

# Claypole Neighbourhood Plan 2021-2036



**HRA Screening Request  
May 2022**

# Claypole Neighbourhood Plan 2021-2036

## HRA Screening Request May 2022

Submission of the Neighbourhood Plan in accordance with  
Regulation 15 of Neighbourhood Planning Regulations 2012

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The Parish Council received professional planning support from NEIGHBOURHOOD-PLAN.CO.UK during the production of this Neighbourhood Plan.



NEIGHBOURHOOD-PLAN.CO.UK

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# Claypole Neighbourhood Plan 2021-2036



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# Introduction

1. Claypole Parish Council have undertaken this Habitats Regulation Assessment Screening Request. It is the role of South Kesteven District Council as the Local Planning Authority (LPA) to undertake a screening of the Neighbourhood Plan under the Habitats Regulations. This document has been produced to assist the LPA undertake the screening in collaboration with the three designated environmental bodies, namely the Environment Agency; Natural England; and Historic England.
2. The contents of the Claypole Neighbourhood Development Plan does not technically require a Habitats Regulation Assessment (HRA) in accordance with the European Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010.
3. In the vicinity of the Claypole Neighbourhood Plan area there are no European and International designations. In South Kesteven there are the Baston Fen SAC and Grimsthorpe SAC, both near to Bourne. In neighbouring Newark and Sherwood is the Birklands/Bilhaugh SAC which is west of Ollerton. The latter of these is the closest to the Neighbourhood Plan area lying approximately 27km to the north-west. Grimsthorpe SAC is the next closest at some 34km to the south-east. Therefore, following the advice of Natural England on other Neighbourhood Plans we consider it appropriate to consider the potential effects of any proposed development on these important habitats.
4. Internationally designated wildlife sites are accorded the highest level of protection under European legislation. The purpose of the screening assessment is to ascertain whether there is potential for implementation of the Neighbourhood Plan to have significant effect on any such site. Within a 15km radius of the neighbourhood area boundary there are no such designated sites.
5. The Habitats Regulations Assessment of land use plans relates to Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar Sites. SPAs are sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds (79/409/EEC), more commonly known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species.
6. SACs are classified in accordance with EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article 3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive. These sites are known as the Natura 2000 network and are commonly referred to as European sites.
7. Ramsar Sites are designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention, Iran 1971 and amended by the Paris Protocol 1992). Although Ramsar Sites are not protected in law by the Birds and Habitats Directives as a matter of policy government has decreed that unless otherwise specified procedures relating to SPAs and SACs will also apply to Ramsar Sites. Therefore, the term 'international sites' is used to refer to all three of these designated sites.
8. The Claypole Neighbourhood Plan contains no part of any Natura 2000 site within its boundary, and it does not abut any such sites. No cumulative effects with other plans or programmes are likely as the Claypole Neighbourhood Plan does only allocates a small amount of land for development and so will not lead to issues in terms of increased

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recreational disturbance, water resources or water quality. There are no Natura 2000 sites within 15km of the Claypole Neighbourhood Area.

9. This Statement has been prepared to accompany the Claypole Neighbourhood Development Plan ('the Neighbourhood Plan') under the Neighbourhood Planning (General) Regulations 2012 ('the Regulations'). The relevant local planning authority is South Kesteven District Council.

### Designation of Claypole as a Neighbourhood Planning Area

10. A formal application was made by Claypole Parish Council on 21 July 2013 as a 'relevant body' under Section 61G of the Town and Country Planning Act 1990 (as amended) for the designation of a neighbourhood area in order to develop a neighbourhood plan. The area of the Neighbourhood Plan is based upon the parish boundary, which was seen as appropriate as this area is recognised as the distinct community of Claypole. The request was that the Parish Council be recognised as a Neighbourhood Area for the purpose of producing a neighbourhood plan, in accordance with the Neighbourhood Planning Regulations 2012.
11. South Kesteven District Council publicised this application to produce a Neighbourhood Plan as required by statute. South Kesteven [designated](#)<sup>1</sup> the Parish of Claypole as a neighbourhood area on 19 March 2014.
9. The Neighbourhood Plan has been prepared by Claypole Parish Council, a qualifying body, (Section 38A (12) of the Planning and Compensation Act 2004) for the Neighbourhood Area covering the Parish of Claypole. The name of the neighbourhood area is the 'Claypole Neighbourhood Area'. It does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.
10. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The document sets out the period of the Neighbourhood Plan which is from 2021 to 2036.

