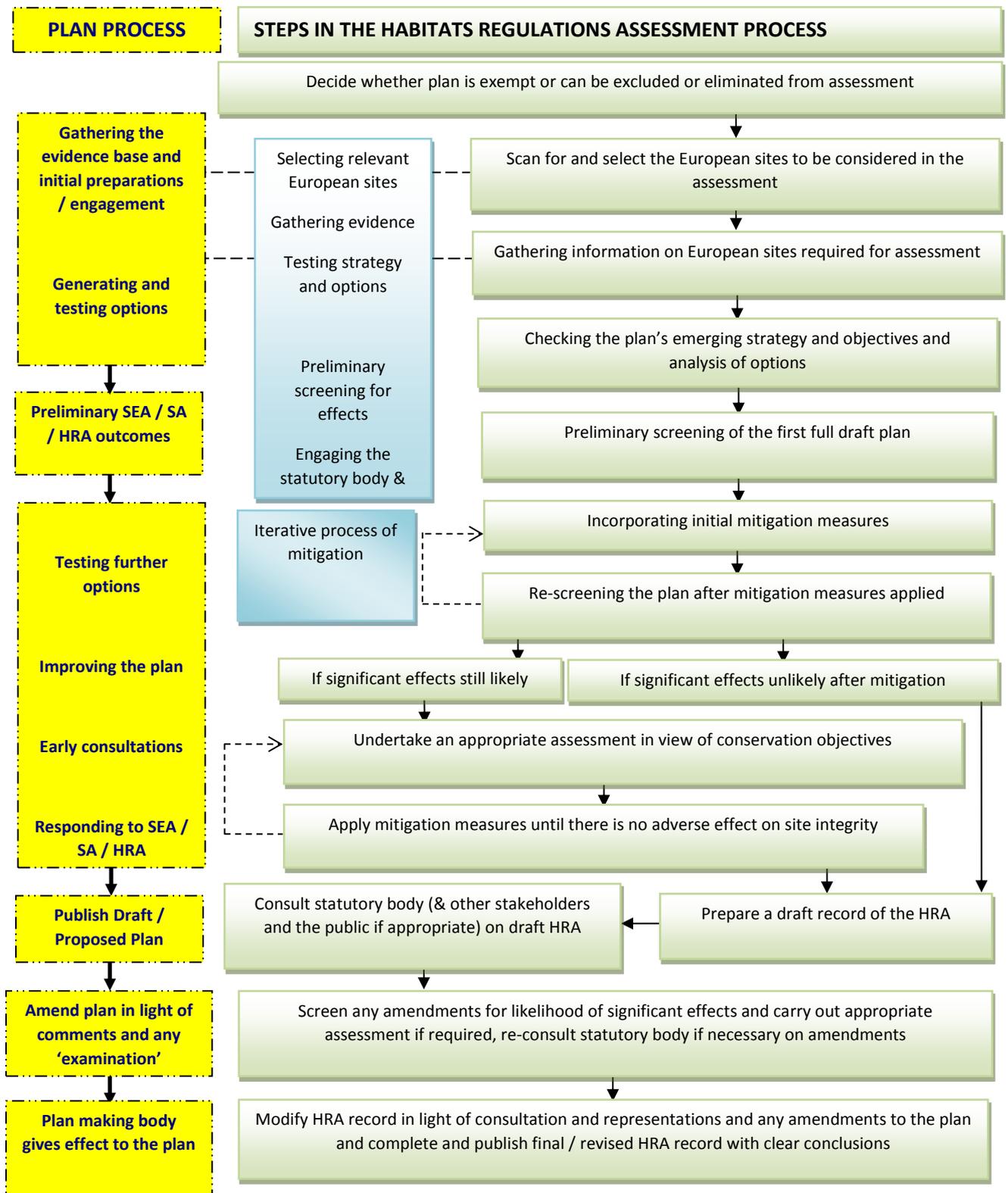


Figure 1.3: Relationship of steps in the Habitats Regulations Assessment with a typical plan making process



1.4 Scope of this assessment

- 1.4.1 This report is a *shadow* Habitats Regulations Assessment as required under regulation 102 of the Habitats Regulations. It is the responsibility of PDNPA as the competent authority to apply the specific legal tests and make the formal decisions which are required to be taken. This report sets out advice to PDNPA as to how a Habitats Regulations Assessment of the DMP Document might be completed. PDNPA, as the competent authority, are then able to adopt the conclusions and findings set out in this report, should they consider it appropriate to do so.

