



Screening Statement

Habitats Regulation Assessment (HRA)

Madeley Neighbourhood Development Plan 2018-2032 Draft 9 September 2019 Version

December 2019

HABITATS REGULATIONS ASSESSMENT (SCREENING) FOR THE MADELEY NEIGHBOURHOOD DEVELOPMENT PLAN 2018-2032 (DRAFT 9 SEPTEMBER 2019 VERSION)

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1. Introduction

- 1.1 This report will determine whether the Madeley Neighbourhood Development Plan 2018-2032 (Draft 9 September 2019 Version) requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species. A HRA is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. See Table 2 and Appendix 1 for the list of sites screened as part of this assessment.
- 1.2 The purpose of the Madeley Neighbourhood Development Plan (MNDP) is to guide development within the Madeley parish. It will contain land-use policies with the purpose of guiding the sustainable development of the Neighbourhood Area (NA) and achieve the overall aim of the Plan, which is to protect the rural character of the NA while allowing for appropriate development. The Plan describes the changes which should or should not take place, provides the community's views on these and, where appropriate, identifies policies which any proposed development or change should comply with for the period to 2032. A map of the Neighbourhood Area is shown on page 3 of the MNDP. This HRA screening report has been undertaken on the MNDP 2018-2032 (Draft 9 September 2019 Version), which was provided by the Qualifying Body for the purposes of this report.
- 1.3 The legislative background set out in section 4 outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of both the likely significant effects of the implementation of the Plan and the need for a Habitats Regulation Assessment.
- 1.4 A summary of findings and conclusions for the screening process can be found in section 7.

2. Information about the Neighbourhood Plan

- 2.1 The MNDP has been produced to guide development within Madeley parish. It will contain land-use type policies with the purpose of guiding the sustainable development of the NA and achieve the overall aim of the Plan, which is to protect the rural character of the NA while allowing for appropriate development.

2.2 The policies apply to all new development, comprising development on greenfield or brownfield sites, redevelopment of existing developed sites, and extensions of existing buildings. They are organised according to the following policy themes:

- Local Heritage
- Housing Growth
- Design
- Community Facilities
- Natural Environment
- Transport
- Madeley Village Centre

2.3 The MNDP sets out the following vision and aims for the Neighbourhood Area:

Vision

The vision is for Madeley to continue to offer opportunities for families and individuals to live rewarding and productive lives in a very attractive area of the countryside. A Parish where the rural and historic character of the village is protected and enhanced while enabling sustainable growth and development; where development is planned for the benefit of the community; particularly in terms of design, infrastructure, sustainability and green spaces.

Aims

- 1. To retain the much-valued rural feel of the Parish, its distinctive and historic character, the countryside setting around the village and key views within the Conservation Area.*
- 2. Maintain and improve the key facilities and services.*
- 3. Encourage sustainable development that meets the needs of the community now and in the future.*
- 4. To preserve and enhance the high quality natural environment and protect nature and wildlife interests, green space, the tree density within the village and encourage planting and retention of hedges around properties.*
- 5. Encourage local businesses and enterprises in a sustainable way.*
- 6. Enable residents to travel as freely as possible by improving road infrastructure and public transport.*

2.4 If the MNDP is successful at examination, and approved by the local community through a referendum it attains the same legal status as a Local Plan, and at this point comes into force as part of the statutory development plan¹. It will then be used in determining planning applications within the Neighbourhood Area. Prior to referendum it may carry some weight in planning decisions as a material consideration as an emerging plan. Paragraph 48 of the National Planning Policy Framework² sets out the weight that may be given to relevant policies in emerging plans in decision taking. The

¹ <http://www.legislation.gov.uk/ukpga/2004/5/section/38>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

referendum ensures that the community have the final say in the MNDP coming into force as part of the development plan.

3. Habitats Regulations Assessment Screening

- 3.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Newcastle-under-Lyme Borough Council in respect of the Madeley Neighbourhood Development Plan (MNDP) 2018-2032 Draft 9 September 2019 Version.
- 3.2 The aim of this HRA screening report is to assess whether the MNDP will result in any likely significant effects on any European sites within relative proximity of the Neighbourhood Area.

