

# FLINTSHIRE COUNTY COUNCIL LOCAL DEVELOPMENT PLAN PREFERRED STRATEGY

## Habitats Regulations Assessment Screening Report

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# 1 Introduction

## 1.1 Background

- 1.1.1 This Habitats Regulations Assessment (HRA) Screening Report has been prepared by Arcadis Consulting UK (Ltd) on behalf of Flintshire County Council.
- 1.1.2 Flintshire County Council is currently preparing its Local Development Plan (LDP) covering the timeframe 2015 to 2030. Once adopted, the LDP will replace the existing Flintshire Unitary Development Plan (UDP), and will become the framework against which decisions on planning applications are taken.

## 1.2 Purpose of this Report

- 1.2.1 This HRA Screening Report has been carried out on the Preferred Strategy. The Preferred Strategy is the first principal part of the Flintshire LDP and is important in setting out how Flintshire is expected to evolve over the period to 2030. It represents the completion of a period of pre-deposit plan preparation and engagement, the outcome of which has had a clear influence over the selection of the Preferred Strategy. The Preferred Strategy provides the strategic context for the preparation of more detailed policies, proposals and land use allocations that will subsequently be included in the Deposit LDP, which will be prepared in due course.
- 1.2.2 At this stage of Plan preparation, with the exception of a small number of strategic sites, the Preferred Strategy will not include reference to the identification of any site-specific allocations. This will be done as part of drawing up the Deposit LDP, once the Preferred Strategy has been agreed.
- 1.2.3 This HRA Report therefore comprises the high-level preliminary screening stage (of the HRA process) of the Preferred Strategy. It identifies those allocation sites and/or policies which would clearly have no effects upon European sites enabling these to be 'screened out' of any further assessment. Therefore, the focus of further, more detailed assessment would only be applied to allocation sites, or policies, where a likely significant effect could be possible. Further detailed screening will be carried out on the next iteration of the LDP (i.e. the Deposit LDP) when the policies have been prepared and a full list of allocation sites has been agreed. Allocation sites and policies included for further detailed screening would then be reviewed in more detail based on the available information. At this stage, it is likely that more allocation sites/ policies will be screened out of further assessment, leaving the remaining sites where a likely significant effect cannot be ruled out, and further Appropriate Assessment would be required of these allocation sites/ policies.

## 1.3 Background to Habitats Regulations Assessment

- 1.3.1 Under Article 6 of the Habitats Directive (and Regulation 102 of the Habitats Regulations), an assessment is required where a land use plan may give rise to significant effects upon a Natura 2000 site (also known as 'European sites'). Within Flintshire there are eight such sites, with a further 15 sites within a 20 km radius of the County boundary that could potentially be affected by the LDP.
- 1.3.2 Natura 2000 is a network of areas designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community. This includes Special Areas of Conservation (SAC), designated under the Habitats Directive for their habitats and/or species of European importance, and Special Protection Areas (SPA), classified under Directive 2009/147/EC on the Conservation of Wild Birds (the codified version of Directive 79/409/EEC as amended) for rare, vulnerable and regularly occurring migratory bird species and internationally important wetlands. In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process; furthermore, it is Government policy in Wales and the rest of the UK that sites designated under the 1971 Ramsar Convention for their internationally important wetlands (Ramsar sites) and potential SPAs (pSPAs) are also considered. Collectively these sites are known as 'European sites' and will be referred to as such for the remainder of this document.

- 1.3.3 The requirements of the Habitats Directive are transposed into UK law by means of the Conservation of Habitats and Species Regulations 2010.
- 1.3.4 Regulation 61, Part 6 of the Habitats Regulations states that:
- ‘A competent authority, before deciding to undertake, or give consent, permission or other authorisation for, a plan or project which (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, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.’*
- 1.3.5 Regulation 62, Part 6 of the Habitats Regulations states that:
- ‘If the competent authority are satisfied that, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to paragraph (2), may be of a social or economic nature), they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site or the European offshore marine site (as the case may be).’*
- 1.3.6 Regulation 66, Part 6 of the Habitats Regulations states that:
- ‘Where, in accordance with regulation 62 (considerations of overriding public interest)— (a) a plan or project is agreed to, notwithstanding a negative assessment of the implications for a European site or a European offshore marine site, or (b) a decision, or a consent, permission or other authorisation, is affirmed on review, notwithstanding such an assessment,— the appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.’*
- 1.3.7 The overarching aim of HRA is to determine, in view of a site’s conservation objectives and qualifying interests, whether a plan, either in isolation and/or in combination with other plans, would have a significant adverse effect on the European site. If the Screening (the first stage of the process, see Section 3 for details) concludes that significant effects are likely, then Appropriate Assessment must be undertaken to determine whether there will be adverse effects on site integrity.