1.5 The Defra guidance on competent authority co-ordination

- 1.5.1 An important, but frequently overlooked, provision within the Habitats Regulations can be found at regulation 65 which reads as follows:

Co-ordination where more than one competent authority involved

65. (1) *This regulation applies where a plan or project—*
- (a) is undertaken by more than one competent authority;*
 - (b) requires the consent, permission or other authorisation of more than one competent authority; or*
 - (c) is undertaken by one or more competent authorities and requires the consent, permission or other authorisation of one or more other competent authorities.*
- (2) *Nothing in regulation 61(1) or 63(2) requires a competent authority to assess any implications of a plan or project which would be more appropriately assessed under that provision by another competent authority.*

- 1.5.2 In light of the significance of this provision for minimising duplication of assessment effort and increasing efficiency, in England Defra issued guidance on regulation 65 under the provisions of 65(3); competent authorities are obliged to have regard to this guidance under the provisions of regulation 65(4).
- 1.5.3 It is recognised that, strictly speaking, the provisions of regulation 65 do not apply as a matter of law to the assessment requirements for this DMP Document, as it does not meet either of the three scenarios in regulation 65(1). However it is generally accepted⁹ that paragraphs 5-7 of the Defra guidance should be applied widely as a matter of good practice. Paragraph 4 of the guidance refers to two situations where competent authorities might ‘co-ordinate’ their assessment requirements. The first scenario is of relevance to the current HRA as it states that ‘*where previous decisions have been taken in relation to the appropriate assessment requirements for a plan or project, competent authorities should adopt the parts of the earlier assessment that are robust and have not become outdated by further information or developments*’.
- 1.5.4 Having introduced the concept of ‘adopting’ earlier decisions in order to ‘*simplify the assessment process and reduce its time and costs for both the applicant and the competent*

⁹ Refer section C.12 of The Habitats Regulations Assessment Handbook

*authorities involved*¹⁰, paragraphs 5-7 then provide specific further guidance on how and when a competent authority might adopt the reasoning or conclusions from an earlier assessment; they read as follows:

5. The Regulations transposing the Habitats Directive enable competent authorities to adopt the reasoning or conclusions of another competent authority as to whether a plan or project is likely to have a significant effect on a European site, or will adversely affect the integrity of a European site. They also provide that a competent authority is not required to assess any implications of a plan or project that would be more appropriately assessed by another competent authority’.

6. Competent authorities should adopt the reasoning, conclusion or assessment of another competent authority in relation to the appropriate assessment requirements for a plan or project, if they can. This can happen when all or part of the appropriate assessment requirements have already been met by another competent authority. It could also happen if one competent authority is completing all or part of the appropriate assessment requirements on behalf of others. Competent authorities remain responsible for ensuring their decisions are consistent with the Habitats Directive, so must be satisfied:

- No additional material information has emerged, such as new environmental evidence or changes or developments to the plan or project, that means the reasoning, conclusion or assessment they are adopting has become out of date*
- The analysis underpinning the reasoning, conclusion or assessment they are adopting is sufficiently rigorous and robust. This condition can be assumed to be met for a plan or project involving the consideration of technical matters if the reasoning, conclusion or assessment was undertaken or made by a competent authority with the necessary technical expertise.*

‘7. Due to these conditions there may be cases where it is not appropriate to adopt the reasoning, conclusions or assessment of another competent authority, or it is only appropriate to adopt some elements of an earlier assessment. In addition, even where the conditions are met, a competent authority may need to undertake additional work to supplement the assessment they have adopted in order to meet the full appropriate assessment requirements.’