4. Legislative background

- 4.1 The Natura 2000 network (European sites) consists of sites across Europe designated for their nature conservation importance. These consist of:
- *Special Areas of Conservation (SACs) and potential SACs (pSACs)* - these are designated under the Habitats Directive to protect those habitat types and species that are considered to be most in need of conservation at a European level (excluding birds).
 - *Special Protection Areas (SPAs) and potential SPAs (pSPAs)* - these are designated under the Birds Directive to protect rare and vulnerable birds, and also regularly occurring migratory species.
 - *RAMSAR sites* - these are wetlands of international importance designated under the RAMSAR Convention.
- 4.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') states:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site

concerned and, if appropriate, after having obtained the opinion of the general public’.

4.3 The Conservation of Habitats and Species Regulations 2017 (the “Habitats Regulations 2017”) consolidate and update all the various amendments made to the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations 2010”). They also introduce a small number of minor amendments designed to take account of changes to other related legislation, such as amendments to Town and Country Planning legislation. It should be noted that there have been two reviews of the implementation of the Habitats Regulations 2010 which have concluded that they remain fit for purpose. This included a fitness check of the Nature Directives conducted by the EU and in June 2017 the EU launched an Action Plan to address the shortcomings in implementation.³ A further review of the Regulations would be a complex and time consuming exercise which could only be undertaken when resources are available and would be best considered following the UK’s exit from the European Union. The Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations 2017’), the UK’s transposition of the Habitats Directive and Regulation 105, provides:

‘(1) 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’.

4.4 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area), (also includes RAMSAR sites) must first undergo an assessment to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European site(s) concerned.

4.5 This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). An ‘appropriate assessment’ is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures. An appropriate assessment looks at the implications of a plan for a European site in view of the site’s conservation

³ <https://www.gov.uk/government/publications/report-of-the-habitats-and-wild-birds-directives-implementation-review> <https://www.gov.uk/government/publications/progress-of-the-habitats-directive-implementation-review> http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/communication_en.pdf

objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as the competent authority must ascertain that it would not adversely affect the integrity of the European site(s).

- 4.6 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and it is therefore necessary to demonstrate that it is not likely to have a significant effect on a European site.

Table 1: Stages of HRA

Stages of Habitats Regulations Assessment
<p>Stage 1- Screening</p> <p>This stage identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and determines whether these impacts are likely to be not significant (inconsequential), significant or whether this is uncertain.</p>
<p>Stage 2 - Appropriate Assessment</p> <p>Where there are likely significant effects, or the effects are uncertain, the Plan should be subject to appropriate assessment. This stage considers the impacts of the plan or project on the integrity of the relevant European sites, either alone or in conjunction with other projects or plans, with respect to the sites structures and function and their conservation objectives. Where there are adverse impacts, it also includes an assessment of the potential mitigation for those impacts.</p>
<p>Stage 3 - Assessment of Alternative Solutions</p> <p>Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the order that avoids adverse impacts on the integrity of European sites.</p>
<p>Stage 4 - Assessment Where No Alternative Solutions Exist and where Adverse Impacts Remain</p> <p>This stage assesses compensatory measures where it is deemed that the project or Plan should proceed for imperative reasons of overriding public interest.</p>

5. European sites in and around the Madeley Neighbourhood Area

- 5.1 The first step of the screening process is to consider the European sites that could be affected by a plan. In addition to those sites located within the plan area, best practice suggests that sites occurring within 10-15km of the area directly affected by a plan should be identified and assessed, although in some instances effects could be likely over a greater distance where pathways exist.
- 5.2 There are no European sites within the Neighbourhood Area and no likely pathways with sites within 15km of the boundary of the Neighbourhood Area.
- 5.3 The following sites are within 15 km from the nearest part of the boundary of the Madeley Neighbourhood Area:

Table 2: European sites within 15 km of the Neighbourhood Area boundary

Site Name	Distance from plan area	Type
Cracow Moss and Betley Mere (Midlands Meres and Mosses Phase 1)	c.1.1 km (north)	RAMSAR
Black Firs & Cranberry Bog (Midlands Meres and Mosses Phase 2)	c. 3.4 km (north)	RAMSAR
Wybunbury Moss (RAMSAR - Midlands Meres and Mosses Phase 1 and SAC – West Midlands Mosses)	c. 6.3 km (north-west)	RAMSAR and Special Area of Conservation(SAC)
Oakhanger Moss (Midlands Meres and Mosses Phase 2)	c. 7.6 km (north)	RAMSAR
Cop Mere (Midlands Meres and Mosses Phase 2)	c. 12.3 km (south)	RAMSAR

- 5.4 Further details of each of these sites can be found at Appendix 1.

