

Draft Planning Obligations Supplementary
Planning Document (SPD)

Habitats Regulations Assessment (HRA)

Screening Determination Statement

December 2023

Habitat Regulations Assessment

1. Introduction

- 1.1 This statement sets out Warrington Borough Council's initial determination of the need for a Habitat Regulations Assessment (HRA) in accordance with *Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)*¹ and *European Directive 92/43/EEC (the Habitats Directive)* for the Draft Planning Obligations SPD.

2. Habitat Regulations Assessment Context

- 2.1 The requirement for a Habitat Regulations Assessment (HRA) is set out within Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended)² and Articles 6(3) and 6(4) of the Habitats Directive. Legislation requires an Appropriate Assessment of any plan or project to be undertaken to assess if it is likely to have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, now known as the national site network (formerly known as Natura 2000 sites).
- 2.2 The Habitats Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (as amended) published in November 2017.
- 2.3 European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the 'Habitats Directive' provides legal protection for habitats and species of European importance. The national site network objectives are to:
- maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS).
 - contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive³.
- 2.4 The Warrington Local Plan 2021/22-2038/39 has been subject to an HRA assessment process undertaken by AECOM. The HRA has been developed over a number of years in parallel to the drafting of the Local Plan and hence has fully assessed the impacts of the Plan. An assessment was undertaken for the first Regulation 19 Local Plan consultation in 2019⁴. An updated assessment⁵ was undertaken to accompany the UPSVLP 2021 (The Draft Local Plan). This assessment included an assessment of in combination effects taking into account other plans and projects as well as Local

¹ [Changes to the Habitats Regulations 2017 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-the-habitats-regulations-2017)

² [Changes to the Habitats Regulations 2017 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-the-habitats-regulations-2017)

³ [Changes to the Habitats Regulations 2017 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-the-habitats-regulations-2017)

⁴ [Habitat Regulations Assessment - March 2019](#)

⁵ [Updated Habitat Regulations Assessment - August 2021 \(warrington.gov.uk\)](https://www.warrington.gov.uk/updates/updated-habitat-regulations-assessment-august-2021)

Plan site allocations, policies and the impact of the plan as a whole. A further updated version of the Warrington Local Plan HRA Report was produced in December 2021 in order to take account of comments made on the HRA during the Regulation 19 consultation on the Draft Local Plan (the UPSVLP 2021)⁶. The Warrington Local Plan 2021/22-38/39 was also subject to a final HRA assessment produced by AECOM (March 2023) at the Main Modifications Stage⁷.

- 2.5 The purpose of a HRA is to assess the impacts of a land-use plan against the conservation objectives of the national network of sites (formerly known as Natura 2000 Sites). The assessment must determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.

3. Draft Planning Obligations Supplementary Planning Document

- 3.1 The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the Development Plan. As SPDs do not have the same status as policies contained within the Development Plan, they are not subject to independent examination.

- 3.2 The Council adopted its latest Planning Obligations SPD in January 2017. The SPD sets out how the Council seeks to secure contributions from developers to mitigate the impacts of development proposals. Since its adoption in 2017, several local key documents have come forward, including other new SPDs and the new Local Plan. The National Planning Policy Framework; national planning practice guidance, and other technical guidance have also been updated.

- 3.3 To address these changes in statutory regulations and technical guidance, the Planning Obligations SPD requires a thorough review and revision. It is proposed to carry out an update to the 2017 SPD to update contribution formula, to ensure they are up to date and reflective of current costs, and to take into account new policy areas the SPD needs to address as a result of changes in national policy, practice guidance and technical guidance. These include the need to provide Green Belt compensatory measures and Biodiversity Net Gain. There is also a new specific requirement relating to mitigating the impact of development on Holcroft Moss which has emerged through the Local Plan process and through detailed discussions with Natural England.

- 3.4 The aims of the updated Planning Obligations SPD are to:

- Ensure that advice is consistent with the latest Government regulations and associated Planning Practice Guidance;

⁶ [Matter 1 - Habitat Regulation Assessment Issues Revised HRA \(Dec 2021\) \(warrington.gov.uk\)](#)

⁷ [Warrington Local Plan HRA Main Mods HRA](#)

- Ensure that new development is consistent with the provisions of the recently adopted Local Plan and other Council policies;
 - Provide a robust basis upon which the Council can secure contributions from developers to ensure that the impacts of schemes are appropriately mitigated and to ensure that infrastructure is delivered in a timely manner; and
 - Provide clear advice to developers as to what is expected in applications to ensure an efficient process for consultation and determination.
- 3.5 The Warrington Local Plan 2021/22-2038/39 is the “parent DPD”, which has already been subject to Habitats Regulation Assessment, prior to its adoption on 04th December 2023.
- 3.6 The Draft Planning Obligations SPD will supplement the following Local Plan (2021/22-2038/39) Policies:
- DEV2 (Meeting Warrington’s Housing Needs)
 - DEV4 (Economic Growth and Development)
 - TC1 (Town Centre and Surrounding Area)
 - INF1 (Sustainable Travel and Transport)
 - INF3 (Utilities, Telecommunications and Broadband)
 - INF4 (Community Facilities)
 - INF5 (Delivering Infrastructure)
 - DC3 (Green Infrastructure)
 - DC4 (Ecological Network)
 - DC5 (Open Space, Sport and Recreation Provision)
 - ENV2 (Flood Risk and Water Management)
 - ENV7 (Renewable and Low Carbon Energy Development) and
 - ENV8 (Environment and Amenity Protection)
- 3.7 The SPD does not introduce new policy or affect the location or amount of new development proposed. It merely expands upon the policies referred to above to provide guidance on the application of S106 and S278 agreements that form the basis of developer contributions across a range of matters including highways, education, and affordable housing.
- 3.8 It will be used, as a material consideration, to inform Development Management decisions, for development on sites allocated through the Warrington Local Plan 2021/22-38/39 and through the planning application process (for smaller sites not identified in the Local Plan).
- 3.9 The principle of development on sites will be determined through the Local Plan and through the planning application process (for smaller sites not identified in the Local Plan). All of the site allocation policies have been subject to HRA, as part of the HRA process of the Local Plan. In addition, Policy DC4 (Ecological Network), which has also been subject to HRA, sets out more detailed requirements in relation to national site network sites and supporting habitats and to planning application stage site-specific HRA where relevant.

4. Initial Screening Determination

- 4.1 The Draft Planning Obligations SPD will merely supplement policies of the adopted Warrington Local Plan 2021/22-38/39 (adopted by Full Council on 04th December 2023), which have already been subject to HRA, through the Local Plan process.
- 4.2 Therefore, it is the initial opinion of Warrington Borough Council that the Draft Planning Obligations SPD is not likely to have a significant effect on any sites in the national sites network, either alone or in combination with other plans and projects.
- 4.3 Accordingly, no “appropriate assessment” is required to be made under Regulations 63, 64 and 65 of the Conservation of Habitats and Species Regulations 2017 (as amended) before the Council decides to undertake, or give any consent, permission, or other authorisation for this SPD.
- 4.4 This initial screening determination will also be reviewed and updated, if required, once responses from the statutory consultation have been received and considered (including the three statutory consultees), as part of the iterative screening process.