1.5.5 The application and implications of the Defra guidance has been considered in detail within Part C12 of the HRA Handbook which refers to a ‘common sense’ approach at C.12.3 and states that:

‘In respect of ‘earlier decisions’ that relate to a separate plan or project, the competent authorities do not need to ‘coordinate’, because only one authority has a decision to take... However, the principles set out in the Defra statutory guidance, about adopting the reasoning and conclusions of another authority may be applicable and should be adopted as good practice. ‘Earlier decisions’ that relate to a separate plan or project could be separated by short, or relatively long, periods of

¹⁰ Refer para 2 of the Defra guidance

time. The point is that the earlier decision is made before the later competent authority embarks on its assessment'

In the context of this assessment it is appropriate for PDNPA to 'adopt' the reasoning, conclusion or assessment of relevant earlier (or 'previous') HRA findings if they can.

Earlier relevant 'plan' assessments

HRA of the adopted Core Strategy

- 1.5.6 The currently adopted Core Strategy was itself subject to HRA¹¹, As a result where this DMP Document simply refers to or reiterates the Core Strategy policies or proposals they are not re-assessed within this record because that would generate unnecessary duplication.

HRA of the earlier DMP 'Issues and Preferred Approaches' Document

- 1.5.7 PDNPA produced an earlier DMP 'Issues and Preferred Approaches' Document in 2012. This document was subject to assessment under the Habitats Regulations¹². This current version builds upon and further develops this earlier version and it would not therefore be appropriate to simply 'adopt' the reasoning conclusion and assessment in its entirety for the purposes of this HRA. With reference to first bullet point at para 6 of the Defra guidance, '*developments to the plan or project*' since 2012 represent '*material information*' which would mean that '*the conclusion or assessment*' from the earlier HRA *has become out of date*.
- 1.5.8 Having said this, there are many elements of the 'reasoning' contained within this earlier assessment, such as the supporting justification as to the selection of European sites which should be subject to assessment which would apply equally to this HRA. Where appropriate therefore, this assessment 'adopts' some of the underlying reasoning from the earlier HRA of the previous 'DMP Document' where.
- No material information has emerged which would render the reasoning 'out of date', and
 - The analysis underpinning the reasoning is sufficiently rigorous and robust

¹¹ Peak District Core Strategy Submission Draft Habitats Regulations Assessment prepared for the Peak District National Park Authority by Land Use Consultants August 2010.

¹² Habitats Regulations Assessment Screening Record of the Peak District National Park Authority's Development Management Policies Development Plan Document – Issues and preferred approaches. September 2012 by David Tyldesley and Associates.

2 Identification of European sites potentially affected

2.1 Scanning and site selection

- 2.1.1 The HRA of the Core Strategy identified the European sites potentially at risk from the implementation of the Core Strategy. It follows that, as the DMP Document is directly concerned with supplementing the spatial strategy and core policies contained within the Core Strategy with detailed operational policies the ‘reasoning’ for the selection of sites potentially affected can be ‘adopted’ for the purpose of this HRA.
- 2.1.2 With reference to Chapter 3 of the Core Strategy HRA, nine sites were initially identified for screening. In summary, the European sites for which effects which are considered to represent a credible risk, and which should therefore be considered as part of the preliminary screening are those listed in table 3.2 of the HRA of the Core Strategy which has been reproduced as table 2.1 below.

Natura 2000 Site Name	Site Category	Location
Sites within the Peak District National Park Boundary		
Peak District Dales	SAC	Within
South Pennine Moors	SAC	Largely within
Peak District Moors (South Pennine Moors Phase 1)	SPA	Largely within
Sites outside Peak District National Park Boundary (within 15km)		
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

Table 2.1: European sites potentially affected by the DMP Document (reproduction of table 3.2 from the HRA of the Core Strategy)

- 2.1.3 Detailed information on the qualifying features for these nine sites can be found within Appendix 1 of the Core Strategy HRA and is not duplicated here.