6. Screening assessment of the Madeley Neighbourhood Development Plan

- 6.1 The screening assessment has had regard to the conservation objectives of the various European sites located within 15km of the plan area. Natural England's Impact Risk Zones (IRZ) for SSSIs which underpin the European site designations have been used to consider whether development proposed in the MNDP is likely to affect a

European Site. It is acknowledged that IRZs do not alter or remove the requirements to consult Natural England on other natural environment impacts or other types of development proposal under the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other statutory requirements. This assessment also makes reference to other plans and projects, including the adopted development plan. Key questions relating to the neighbourhood plan are included below and along with the screening assessment, help to establish if an appropriate assessment is required.

Is the MNDP directly connected with, or necessary to the management of a European site for nature conservation?

- 6.2 The MNDP is not directly connected with, or necessary to the management of a European site, so screening for the need of a Habitats Regulations Assessment is required.

Are there any European sites within the plan area?

- 6.3 There are no European sites within the plan area.

Are there any European sites within 15km of the plan area?

- 6.4 Yes there are five sites within 15km of the plan area. This includes one designated SAC and five designated RAMSAR sites. These sites are listed in Table 2 at paragraph 5.3. See Appendix 1 for more detailed site information.

Does the MNDP propose new development or allocate sites for development?

- 6.5 No, the MNDP does not allocate sites for development. It does propose to designate a Special Policy Area for Madeley Village Centre. Within the proposed Area the MNDP would allow changes of use or new build facilities for retail, food, community, medical, cultural or business uses (A1, A2, A3, A4, A5, B1, C1, C2 and D1) subject to certain criteria regarding access, amenity and no loss of ground floor village centre facilities.

Are there any other projects or plans that together with the MNDP could impact on the integrity of a European site, the 'in combination' impact?

- 6.7 Yes, these are listed at paragraphs 6.9 to 6.28.

Policy screening assessment

- 6.8 The following table reflects the findings of the screening assessment for each of the policies within the MNDP.

Table 3: Policy Assessment

Policy Number	Description	Likely significant effect identified
LGS	Local Green Space	No significant effect. The policy seeks to protect locally important green spaces.
HOU1	Housing Growth	No significant effect. The policy is designed to enable new housing development within the village envelopes or where it is infill development within close proximity to existing buildings within Onneley and Leycett villages subject to set sustainability criteria.
HOU2	Housing Mix	No significant effect. The policy is designed to ensure that an appropriate mix of house types to meet local needs and deliver affordable housing is provided.
DES1	Design	No significant effect. The policy is designed to ensure that development is of a high standard of design and materials, and respects the character of the landscape and townscape.
DES2	Development in the Madeley Conservation Area and its Setting	No significant effect. The policy is designed to conserve or enhance the Conservation Area and ensure development takes account and respects important views within and from the Conservation Area.
CF1	Recreation, Leisure, Play and Sports Facilities	No significant effect. The policy seeks to protect designated recreation sites from development subject to certain criteria are met.
CF2	Community Infrastructure	No significant effect. The policy sets out priorities for local community infrastructure provision.
NE1	Natural Environment	No significant effect. The policy seeks to preserve and enhance the special rural character and local natural environment.
TRA1	Critical Road Junctions	No significant effect. The policy seeks to ensure balanced transport provision with new development. It also seeks to ensure no severe adverse impact on road capacity and safety especially in relation to three critical junctions within the Neighbourhood Area.
MVC1	Centre of Madeley Village Special Policy Area	No significant effect. The policy allows certain developments and change of use within the designated area subject to certain criteria.