## 1.4 Legislation and Guidance

1.4.1 This HRA Screening Report has drawn upon the following legislation and guidance:

- The Conservation of Habitats and Species Regulations 2010, as amended. In 2012, these Regulations were amended to transpose more clearly certain aspects of the Habitats Directive. No fundamental changes to the Regulations were made.
- European Commission, Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC.
- European Commission, Guidance document on Article 6(4) of the Habitats Directive 92/43/EEC.
- Department for Communities and Local Government (2006) Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents.
- Welsh Government Planning Policy Wales<sup>1</sup>
- Welsh Government TAN 5 Wales<sup>2</sup>
- EC guidance Managing Natura 2000 sites Article 6 guidance<sup>3</sup>
- DTA Publications Limited for CCW (2012). Draft Guidance for Plan Making Authorities in Wales. The Appraisal of Plans Under the Habitats Directive <sup>4</sup>

<sup>1</sup> <http://gov.wales/topics/planning/policy/ppw/?lang=en>

<sup>2</sup> <http://wales.gov.uk/docs/desh/policy/100730tan5en.pdf>

<sup>3</sup> [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision\\_of\\_art6\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf) and 2007/2012 update on 6(4)

[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/new\\_guidance\\_art6\\_4\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/new_guidance_art6_4_en.pdf)

<sup>4</sup> DTA for CCW (2012). Draft Guidance for Plan Making Authorities in Wales. The Appraisal of Plans Under the Habitats Directive.

- DTA Publications Limited (June 2016), The Habitats Regulations Assessment Handbook<sup>5</sup>

## 2 The Local Development Plan

### 2.1 Background

2.1.1 The Flintshire LDP provides the sustainable framework for land use planning in the County up to the year 2030, and a platform for development thereafter. The Plan is currently at the Preferred Strategy stage.

### 2.2 Consultation

2.2.1 Natural Resources Wales (NRW) will be consulted on the findings of this HRA Report. Feedback from NRW will be fed into further iterations of the HRA Report for the LDP.

### 2.3 Vision and Objectives of the Local Development Plan

2.3.1 The LDP's vision is to ensure that:

*'The LDP is about people and places. It seeks to achieve a sustainable and lasting balance which provides for the economic, social, and environmental needs of Flintshire and its residents, through realising its unique position as a regional gateway and area for economic investment, whilst protecting its strong historic and cultural heritage.'*

2.3.2 The objectives are clear statements of intent which focus in on how the LDP vision will be delivered. Like the vision, they take the key challenges facing the County and align them with the three themes of sustainable development:

- Enhancing Community Life;
- Delivering Growth and Prosperity; and
- Safeguarding the Environment.

2.3.3 The Objectives of the LDP comprise the following:

<b>Enhancing Community Life</b>	
1.	Ensure communities have access to a mix of services and facilities, such as education and health, to allow community life to flourish, and meet the needs of particular groups such as the elderly.
2.	Encourage the development of town and district centres as the focus for regeneration.
3.	Promote a sustainable and safe transport system that reduces reliance on the car.
4.	Facilitate the provision of necessary transport, utility and social / community infrastructure.
5.	Facilitate the sustainable management of waste.
6.	Protecting and supporting the Welsh Language.
7.	Create places that are safe, accessible and encourage and support good health, well-being and equality.
<b>Delivering Growth and Prosperity</b>	
8.	Facilitate growth and diversification of the local economy and an increase in skilled high value employment in key sectors.