3 Screening the DMP Document for a likelihood of significant effects

3.1 An introduction to screening

- 3.1.1 Having identified the sites which might potentially be affected by aspects of the DMP Document, the first stage in the HRA process is commonly referred to as the ‘screening’ stage.
- 3.1.2 ‘Screening’ is not a term used in the Directive or Regulations but is widely used for convenience to describe the first step of the HRA process. The purpose of the screening stage is to consider each aspect of the plan and identify whether it is:

- a) Exempt from the need for assessment (where a plan is directly connected with or necessary for the management of the European site concerned)
- b) Excluded from the need for assessment (where a document under consideration is not a 'plan' within the context of the Habitats Regulations)
- c) Eliminated from the need for assessment (where it is obvious from the beginning that there is no conceivable effect upon any European sites)
- d) Subject to assessment and screened out from further consideration (that is the case where an aspect of the plan is considered not 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects')
- e) Subject to assessment and screened in for further assessment (that is the case where an aspect of the plan is considered 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects')

3.1.3 For aspects of the plan which are subject to assessment, the screening test requires a decision to be made as to whether that aspect of the plan has a 'likely significant effect, either alone or in combination with other plans and projects', or not.

3.1.4 The HRA Handbook contains further guidance regarding this practical interpretation of this step, with reference to case law and government guidance. Section C.7.1 sets out a series of principles relevant to the screening decision; key extracts are set out below:

- *As a result of European case law in Waddenzee, irrespective of the normal English meaning of 'likely', in this statutory context a 'likely significant effect' is a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information. In this context it is permissible to ask whether a plan or project 'may have a significant effect'...(principle 3)*
- *A significant effect is any effect that would undermine the conservation objectives for a European site... (principle 4)*
- *An effect which would not be significant can properly be described as : as 'insignificant effect'; or a 'deminimis effect; or a 'trivial effect'; or as having 'no appreciable effect'; but it is important to bear in mind that, in this context, all the terms are synonymous and are being used to describe effects which would not undermine the conservation objectives'....(principle 8)*
- *'Objective', in this context, means clear verifiable fact rather than subjective opinion. It will not normally be sufficient for an applicant merely to assert that the plan or project will not have an adverse effect on a site, nor will it be appropriate for a competent authority to rely on reassurances based on supposition or speculation. On the other hand, there should be credible evidence to show that there is a real rather than a hypothetical risk of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment' (principle 11).*

3.2 Screening the introductory chapter

3.2.1 Chapter 1 of the DMP Document is entirely comprised of introductory text and contextual information. This part of the document is factual and not proposing any change *per se*, and

cannot conceivably have any effects on a European site and is screened out of further assessment.

Element of the plan	Assessment and reasoning	Screening conclusion
Chapter 1: Introduction	Administrative text	Screened out

3.3 Screening the Development Management Policies

3.3.1 The DMP Document then continues in chapters 2-11 to set out 67 detailed policies under the 10 chapter headings. In accordance with the approach adopted for this assessment (refer 1.3 above) 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 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
- 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).

3.3.2 **The development management policies were screened against these categories and detailed policy based conclusions are provided in appendix 1.**

3.3.3 All 67 policies were screened out of the need for further assessment according to the categories above as summarised in table 3.1 below:

Screening category	Policies screened out
A: General statement of policy / general aspiration (screened out)	DMMW7
B: Policy listing general criteria for testing the acceptability /sustainability of proposals (screened out)	DM1, DMC3/4/7/10/14/15, DME8, DMR2/3, DMH2/3/11, DMS4/5, DMT2/3/4/5/6/7, DMU1/2/3/4/5, DMMW1/2/4/5/6/8.
C: Proposals referred to but not proposed by the plan (screened out)	DMT1

D: Environmental protection / site safeguarding policies (screened out)	DMC1/2/5/6/8/9/13, DMS6/7, DMB1, DMT8, DMMW3.
E: Policies which steer change in such a way to protect European sites from adverse effects (screened out)	DMC11/12
G: Policy which could not have any conceivable effect on a site (screened out)	DME6
H: Policy for which the (actual or theoretical) effects cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out)	DME1/2/3/4/5/7, DMR1/4, DMH1/4/5/6/7/8/9/10, DMS1/2/3.