In Combination Effects

- 6.9 Different plans and programmes can interact to produce impacts that are greater than any individual plan alone, so it is necessary to identify other plans which could lead to potentially significant ‘in-combination’ impacts. It is one of the ‘basic conditions’ that a neighbourhood plan has to be in ‘general conformity’ with the strategic policies of the development plan for the area.
- 6.10 The adopted development plan consists of:
- The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (adopted 2009)⁴
 - The ‘saved policies’ of the Newcastle-under-Lyme Local Plan 2011⁵
 - The Staffordshire and Stoke-on-Trent Joint Waste Local Plan Strategy 2010-2026⁶
 - The Minerals Local Plan for Staffordshire (2015-2030)⁷
- 6.11 The Neighbourhood Area shares a boundary with the following authorities:
- Betley, Balterley and Wrinehill Parish Council (within Newcastle-under Lyme borough)
 - Whitmore Parish Council (within Newcastle-under Lyme borough)
 - Maer and Aston Parish Council (within Newcastle-under Lyme borough)
 - Keele Parish Council (within Newcastle-under Lyme borough)
 - Audley Rural Parish Council (within Newcastle-under Lyme borough)
 - Shropshire Council
 - Woore Parish Council (within Shropshire borough)
 - Cheshire East Council
 - Checkley cum Wrinehill Parish Council (within Cheshire East borough)
- 6.12 The following plans have been reviewed in terms of ‘in-combination’ effects:
- The Shropshire Core Strategy⁸ (adopted 24 February 2011) and the Site Allocations and Management of Development Plan⁹ (adopted 17 December 2015);

⁴ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/current-development-plan/newcastle-under-lyme-and-stoke-trent>

⁵ https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/Saved%20Policies%20of%20the%20Newcastle-under-Lyme%20Local%20Plan%20154KB.pdf

⁶ <https://www.staffordshire.gov.uk/environment/planning/policy/thedevelopmentplan/wastelocalplan/Staffordshire-and-Stoke-on-Trent-Joint-Waste-Local-Plan-2010-to-2026-adopted-March-2013.pdf>

⁷ <https://www.staffordshire.gov.uk/environment/planning/policy/mineralslocalplan/mineralsLocalPlan.aspx>

⁸ <https://shropshire.gov.uk/planning-policy/local-planning/core-strategy/>

⁹ <https://shropshire.gov.uk/media/8503/samdev-adopted-plan.pdf>

- Cheshire East Local Plan Strategy 2010-2030¹⁰ (adopted 27 July 2017); Publication Draft Site Allocations and Development Policies¹¹ Document (published 19 August 2019), and Crewe Hub Area Action Plan (CHAAP) Development Strategy consultation (July 2019);
- Woore Neighbourhood Plan (made 25 July 2019)¹², and
- Wynbunbury combined Neighbourhood Plan¹³ (submitted for Examination 26 July 2019).

The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS)

- 6.13 The CSS was adopted in 2009 and provides a broad framework for the development of Newcastle-under-Lyme and Stoke-on-Trent. The plan (which was subject to Habitats Regulations Assessment¹⁴) seeks to focus development and investment to the city and town centres, prioritising the use of previously developed land. A number of strategic sub areas are identified, for example Rural Areas, within which the parish of Madeley is located; and include areas within and beyond the green belt.
- 6.14 Within policy ASP6: 'Rural Area Spatial Policy', Madeley is identified as a key rural service centre where (along with Loggerheads and the villages of Audley Parish) a maximum of 900 net additional dwellings are to be provided within the Village Envelopes to meet identified local requirements. The policy also makes provision for positive approach to rural enterprise; appropriate design policies; and preserving and enhancing conservation areas.
- 6.15 The boundary for the village envelope of Madeley and Madeley Heath were previously defined in the Newcastle-under-Lyme Local Plan 2011 and carried over into the CSS. These are the only settlements within the Neighbourhood Area with a defined village envelope.
- 6.16 The CSS was subject to Habitats Regulations Assessment and it was concluded that there would be no likely significant effects.

¹⁰ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/local-plan-strategy/local_plan_strategy.aspx

¹¹

https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/site_allocations_and_policies.aspx

¹² <https://www.shropshire.gov.uk/planning-policy/neighbourhood-and-community-led-plans/completed-neighbourhood-plans/woore-neighbourhood-plan/>

¹³ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/wybunbury-ward-combined-parishes-neighbourhood-plan.aspx>

¹⁴ https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/SpatialStrategy/SUB008%20Appropriate%20Assessment%20Screening%20Report.pdf

- 6.17 It is unlikely that there will be any in-combination effects arising from the CSS and MDNP.