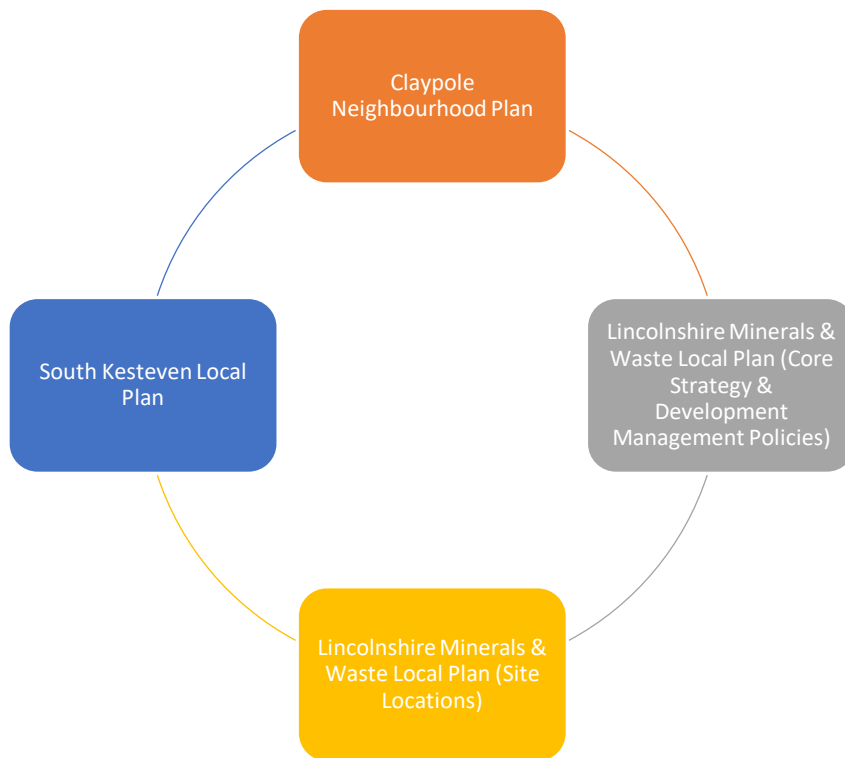
## The Development Plan

11. The South Kesteven Local Plan sets out the vision, objectives, spatial strategy and policies for the future development of the district. It also identifies land and allocates sites for different types of development, such as housing and employment, to deliver the planned growth for South Kesteven 2036. It was adopted in January 2020. The document includes strategic planning policies to guide and control the overall scale, type and location of development including the allocation of strategic sites. It indicates the number of homes to be built by 2036.
12. The 'Development Plan' (including Minerals and Waste) for Claypole is made up of 4 elements as follows:

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<sup>1</sup> <http://www.southkesteven.gov.uk/index.aspx?articleid=8397>

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### The Emerging South Kesteven Local Plan Review

13. The current Local Plan for South Kesteven was adopted in January 2020 and sets out the development strategy for growth of the district to 2036. The Inspector's final report on the current Local Plan (2011 - 2036) committed the District Council to undertake an early review of the Local Plan from April 2020 with submission by the end of December 2023. The review enables necessary updates of evidence, and the Council to consider whether its local housing need has changed and needs to be re-evaluated taking into consideration changes to national planning guidance.
14. The timetable for [review](#)<sup>2</sup> of the Local Plan is anticipated to be examined in December 2023 and adopted in December 2024, until the review has been undertaken and a new Local Plan is found sound and adopted by the Council, the current Local Plan (2011 - 2036) will continue to be the development plan for the district and used in determining planning applications.
15. The Local Plan Review will set out the planning framework for the district over the next 20 years up to 2041 and will cover issues such as; housing provision, the economy, retail and town centres, infrastructure provision and the environment. It will also set out policies by which planning applications will be determined, in addition to allocating land for housing, employment and retail uses.

### Strategic policies for the purposes of neighbourhood planning

16. The system of neighbourhood planning allows Parish and Town Councils to produce neighbourhood plans to guide development at a local level. One of the requirements of such plans is that they should be in line with the 'strategic policies' of the adopted development plan for the local area.

<sup>2</sup> <http://www.southkesteven.gov.uk/index.aspx?articleid=15133>



17. South Kesteven District Council as the Local Planning Authority defines which policies are to be considered 'strategic' with regard to the production of a Neighbourhood Plan. The Local Plan as specified in paragraph 1.23 identifies 'strategic policies' as being those with the suffix 'SP' in brackets. The policies list on pages vi and vii confirms which policies are strategic policies for the purposes of neighbourhood planning.