<sup>5</sup> DTA Publications Limited (June 2016) The Habitats Regulations Assessment Handbook.

9.	Support development that positions Flintshire as an economically competitive place and an economic driver for the sub-region.
10	Redefine the role and function of Flintshire's town centres as vibrant destinations for shopping, leisure, culture, learning, business and transport.
11.	Ensuring that Flintshire has the right amount, size, and type of new housing to support economic development and to meet a range of housing needs.
12.	Ensure that housing development takes place in sustainable locations where sites are viable and deliverable and are supported by the necessary social, environmental and physical infrastructure.
13.	Promote and enhance a diverse and sustainable rural economy.
14.	Support the provision of sustainable tourism development.
<b>Safeguarding the Environment</b>	
15.	Minimise the causes and impacts of climate change and pollution.
16.	Conserve and enhance Flintshire's high quality environmental assets including landscape, cultural heritage and natural and built environments.
17.	Maintain and enhance green infrastructure networks.
18.	Promote good design that is locally distinct, innovative and sensitive to location.
19.	Support the safeguarding and sustainable use of natural resources such as water and promote the development of brownfield land.

## 2.4 Local Development Plan Policies and Strategic Sites

2.4.1 The LDP currently includes 16 policies and two strategic allocation sites. The number of allocations will increase in the next iteration of the LDP; however, for the purposes of this first preliminary screening stage, only the two strategic allocations will be assessed.

2.4.2 The policies within the LDP comprise the following:

### **Creating Sustainable Places and Communities**

- Policy STR1: Strategic Approach
- Policy STR2: The Location of Development
- Policy STR3: Strategic Sites (see below)
- Policy STR4: Principles of Sustainable Development and Design
- Policy STR5: Transport and Accessibility
- Policy STR6: Services, Facilities, and Infrastructure

### **Supporting a Prosperous Economy**

- Policy STR7: Economic Development, Enterprise, and Employment
- Policy STR8: Employment Land Availability
- Policy STR9: Retail Centres and Development
- Policy STR10: Tourism, Culture, and Leisure

## Meeting Housing Needs

- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR12: Provision for Gypsies and Travellers

## Valuing the Environment

- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy STR14: Climate Change and Environmental Protection
- Policy STR15: Waste Management
- Policy STR16: Strategic Planning for Minerals

2.4.3 The Preferred Strategy LDP includes two strategic sites under Policy STR3: Strategic Sites. Table 1 provides details of the two sites. Further sites will be included in the Deposit LDP which will form the next iteration of the LDP.

Table 1 Strategic Allocation Sites

Site	Details
STR3A Northern Gateway Mixed Use Development Site: Employment, housing, commercial, community facilities	<ul style="list-style-type: none"> <li>i. Approximately 1,300 new homes, including affordable</li> <li>ii. Approximately 100 hectares of B2/B8 employment land</li> <li>iii. Commercial development hub adjacent to A550</li> <li>iv. District Centre(s) to serve local convenience needs</li> <li>v. Strengthened and raised River Dee flood defences</li> <li>vi. Provision of internal road infrastructure</li> <li>vii. Provision of land and a contribution to extending Sealand CP School</li> <li>viii. Sustainable drainage/flood management solution</li> <li>ix. Provision of green infrastructure network</li> <li>x. Sensitive re-use of John Summers Listed buildings and grounds</li> </ul>
STR3B Warren Hall Mixed Use Development Site: Employment and housing (detail of the exact mix of land uses within the development are under discussion, the areas provided opposite are subject to change).	<ul style="list-style-type: none"> <li>i. Approximately 300 new homes, including affordable</li> <li>ii. B1 and high quality B2 employment land</li> <li>iii. Commercial hub involving hotel, leisure, local centre and retail</li> <li>iv. Strategic landscaping and green infrastructure network</li> <li>v. Sustainable transport links with nearby settlements</li> </ul>

## 3 The Habitats Regulations Assessment Process

3.1.1 This section provides an outline of the stages involved in HRA and the specific methods that have been used in preparing this report.