The ‘saved policies’ of the Newcastle-under-Lyme Local Plan 2011

- 6.18 The Newcastle-under-Lyme Local Plan was adopted in 2003 and a number of its policies were ‘saved’ beyond 2007 by the Secretary of State for Communities and Local Government. They continue to form part of the Development Plan for the Borough.
- 6.19 The Local Plan sought to focus development to sustainable locations such as the defined village envelopes and to enable the appropriate re-use of rural buildings. It is unlikely that there will be any in-combination effects arising from the MNDP and the saved policies of the Newcastle-under-Lyme Local Plan.

The Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026

- 6.20 The Joint Waste Local Plan does not allocate any sites for the development of new waste facilities within the Madeley Neighbourhood Area (see Policy 2.3 Broad Locations). It is unlikely that there will be any in-combination effects arising from the MNDP and the Staffordshire and Stoke-on-Trent Joint Waste Core Strategy.

The Minerals Local Plan for Staffordshire (2015-2030)

- 6.21 The Minerals Local Plan for Staffordshire does not allocate or allow for the extension of existing sites within the Madeley Neighbourhood Area (MNA). Parts of the MNA are designated as Mineral Safeguarding Areas (All minerals except coal and fireclays) and Petroleum Licence Areas. It is unlikely that there will be any in-combination effects arising from the MNDP and the Minerals Local Plan for Staffordshire.

Emerging plans: The Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan (JLP)

- 6.22 Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are currently preparing a Joint Local Plan. The Joint Local Plan once adopted, will replace the existing CSS and Newcastle-under-Lyme Local Plan 2011. The Councils’ consulted on the Strategic Options Document in the summer of 2017, and the Preferred Options Document in February 2018. Given the early stage of plan production, it is not possible to ascertain whether there will be any future in-combination effects. However, the JLP will also be subject to Habitats Regulations Assessment in due course and this will have to take into account any in-combination effects.

The Shropshire Core Strategy (adopted 24 February 2011) and the Site Allocations and Management of Development Plan (adopted 17 December 2015)

- 6.23 The plan covers the period to 2026 and identifies the level of development proposed within this period. This includes the provision of 27,500 homes and 290 hectares of employment land. A settlement hierarchy is defined with Shrewsbury being identified

as the county town and sub-regional centre and a number of other towns and key centres being identified together with community hubs and cluster settlements. The Core Strategy and Management of Development Plan were subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given that the MNDP is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the Shropshire Core Strategy and Management of Development Plan.

Emerging Plans: Shropshire Local Plan Partial Review

- 6.24 Shropshire Council has begun a partial review of the local plan. The review will include consideration of housing requirements, employment land requirements, the distribution of development and a review of green belt boundaries, as part of the consideration of strategic options to deliver new development. The Council consulted on the 'Preferred Sites' document between 29 November 2018 and 31 January 2019. It also consulted on Local Plan Review: Strategic Sites between 1 July and 9 September 2019. The Council has put forward three strategic sites; Clive Barracks, Tern Hill; former Ironbridge power station, and RAF Cosford along with a further potential strategic site at land north of Junction 3 of the M54. These sites have subject to Sustainability Appraisal and have been screened under The Conservation of Habitats and Species Regulations 2010. They are between 15km and 40km from the Madeley Neighbourhood Area boundary. Given the distance between the proposed strategic sites and the Madeley Neighbourhood Area and that the MNDP is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the partial review.

Woore Neighbourhood Plan 2016-2036

- 6.25 Woore Parish is located to the west of the Madeley Neighbourhood Area within the borough of Shropshire. The Woore Neighbourhood Plan (WNP) was subject to a SEA/HRA Screening opinion which concluded a SEA and HRA was not required¹⁵. There are no European sites within the Neighbourhood Area.
- 6.26 The Neighbourhood Area includes the villages of Woore, Ireland's Cross and Pipe Gate and the WNP allows small scale residential development (10 or less) up to 30 dwellings within the development boundaries of these villages. However, the WNP does not allocate any sites for development. Given that the MNDP is also not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the WNP.

Cheshire East Local Plan Strategy 2010-2030 (adopted 27 July 2017)

- 6.27 The Local Plan Strategy (LPS) covers the period to 2030 and identifies the level of development proposed within this period. This includes the provision of 36,000 homes and 380 hectares of land for business, general industrial and storage and distribution uses. The LPS establishes a spatial distribution of development based around the

¹⁵ <https://www.shropshire.gov.uk/media/9918/sea-screening-report.pdf>

borough's Principal Towns, Key Services centres, Local Service centres and Other Settlements and Rural Areas. Wynbunbury which is the nearest settlement to the Madeley NA is identified as 'Other Settlements and Rural Areas'. The LPS was subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given that the MNDP is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the LPS.