## Habitats Regulations Assessment

18. The Habitats Regulations Assessment (HRA) as required under the European Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010 require that Development Plans undergo an assessment to determine whether or not the Local Plan will have a significant effect on sites of European importance for nature conservation.
19. In relation to the issue of a HRA the South Kesteven Local Plan Habitat Regulation Assessment concluded: *"The Policies contained within the South Kesteven District Council Local Plan have been assessed, in accordance with the Habitats Directive, to determine whether there are likely to be any significant impacts arising from them on the European sites. The Local Plan, the policies follow the locational strategy for the District set out in Policies SP1 and SP2. Consequently, the assessment found that the policies are unlikely to have significant impacts on the European Sites. This assessment concludes that the policies within the South Kesteven Local Plan are not likely to have any significant effects on any Natura 2000 site. There is, therefore, no requirement to proceed to the next stage of an Appropriate Assessment."*
20. A Habitats Regulations Assessment (HRA) in the form of an Appropriate Assessment may also be required to accompany the Neighbourhood Plan where the policies and proposals of the plan may give rise to significant effects on internationally designated wildlife sites. The process to establish whether a HRA is necessary starts with a screening exercise to determine whether any internationally designated sites might be exposed to likely significant effects as a result of implementation of the Neighbourhood Plan and therefore whether further stages of the HRA process are required. The screening process by the LPA must have regard to the European Court of Justice Judgement in the case of *People Over Wind & Sweetman v Coillte Teoranta*.
21. The impact of that case can be summarised as *"In April 2018, in the case People Over Wind & Sweetman v Coillte Teoranta ("People over Wind"), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an 'Appropriate Assessment' of those effects must be undertaken."*
22. The Government has now made regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. These came into force on 28 December 2018 and now allow neighbourhood plans in areas where there could be likely significant effects on a European protected site to be subject to an 'Appropriate Assessment' to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
23. The Claypole Neighbourhood Plan includes no site allocations for development which would in combination with other site allocations in the Development Plan result in a potentially cumulative effect on any designated international site. The Neighbourhood Plan is local in

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nature and scope, its policies are in conformity with National Planning Policy and the strategic policies of the South Kesteven Local Plan to 2036.

24. The SAC/SPA/Ramsar sites are protected, conserved and enhanced by adopted planning policies in the Local Plan to 2036. The Local Plan has been subject to Sustainability Appraisal (meeting Strategic Environmental Assessment requirements) and appropriate assessment under the Habitat Regulations Assessment. The Neighbourhood Plan does not conflict with any policies in this document, and will have limited additional effect.
25. The criteria for determining if an individual policy, or a combination of policies, would have a likely significant effect, and require assessment, are based on the characteristics of the relevant European site and the objectives set by Natural England. The main factors to consider are:
  - Development on or adjacent to the European site destroying part or all of the site, or changing the ecological functioning of the site (e.g. disrupting water flows or migration routes)
  - Increased public recreation, causing disturbance to birds, damage to vegetation, increased littering / flytipping or leading to management compromises (e.g. grazing being restricted).
  - Reduction in water levels or flow, from increased water demand in the District requiring greater water abstraction
  - Reduction of water quality, from increased discharges of sewage and surface water drainage, or from pollution incidents, either during, or after, construction
26. The Claypole Neighbourhood Plan is considered in itself to have no or very limited impact on the Birklands/Bilhaugh SAC as the closest Natura 2000 site. The Neighbourhood Plan does not envisage any scale of growth beyond that being planned for in the South Kesteven Local Plan to 2036. The policies will ensure that opportunities for additional unplanned growth is limited. As such the Neighbourhood Plan is unlikely to result in significant increases in public recreation, water demand, or discharges of sewage or surface water drainage. The Neighbourhood Plan intends to secure the retention of other open space and local green space across Claypole which can provide suitable opportunities for public recreation which will help to limit any need to utilise the SAC area. Impacts from the South Kesteven Local Plan to 2036 have been assessed separately and appropriate changes or mitigation put in place.
27. The Natura 2000 designated sites are relatively distant from the Neighbourhood Plan Area, so impacts will be nil or very limited.

## Consultation and Conclusion

28. As a result of the screening assessment request above, based on the provisions of the European Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010, the Parish Council as set out above concludes that the Claypole Neighbourhood Plan will not have an adverse effect on the integrity of any internationally designated sites either on its own or in combination with any other plans. Therefore, an Appropriate Assessment is not required.
29. Consultation on the draft Neighbourhood Plan and supporting documents took place during February and March 2022; this included a draft of this HRA Screening Request. Consultation included with South Kesteven District Council as the Local Planning Authority; and the Environment Agency; Natural England; and Historic England as the three statutory environmental bodies. None of three statutory environmental bodies or South Kesteven DC expressed any concerns regarding the conclusion the Parish Council reached on HRA

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Screening. Accordingly, the view of the Parish Council remains that the Claypole Neighbourhood Plan will not have an adverse effect on the integrity of any internationally designated sites either on its own or in combination with any other plans. Therefore, an Appropriate Assessment is not required. South Kesteven District Council as the Local Planning Authority will, following submission of the Neighbourhood Plan, have to determine following consultation with the Environment Agency; Natural England; and Historic England as the three statutory environmental bodies; as to whether an Appropriate Assessment is or is not required.

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