### 3.1 Stages in HRA

3.1.1 The requirements of the Habitats Directive comprise four distinct stages:

- i. **Stage 1: Screening** is the process which initially identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may have a significant effect on the integrity of the site's qualifying habitats and/or species. It is important to note that the burden of evidence is to show, on the basis of objective information, that there will be no significant effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, and adopting the precautionary principle, then an Appropriate Assessment must be made.
- ii. **Stage 2: Appropriate Assessment** is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine whether or not there will be adverse effects on the integrity of the site. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.
- iii. **Stage 3: Assessment of alternative solutions** is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid adverse impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.
- iv. **Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.** At Stage 4, an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI). If it is, this stage also involves detailed assessment of the compensatory measures needed to protect and maintain the overall coherence of the Natura 2000 network.

### 3.2 Approach to Screening

3.2.1 This HRA Report takes into account the requirements of the Habitats Regulations and relevant guidance produced by David Tyldesley Associates<sup>6</sup>.

3.2.2 The following stages will be completed:

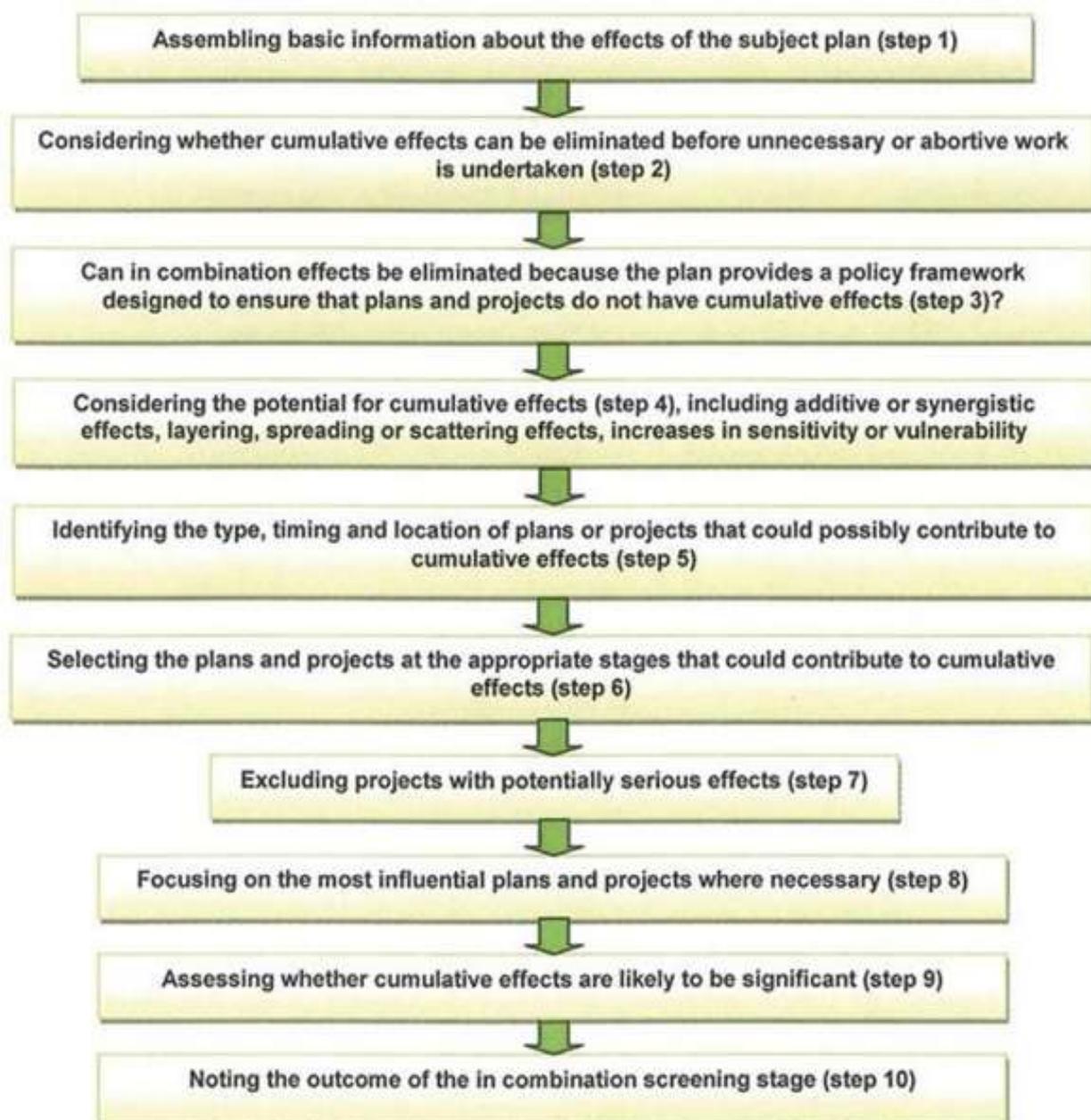
- Identification of all European sites potentially affected (including those outside of the LDP area);
- A review of each site, including the features for which the site is designated, the Conservation Objectives, and an understanding of the current conservation status and the vulnerability of the individual features to threats;
- A review of the policies which have the potential to affect the European sites, and whether the sites are vulnerable to these effects (this has included a categorisation of the potential effects of the Policy, in line with current guidance);
- A consideration of any impacts in combination with other plans or projects;
- Where potential effects are identified, avoidance or mitigation measures have been considered in order to avoid significant effects.