Emerging Plans: Cheshire East Publication Draft Site Allocations and Development Policies Document (published 19 August 2019)

- 6.28 Cheshire East Council consulted on the publication draft of the Site Allocations and Development Policies Document (SADPD) between August and September 2019. The draft SADPD does not propose any allocations within Wynbunbury. The draft SADPD has been subject to 'Appropriate Assessment' as part of the Habitat Regulations Assessment process. Given that the MNDP is not allocating sites and the draft SADPD is not allocating sites within the areas of the borough close to the Madeley NA it is unlikely that there will be any 'in combination' effects with the SADPD.

Emerging Plans: Crewe Hub Area Action Plan (CHAAP)

- 6.29 Cheshire East Council are producing an Area Action Plan to provide a planning framework for the area around the future HS2 rail station known as the 'Crewe hub'. The Council consulted on a development strategy and further options from 22 July to 3 September 2019. The development strategy was subject to an interim Sustainability Appraisal. Given that the CHAAP is area specific and that the MNDP is not allocating sites it is unlikely that there will be any 'in combination' effects between the two plans.

Emerging Plans: Wynbunbury combined Neighbourhood Plan

- 6.30 The Wynbunbury combined Neighbourhood Plan (WcNP) was submitted for examination on 26 July 2019. The WcNP was subject to a SEA/HRA Screening opinion. There is one European site within the Neighbourhood Area (NA) at Wynbunbury Moss and 6 RAMSAR sites within 15k of the NA. Due to the nature of the policies within the plan and that it does not allocate sites for development it was concluded a SEA and HRA was not required¹⁶. Given that the MNDP is also not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the WcNP.

7. Conclusion

- 7.1 As a result of this assessment, Newcastle-under-Lyme Borough Council considers it unlikely that any likely significant effects on European sites would occur from the implementation of the MNDP and accordingly will not require an Appropriate Assessment. This is because the MNDP does not allocate sites for development and

¹⁶ <https://www.cheshireeast.gov.uk/pdf/planning/neighbourhood-plan/wybnunbury/wybnunbury-combined-ndp-sea-screening-assessment.pdf>

there are no logical pathways between the Neighbourhood Area and the European or RAMSAR sites identified.

8 Consultation

- 8.1 The Habitats Regulations require that the appropriate nature conservation body, Natural England, is consulted as well as the Environment Agency. The statutory consultees, Natural England, Environment Agency and Historic England were consulted on 22 October 2019. The consultees agree with the Borough Council's conclusions. Copies of their responses are included at Appendix 2.

Appendix 1 European Sites within 15km of the boundary of Madeley Neighbourhood Area

European site	Cracow Moss and Betley Mere - Midland Meres and Mosses Phase 1 RAMSAR site
Distance from NP boundary	c. 1.1km (north)
Site information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 1). Comprises a series of lowland open water and peatland sites set in depressions in glacial drift left by receding ice sheets. The 16 component sites include nutrient-rich water bodies (meres), associated fringing habitats of reed swamps, fen, carr and damp pasture, and floating quaking bog (schwingmoor). The wide range of resulting habitats supports numerous rare species of plants and invertebrates. Human activities include recreation, fishing, livestock grazing, and haymaking.</p> <p>Betley Mere comprises a diverse range of habitats from open water to raised bog.</p> <p>Supports a number of rare species of plants associated with wetlands including five nationally scarce species together with an assemblage of rare wetland invertebrates (three endangered insects and five other British Red Data Book species of invertebrates)</p>
Impact Risks	<p>Infrastructure (airports, helipads, aviation proposals); Combustion processes >50mw, sewage treatment works, incineration, etc.;</p> <p>Discharges of water or liquid waste>20,000 litres per day.</p> <p>The NA falls within SSSI Impact Risk zones, but does not propose development of types that fall within the IRZ categories.</p>