3.4 The need for assessment in-combination with other plans and projects

- 3.4.1 As set out in para 1.5 of the DMP Document, Development Management Policies build on the strategic principles set out in the Core Strategy. It is the Core Strategy itself which sets out the spatial planning framework within the National Park and *provides* for change *per se*. As such it is important to recognise in considering the need for assessment in combination with other plans and projects that the DMP document is primarily concerned with *how* such change is provided for. Para 1.10 goes on to refer to the DMP Document and how it '*helps implement*' and '*supplements*' the spatial strategy and core policies of the Core Strategy with detailed operational policies.
- 3.4.2 As such the extent to which the DMP Document can act 'in-combination with other plans and projects' in its own right is limited. It is the underpinning Core Strategy which provides the framework for change and, as such, the Core strategy was subject to assessment 'in combination with other plans and projects' as part of the earlier HRA (refer para 1.5.6 above).
- 3.4.3 The screening categories against which all the policies were screened out are listed in table 3.1 above. All policies are assigned to a category which allows them to be screened out as unlikely to have a significant effects either alone or in-combination. With reference to the list of categories at 3.3.1 only category J would require further assessment of the potential for effects 'in combination'.
- 3.4.4 As such, no further assessment 'in combination' is required.

4 Conclusions

4.1 Overall conclusion

4.1.1 The DMP Document has been subject to screening under the Habitats Regulations. All 67 policies have been considered in respect of the potential for likely significant effects upon any European site from the document, either alone or in combination with other plans and projects. All 67 policies were screened out from the need for further assessment as they would have no likely significant effect either alone or in combination with other plans and projects.

4.1.2 As noted in the earlier HRA for the earlier 'Issues and Preferred Approaches' document (see 1.5.7-1.5.8 above) this is not surprising given:

- The statutory purpose of the National Park and its Local Development Framework
- The statutory obligations of the National Park Authority
- The low level of development expected and provided for in the National Park; and
- The exceptionally high development management standards applied by the National Park Authority

Caroline Chapman MCIEEM

(Director, DTA Ecology Ltd)

12th October 2016

Appendix 1: Preliminary screening conclusions –

Development Management Policy	Screening Conclusion	Justification
<i>Chapter 2: Development management Practice</i>		
DM1: The presumption of sustainable development in the context of National Park purpose	Screened out (no likely significant effect)	<p>Category B Policy listing general criteria for testing the acceptability / sustainability of proposals: The supporting text specifically acknowledges how development management in National Parks differs to that across other local authorities, In particular <i>‘Development management in National Parks, which ‘have the highest status of protection in relation to landscape and scenic beauty’, is conservation led rather than market led (para 1.7). Para 1.17 continues to refer to para 14 of the NPPF which specifically recognises that ‘National Parks will need to restrict development in order to fulfil statutory purposes... Primary legislation, the NPPF and the Core Strategy for the National Park put the conservation ad enhancement of natural beauty, wildlife, cultural heritage first if there is a conflict with the other statutory purpose of promoting opportunities for the understanding and enjoyment of the valued characteristics of the Natural Park by the public’.</i> As such this policy is not likely to have a significant effect on any European site as the supporting wording is</p>

