

Technical Note:

Chesterfield Borough Local Plan Habitats Regulations Assessment - Addendum

1. Background and Purpose of this Note

- 1.1.1 Chesterfield Borough Council (the Council) is in the final stages of preparing a new Local Plan to guide development in the borough to 2033 (the Local Plan).
- 1.1.2 Wood Environment and Infrastructure Solutions Ltd. (Wood), formerly Amec Foster Wheeler, was commissioned by the Council to undertake a Habitats Regulations Assessment¹ (HRA) for the Local Plan. An HRA report was completed for the Pre-Submission version of the Local Plan, January 2019 (the HRA). The Local Plan and HRA (along with other documents in the evidence base) were consulted on between 14th January 2019 and 22nd February 2019.
- 1.1.3 No comments on the HRA were received from Natural England (as the relevant statutory nature conservation body, identified in the Habitats Regulations).
- 1.1.4 Only one comment was received on the HRA. This was from North East Derbyshire District Council (NEDDC). The purpose of this addendum to the HRA is to provide the Council's response to that comment.

2. NEDDC's comment on the HRA

- 2.1.1 The HRA for the Local Plan considered the likely significant effects of the Local Plan on a number of European sites, including the Peak District Dales Special Area of Conservation (SAC), the South Pennines Moor SAC and the Peak District Moors (South Pennines Moor Phase 1) Special Protection Area (SPA).
- 2.1.2 Overall, the HRA concluded that most aspects of the plan will have no significant effects on any European sites, alone or in combination, due to the absence of effect pathways. Appropriate assessments were undertaken for those aspects where effect pathways are present or where there are uncertainties over the scale of the effects (in combination air quality and visitor pressure effects), taking into account policy-based measures incorporated into the plan.
- 2.1.3 With regard to air quality, the HRA considered the potential for increased vehicle movements (and hence emissions) associated with occupiers and users of the planned new development to affect emissions-sensitive features within the above European sites. This assessment utilised traffic and air quality modelling studies from the HRA of the NEDDC Local Plan, with the study assumptions regarding growth factors for Chesterfield verified against the actual provisions within the Chesterfield Local Plan (see Appendix E of the HRA) to ensure the conclusions were robust. The

¹ Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') states that if a land-use plan is "(a) is 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 must "...make an appropriate assessment of the implications for the site in view of that site's conservation objectives" before the plan is given effect. The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA).

appropriate assessment concluded that the Local Plan will have no adverse effects on the integrity of any European sites, alone or in combination, due to the predicted changes in air quality².

2.1.4 NEDDC's comment on the HRA related to a monitoring programme for air quality in relation to the European sites:

"It is noted that the analysis in CBC's HRA has drawn on and generally concurs with the findings of the NEDDC HRA Appropriate Assessment, in relation to air quality and potential cumulative impacts on Birkland & Bilhaugh SAC, Gang Mine SAC, Peak District Dales SAC, South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) SPA. The NEDDC HRA Appropriate Assessment made it clear that whilst the conclusions are based on the best currently available information, it would be important to monitor how the AADT and nitrogen deposition may change. The NEDDC HRA AA includes recommendations for such monitoring (section 7.2 NEDDC HRA AA). It is considered that the need for monitoring would equally apply for CBC. Within the North Derbyshire and Bassetlaw HMA Joint Statement of Common Ground, May 2018, CBC has indeed committed to a monitoring programme for the Peak District Dales SAC: South Pennine Moors SAC: and Peak District Moors (South Pennine Moors Phase 1) SPA to help ensure that a likely significant effect on these European sites does not arise unexpectedly. We would expect CBC's Duty to Cooperate Statement of Compliance to refer to this at the point of submission of the Local Plan."

3. The Council's response

3.1.1 The Council accept that it is appropriate to work collaboratively with neighbouring local planning authorities to monitor future changes in AADT and nitrogen deposition near European sites. Within the North Derbyshire and Bassetlaw HMA Joint Statement of Common Ground, May 2018, the relevant authorities have committed to identifying and developing a suitable monitoring programme in liaison with Natural England for the Peak District Dales SAC, the South Pennine Moors SAC and the Peak District Moors (South Pennine Moors Phase 1) SPA to help ensure that any air quality changes remain in line with the modelled predictions and that potentially significant variations that could undermine site integrity do not arise unexpectedly.

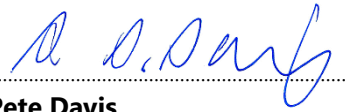
4. Conclusions and next steps

4.1.1 The conclusions of the HRA are unaffected by the NEDDC comment and remain valid. The practicalities of the commitment to collaborate with NEDDC and Bassetlaw DC to monitor changes in AADT and nitrogen deposition will need to be considered further. In particular, it will be important that any monitoring is capable of disaggregating the relative contributions of any change in vehicle movements arising from the planned new development in each local authorities to transport related air pollution, and any consequential effects on European sites. This will be necessary to ensure an equitable and proportionate approach to monitoring across the collaborating authorities.

² Note, a 'no adverse effects' conclusion was also reached in relation to recreational pressure.

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