European site	Black Firs & Cranberry Bog - Midland Meres and Mosses Phase 2 RAMSAR site
Distance from NP boundary	c. 3.4km (north)
Site information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Black Firs and Cranberry Bog comprises a diverse range of habitats from open water to raised bog and sports a number of rare species of plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i> and, elongated sedge <i>Carex elongata</i>. Also present are the nationally scarce bryophytes <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Also supports an assemblage of invertebrates including several rare species. There are 16 species of British Red Data Book insect listed for this site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p>
Impact Risks	<p>Infrastructure (airports, helipads, aviation proposals); Combustion processes >50mw, sewage treatment works, incineration, etc.;</p> <p>Discharges of water or liquid waste >20,000 litres per day.</p> <p>The NA falls within SSSI Impact Risk zones, but does not propose development of types that fall within the IRZ categories.</p>

European site	Wynbunbury Moss - Midlands Meres and Mosses Phase 1 RAMSAR site and West Midlands Mosses SAC
Distance from NP boundary	c. 6.3km (north-west)
Qualifying feature	Natural dystrophic lakes and ponds (Annex I habitat). Transition mires and quaking bogs (Annex I habitat)
Conservation objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely
Requirements to maintain favourable condition status of site	<p>Dystrophic Pools (Schwingmoor)</p> <p>Maintain present distribution of species representative of community;</p> <p>Maintain present pH range and water levels;</p> <p>Maintain sediment quality and quantity;</p> <p>Filamentous algae should be absent or at very low levels.</p> <p>Basin mire with a quaking surface (Schwingmoor): NVC types M2 and M18</p> <p>Water level and degree of fluctuation capable of sustaining the floating raft composed of NVC type appropriate to longstanding water chemistry and fertility; Maintain raft characteristics, exclude surface and drainage water likely to increase fertility; Stable groundwater, not fluctuating more than 30cm annually; Maintain type and extent of site specific NVC communities; Scrub or woodland limited to margins, or no more than scattered over open NVC communities; Maintain NVC communities: M2 Sphagnum recurvum bog pool community and M18 Erica tetralix-Sphagnum papillosum mire. Scrub not to be more than occasional; Maintain or enhance populations of special or rare plant (and animal) species.</p>
Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.

European site	Oakhanger Moss - West Midlands Meres and Mosses Phase 2 RAMSAR site
Distance from NP boundary	7.6km (north)
Site Information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Oakhanger Moss is one of the shallowest of a cluster of depressions in glacial sands lying to the west of Alsager. It is of greatest importance for the range of mire vegetation communities it supports and the way they, together with the sediment and peat deposit record, so clearly demonstrate the vegetation succession stages from open water to raised bog. The site was known to be a mere at least until the 1600s, sustained by a flow of water from Alsager Mere to the east. Since that time the basin has become completely infilled, firstly with sedge and reedswamp peat, and latterly with peat derived from Sphagnum mosses.</p> <p>The site supports four different mire communities, each of which has a well-developed shrub cover giving the site a wooded appearance. Over much of the site, in the wettest, low-lying areas associated with the few drains which cross the site, there is swamp vegetation dominated by lesser pond-sedge <i>Carex acutiformis</i>, over which willow carr, with goat willow <i>Salix caprea</i>, sallow <i>S. cinerea</i> and downy birch <i>Betula pubescens</i>, has developed. In the south-west, where inundation from the drains has less effect on water level and nutrient supply, sedges give way to purple moor-grass <i>Molinia caerulea</i> with broad buckler-fern <i>Dryopteris dilatata</i> locally, and birch displacing willow from the shrub layer. More diverse are the areas of fen which have developed along the site's eastern edge, where surface water enters the basin, and nutrient levels are at their highest. Here alder <i>Alnus glutinosa</i> and willows dominate above mature greater tussock-sedge <i>Carer paniculata</i>, with cyperus sedge <i>C. pseudocyperus</i>, marsh pennywort <i>Hydrocotyle vulgaris</i>, marsh violet <i>Viola palustris</i>, purple-loosestrife <i>Lythrum salicaria</i> and marsh cinquefoil <i>Potentilla palustris</i>, all uncommon plants in Cheshire. Similarly diverse botanically are the two distinct areas of vegetation dominated by bog moss <i>Sphagnum recurvum</i> in the centre of the site. The moss 'lawns' are noticeably higher than the surrounding communities and at times of high groundwater continue to remain free of its nutrient influence because of the buoyant properties of <i>Sphagnum</i>. This incipient raised bog community includes common cotton-grass <i>Eriophorum angustifolium</i>, cross-leaved heath <i>Erica tetralix</i>, and cranberry <i>Vaccinium oxycoccos</i>. Birch dominates the canopy which is comparatively open in character, and around the edges of the <i>Sphagnum</i> areas, in the transition to more nutrient-rich fen, alder buckthorn <i>Frangula alnus</i> becomes a common shrub with white sedge <i>Carex curta</i> and narrow buckler-fern <i>Dryopteris carthusiana</i> growing amongst the mosses. Drier perimeters of the site support a few pedunculate oaks <i>Quercus robur</i> over a bracken <i>Pteridium aquilinum</i> ground layer. The vegetation communities represented at this site, their development as recorded in the sediments and peats, and the site's comparison with nearby peatlands renders it a particularly important link in the Midlands Meres and Mosses series of glacial wetlands.</p> <p>Adders <i>Vipera berus</i>, a protected species, are found here and at only one other known site in Cheshire.</p>
Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.