		clear that conservation interests come ahead of development.
<i>Chapter 3: Conserving and enhancing the National Park's valued characteristics</i>		
DMC1: Conservation and enhancement of nationally significant landscapes	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC2: Protecting and managing the Natural Zone	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC3: Siting, design, layout and landscaping	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMC4: Settlement limits	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMC5: Assessing the impact of development on heritage assets and their settings	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC6: Scheduled monuments	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC7: Listed buildings	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMC8: Conservation Areas	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC9: Registered Parks and Gardens	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC10: Conservation of heritage assets	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals – Whilst this policy might allow for limited development it specifically refers to the need to take account of the importance of protecting biodiversity at para 3.105 which

		refers specifically to Core Strategy policy L2 (Sites of biodiversity of geodiversity importance).
DMC11: Safeguarding, recording and enhancing nature conservation interests	Screened out (no likely significant effect)	Category E: Policy which steers change in such a way as to protect European sites from adverse effects
DMC12: Sites, features or species of wildlife, geological or geomorphological importance	Screened out (no likely significant effect)	Category E: Policy which steers change in such a way as to protect European sites from adverse effects
DMC13: Protecting trees, woodlands or other landscape features put at risk from development	Screened out (no likely significant effect)	Category D: Environmental Protection / site safeguarding policy
DMC14/15: Pollution, disturbance, contaminated land and unstable land+	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
<i>Chapter 4: Farming and Economy</i>		
DME1: Agricultural or forestry operational development	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – Whilst this policy might allow for limited development it specifically refers to the need to take account of the importance of avoiding adverse effects on the area’s valued characteristics. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites
DME2: Farm diversification	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – Whilst this policy might allow for some development it will be very restricted.

		Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites
DME3: Safeguarding employment sites	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – This policy is concerned with the safeguarding of existing employment provision. Whilst it also provides for the potential for alternative use there is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites
DME4: Change of use of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements.	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – This policy is concerned with the change of use of existing employment provision. Whilst it therefore provides for change (rather than growth <i>per se</i>) there is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites
DME5: Class B1 employment uses in the countryside outside DS1 settlements	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either

		alone or in combination with other plans and projects) – This policy is concerned with the change of use of existing buildings. Whilst it therefore provides for change (rather than growth <i>per se</i>) there is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DME6: Home working	Screened out (no likely significant effect)	Category G: Policy that could have no conceivable effect on a site – This policy is concerned with the change of use of existing buildings. It therefore provides for change (rather than growth <i>per se</i>) and there is no credible evidence of any conceivable risk to European sites.
DME7: Expansion of existing industrial and business development where it is not ancillary to agricultural business	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – Whilst this policy might allow for limited expansion there is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DME8: Design, layout and neighbourliness of employment sites including haulage depots	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
Chapter 5: Recreation and Tourism		

DMR1: Touring camping and caravan sites	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – The development provided for in this policy has been found acceptable in principle through the HRA of the Core Strategy. There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMR2: Holiday occupancy of camping and caravan sites	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMR3: Holiday occupancy of self-catering accommodation	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMR4: Facilities for keeping and riding horses	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – Whilst this policy might allow for further development of equestrian facilities there is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites. Furthermore, in the case of any commercial scale development DMR4(F) specifically refers to the need for

		adequate bridleway network to avoid harm to valued characteristics of the area.
<i>Chapter 6: Housing</i>		
DMH1: New affordable housing		Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - Para 6.4 clarifies that <i>'all new housing is provided as an exception to the strategic principle that development of all types should be restricted in the National Park. All development on previously undeveloped land is classed as an exception site, and no housing sites are allocated in the development plan'</i> . Para 6.4 goes on to say nevertheless that <i>'as far as national park purposes can be upheld, the policies enable affordable housing to address local needs on these sites'</i> . Whilst DMH1 therefore provides for new housing the restrictions in place for any such proposals to meet DMH1(A) are such that very little development is anticipated to arise from this policy. There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH2: First occupation of new affordable housing	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMH3: Second and subsequent occupation of affordable housing	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals

