

Addendum to the Dinnington St John Neighbourhood Plan 2016-2028 Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

This Addendum to the Dinnington St John Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (February 2019) (SEA and HRA Screening 2019) has been produced by Andrew Towlerton Associates in consultation with the Rotherham MBC to meet the requirements of The Conservation of Habitats and Species Planning (Various Amendments) (England and Wales) Regulations 2018. These Regulations came into force on 28 December 2018 and amended the definition of a basic condition in relation to the examination of neighbourhood development plans. Examiners must now consider whether “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

The Conservation of Habitats and Species Planning (Various Amendments) (England and Wales) Regulations 2018

In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 105 and 106, where a land use plan –

- 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,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives. The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies. The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take steps for that purpose as it considers appropriate.

In the light of the conclusions of the assessment, and subject to regulation 107 (considerations of overriding public interest), the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site.

A qualifying body which submits a proposal for a neighbourhood development plan (in this case Dinnington Town Council) must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required. The assessment of implications is set out below.

Is the Dinnington St John Neighbourhood Plan likely to have a significant effect on a European site (either alone or in combination with other plans or projects)?

The SEA and HRA Screening 2019 concluded that the Dinnington St John Neighbourhood Plan was unlikely to have a significant effect on a European Site. The Plan does not allocate sites for housing or other forms of development, but instead provides further local criteria for proposals to meet in support of existing and emerging local planning policies.

“There are no European sites with Dinnington St John Parish. The nearest European site, Birklands and Bilaugh SAC is located some 18kms to the south east of the parish.

A Habitats Regulations Screening was undertaken as part of the Rotherham Local Plan Sites and Policies (2018). The outcomes of this work were that there were no likely effects on European sites and therefore an Appropriate Assessment was not required.

The Plan does not identify development beyond that outlined in the Rotherham Local Plan Sites and Policies document. The Plan provides criteria based policies to help guide development that might come forward in accordance with the borough plans.

It is not considered that the implementation of the Plan, by virtue of its scope, the nature of its policies and proximity will result in any likely significant effects upon qualifying features of a European site.”

Is the Dinnington St John Neighbourhood Plan directly connected with or necessary to the management of the site?

No, there are no European sites within the Dinnington Neighbourhood Area, therefore the Neighbourhood Plan does not relate to nor is it directly connected with the management of a European site. The policies in the Dinnington St John Neighbourhood Plan can only apply within the designated Neighbourhood Area, not outside it.

Consultation with the appropriate nature conservation body and any representations made by that authority

Natural England is a non-departmental public body whose statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is the statutory consultee for the purposes of the Habitats Regulations Assessment Screening.

The SEA and HRA Screening 2019 was sent to Natural England for comment on 21 February 2019.

Natural England concurred with the findings of the report *“Natural England is satisfied with the conclusions of the Habitats Regulation Assessment Screening of no likely effects and agrees that it is not necessary to prepare an appropriate assessment as part of the Dinnington St John Neighbourhood Plan preparation.”*

The plan making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take steps for that purpose as it considers appropriate

In the interest of transparency, the Dinnington St John Neighbourhood Plan Strategic Environmental Assessment Screening and Habitats Regulation Assessment Screening Report (August 2019) and this Addendum will be made available on the Rotherham Council and Town Council websites as part of the Regulation 16 consultation.

In light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

Rotherham Council is satisfied, in consultation with Natural England, that the Dinnington St John Neighbourhood Plan has no likely significant effects on a European site and thus regulation 107 does not apply.

A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.

There are no European sites within the Dinnington St John Parish. The SEA and HRA Screening 2019 considered the potential effects on all European sites within 15km of the Neighbourhood Area plus any sites linked to the area through a known 'pathway.'

The screening did not identify any European sites within a 15km radius (the nearest being Birklands and Bilaugh SAC, located some 18km from the Neighbourhood Area) or sites linked through a known pathway.

The qualifying body (Dinnington Town Council) provided the required information to enable Rotherham Council to determine whether a full assessment was required.

Conclusion

Rotherham Borough Council has considered the HRA Screening Opinion in light of the legislative changes, and it is considered that the Screening Opinion for the Dinnington St John Neighbourhood Plan remains valid. The reasons are:

- i) The distance of the Neighbourhood Area from a European site.
- ii) The HRA screening does not seek to take account of any measures intended to reduce or avoid any harmful effects of the Plan on any European site, in part due to the fact that the Neighbourhood Plan does not allocate any development sites.
- iii) A Habitats Regulations Screening was undertaken as part of the Local Plan Sites and Policies (2018) which identified no likely effects on European sites and no requirement for an appropriate assessment. The Neighbourhood Plan does not identify development beyond that outlined in the Rotherham Local Plan Sites and Policies document.