European site	Cop Mere - Midland Meres and Mosses Phase 2 RAMSAR site
Distance from NP boundary	12.3km (south)
Site information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Cop Mere comprises a diverse range of habitats from open water to raised bog. It supports a number of rare species of plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i> and, elongated sedge <i>Carex elongata</i>. Also present are the nationally scarce bryophytes <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Also supports an assemblage of invertebrates including several rare species. There are 16 species of British Red Data Book insect listed for this site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p>
Impact Risks	<p>Infrastructure; Minerals, Oil and Gas; Air Pollution; Combustion, Waste/Landfill; Composting; Water supply for industry >1000 m².</p> <p>The NA does not fall within the SSSI Impact Risk Zones.</p>

Appendix 2 Consultation responses from Historic England, Natural England and Environment Agency



Mr Peter Hamilton
Newcastle-under-Lyme Borough Council

Direct Dial: 0121 625 6887

Our ref: PL00630444
1 November 2019

Dear Mr Hamilton

MADELEY NEIGHBOURHOOD PLAN- SEA AND HRA SCREENING

Thank you for your consultation and the invitation to comment on the SEA and HRA Screening Document for the above Neighbourhood Plan.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage.

Our comments are based on the information supplied with the screening request. On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at: [<https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>](https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/)

I trust the above comments will be of help in taking forward the Neighbourhood Plan.

Yours sincerely,



Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888
HistoricEngland.org.uk



Date: 21 November 2019
Our ref: 301165
Your ref: Madeley NDP



Peter Hamilton
Neighbourhood Planning Officer
Newcastle-under-Lyme Borough Council

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Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

neighbourhoodplanning@newcastle-staffs.gov.uk

T 0300 060 3900

Dear Mr Hamilton,

Madeley Neighbourhood Development Plan - SEA and HRA Screening

Thank you for your consultation on the above dated 22 October 2019 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our 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.

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the conclusion of the report that it is unlikely that any likely significant effects on European sites would occur from the implementation of the Madeley Neighbourhood Development Plan.

Strategic Environmental Assessment

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), significant environmental effects resulting from the neighbourhood plan are unlikely.

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team

Mr Peter Hamilton
Newcastle Under Lyme Borough Council
Planning Services Department
Civic Offices
Merrial Street
Newcastle
Staffordshire
ST5 2AG

Our ref: UT/2006/000035/SE-
05/SC1-L01
Your ref:
Date: 29 November 2019

Dear Mr Hamilton

Madeley Neighbourhood Development Plan SEA/HRA Screening Opinion

Thank you for your email which was received on 22 October 2019. We apologise for the delay in our response and hope the following comments will be taken into account.

As requested we have reviewed the Screening Assessment prepared in support of the Madeley Neighbourhood Development Plan (NDP). Having reviewed the proposals we do not consider there to be significant environmental impacts as a result of this plan, therefore, we concur with the conclusions of the report and do not required an SEA or HRA to be undertaken in support of the plan. We advise however the consultation is undertaken with Natural England amongst other statutory bodies prior to making the final decision.

We note the presence of floodplain from the Checkley Brook, River Lea and its tributaries and historical landfill sites within the Neighbourhood Plan boundary which should be considered when drafting policies for the NDP.

If you have any queries contact me on the details below.

Yours sincerely

Ms Anne-Marie McLaughlin
Senior Planning Advisor

Direct dial 020 3025 4111
Direct e-mail anne-marie.mclaughlin@environment-agency.gov.uk

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End