DMH4: Essential worker dwellings	Screened out (no likely significant effect)	<p>Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - As stated in para 6.54, the focus of this policy is to provide for the consideration of whether essential business need for rural workers to live permanently at or near their places of work <u>constitutes an exceptional circumstance</u>. Whilst DMH4 therefore provides for new housing the restrictions in place for any such proposals to meet this policy are such that very little development is anticipated to arise from this policy. There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.</p>
DMH5: Conversion of outbuildings within the curtilages of existing dwellings to ancillary residential uses	Screened out (no likely significant effect)	<p>Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - The focus of this policy is to provide for <i>ancillary</i> residential uses. DMH5(Aiii) specifies that such ancillary accommodation which arises through conversion of an existing outbuilding would remain under the control of the occupier of the main dwelling. Para 6.74 clarifies that where ancillary accommodation involves a new building this would also need to be <i>'linked to the main dwelling house... to ensure ancillary status in perpetuity'</i>. Whilst DMH5 therefore provides for new development the</p>

		restrictions in place for any such proposals to meet this policy will not arise in new dwellings <i>per se</i> . and little development is anticipated to arise from this policy There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH6: Re-development of previously developed land and buildings to residential use	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - The focus of this policy is to provide for <i>re-development</i> of previously developed areas. Whilst DMH6 therefore provides for new development the restrictions in place for any such proposals to meet this policy will not arise in respect of any previously undeveloped areas and little development is anticipated to arise from this policy. There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH7: Extensions and alterations	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - There is no credible evidence of any conceivable risk to European sites. Core Strategy

		policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH8: New outbuildings for non-residential use in the curtilage of dwelling houses	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH9: Replacement dwellings	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH10: Sub-division of dwellings to create multiple dwelling units	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - Whilst DMH10 provides for an overall increase in the number of dwellings it will not result in new development <i>per se</i> . Very little growth is anticipated to arise from this policy and there is no credible evidence of any

		conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMH11: Section 1066 agreements	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
<i>Chapter 7: Shops, services and community facilities</i>		
DMS1: Shops, professional services and related activities in the Core Strategy named settlements	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) – The development provided for in this policy has been found acceptable in principle through the HRA of the Core Strategy. There is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMS2: Change of use of shops, community services and facilities	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - The focus of this policy is to provide for <i>change of use</i> in previously developed areas. Whilst DMS2 therefore provides for ‘change’ the restrictions in place for any such proposals to meet this policy will not arise in respect of any previously undeveloped areas. There is no credible evidence of any conceivable risk to

		European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMS3: Retail development outside Core Strategy named settlements	Screened out (no likely significant effect)	Category H: Policy where the effects cannot undermine the conservation objectives (either alone or in combination with other plans and projects) - The focus of this policy is to provide for retail development. 'New' retail is only permissible in respect of farm diversification, otherwise any retail use would need to be ancillary to existing facilities. Whilst DMS2 therefore provides for 'new development' the restrictions in place for any such proposals to satisfy this policy are such that there is no credible evidence of any conceivable risk to European sites. Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMS4: Shop fronts	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMS5: Outdoor advertising	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMS6: Safeguarding sites for community facilities	Screened out (no likely significant effect)	Category D: site safeguarding policy

DMS7: Retention of community recreation sites of sports facilities	Screened out (no likely significant effect)	Category D: site safeguarding policy
<i>Chapter 8: Managing development in Bakewell</i>		
DMB1: Bakewell's settlement boundary	Screened out (no likely significant effect)	Category D: site safeguarding policy
<i>Chapter 9: Travel and transport</i>		
DMT1: Cross-park infrastructure	Screened out (no likely significant effect)	Category C: refers to <i>possible</i> future proposals which are not in themselves proposed by the DMP document.
DMT2: Access and design criteria	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMT3: Railway construction	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. This policy is primarily concerned with establishing a general presumption against 'new' railway development unless it can be demonstrated that there will be a net environmental benefit to the National Park (see para 9.33). The policy does not provide for any particular scheme but sets out the criteria against which any proposal will be tested.
DMT4: Development affecting a public right of way	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMT5: Business parking	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMT6: Visitor parking	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMT7: Residential off street parking	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals

DMT8: Air transport	Screened out (no likely significant effect)	Category D: safeguarding policy
<i>Chapter 10: Utilities</i>		
DMU1: Development that requires new or upgraded service infrastructure	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMU2: New and degraded utilities services	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals.
DMU3: Development close to utility installations	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMU4: Telecommunications infrastructure	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
DMU5: Restoration of utility and telecommunications infrastructure sites	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals
<i>Chapter 11: Minerals and waste</i>		
DMMW1: The justification for mineral and waste development	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. Para 11.1 is clear that this policy only becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction of over-arching policy is to reduce mineral workings within the park and policy DMMW1 doesn't provide for development in and of itself but sets out what information is required to justify any related development under 'exceptional circumstances'.
DMMW2: The impact of mineral and waste development on amenity	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. Para 11.1 is clear that this policy only

		<p>becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction of over-arching policy is to reduce mineral workings within the park and policy DMMW2 therefore relates to development under 'exceptional circumstances'. Para 11.10 clearly states that DMMW2 will be applied '<i>alongside other development policies impacting on landscape, biodiversity, wildlife and local amenity</i>'. As such, Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.</p>
<p>DMMW3: The impact of mineral and waste development on the environment</p>	<p>Screened out (no likely significant effect)</p>	<p>Category D: Environmental protection policy specifically intended to provide protection to the wider environment. Para 11.1 is clear that this policy only becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction of over-arching policy is to reduce mineral workings within the park and policy DMMW3 therefore relates to development under 'exceptional circumstances'. Para 11.10 clearly states that DMMW3 will be applied '<i>alongside other development policies impacting on landscape, biodiversity, wildlife and local amenity</i>'. As such, Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this</p>

		policy will not result in any likely significant effects on European sites.
DMMW4: Waste management facilities	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. Para 11.1 is clear that this policy only becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction of over-arching policy is to reduce mineral workings within the park and policy DMMW4 therefore relates to development under 'exceptional circumstances'. DMMW4 will be applied ' <i>alongside other development policies impacting on landscape, biodiversity, wildlife and local amenity</i> '. As such, Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMMW5: Restoration and aftercare	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. Para 11.1 is clear that this policy only becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction of over-arching policy is to reduce mineral workings within the park and policy DMMW5 therefore relates to development under 'exceptional circumstances'. DMMW5 will be applied ' <i>alongside other development policies impacting on landscape, biodiversity, wildlife and local amenity</i> '. As such, Core Strategy policy L2

		(Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMMW6: The cumulative effect of mineral and waste development	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. Para 11.1 is clear that this policy only becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction of over-arching policy is to reduce mineral workings within the park and policy DMMW6 therefore relates to development under 'exceptional circumstances'. DMMW6 will be applied ' <i>alongside other development policies impacting on landscape, biodiversity, wildlife and local amenity</i> '. As such, Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.
DMMW7: Safeguarding local building and roofing stone resources and safeguarding existing permitted minerals operations from non-mineral development	Screened out (no likely significant effect)	Category A: A general statement of policy which does not provide for any development and cannot have any impact on any European site.
DMMW8: Ancillary mineral development	Screened out (no likely significant effect)	Category B: Policy listing general criteria for testing the acceptability / sustainability of proposals. Para 11.1 is clear that this policy only becomes relevant where an application is acceptable in principle when considered against the core strategy policies. The general direction

		<p>of over-arching policy is to reduce mineral workings within the park and policy DMMW8 therefore relates to development under 'exceptional circumstances'. DMMW8 will be applied '<i>alongside other development policies impacting on landscape, biodiversity, wildlife and local amenity</i>'. As such, Core Strategy policy L2 (Sites of biodiversity of geodiversity importance) and DMC11/12 work together to provide sufficient overarching protection to ensure this policy will not result in any likely significant effects on European sites.</p>
--	--	---