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<sup>6</sup> DTA Publications Limited The Habitats Regulations Assessment Handbook.

### 3.3 In combination Effects

- 3.3.1 As outlined in Section 3.1, it is necessary for HRA to consider in combination effects with other plans and projects.
- 3.3.2 Where an aspect of a plan could have some effect on the qualifying feature(s) of a Designated site, but the effects of that aspect of the plan alone would not be significant, the effects of that aspect of the plan will need to be checked in combination, firstly with other effects of the same plan, and then with the effects of other plans and projects.
- 3.3.3 The flow chart below (and subsequent text) is taken from DTA Publications Limited, *The Habitats Regulations Assessment Handbook*, and illustrates the outline methodology for the in combination assessment.



- 3.3.4 If the prospect of cumulative effects cannot be eliminated in steps 2 and 3 in the figure above, it is necessary to consider how the addition of effects from other plans or projects may produce a combined adverse effect on a Designated site that would be significant. Taking the effects which would not be likely to be significant alone, it is necessary to make a judgement as to whether these effects would be made more likely or more significant if the effects of other plans or projects are added to them. Most cumulative effects can be identified by way of the following characteristics. Could additional effects be cumulative because they would:
- Increase the effects on the qualifying features affected by the subject plan in an additive, or synergistic way
  - Increase the sensitivity or vulnerability of the qualifying features of the site affected by the subject plan?
  - Be felt more intensely by the same qualifying features over the same area (a layering effect), or by the same qualifying feature over a greater (larger) area (a spreading effect), or by affecting new areas of the same qualifying feature (a scattering effect)?
- 3.3.5 It will be necessary to look for plans or projects at the following stages:
- Applications lodged but not yet determined.
  - Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration.
  - Refusals subject to appeal procedures and not yet determined.
  - Projects authorised but not yet started.
  - Projects started but not yet completed.
  - Known projects that do not require external authorisation.
  - Proposals in adopted plans.
  - Proposals in finalised draft plans formally published or submitted for final consultation, examination or adoption.
- 3.3.6 Plans under consideration may range from neighbouring authorities' planning documents down to sector-specific strategic plans on such topics as flood risk.

## 3.4 Consideration of Effects

### Definition of Significant Effects

- 3.4.1 A critical part of the HRA screening process is determining whether or not the proposals are likely to have a significant effect on European sites and, therefore, if they will require an Appropriate Assessment. Judgements regarding significance should be made in relation to the qualifying interests for which the site is of European importance and also its conservation objectives. A useful definition of 'likely' significant effects is as follows:

*'...likely means readily foreseeable not merely a fanciful possibility; significant means not trivial or inconsequential but an effect that is potentially relevant to the site's conservation objectives'<sup>7</sup>.*

- 3.4.2 In considering whether the plan is likely to have a significant effect on a European site, a precautionary approach must be adopted:
- The plan should be considered 'likely' to have such an effect if the plan making authority is unable (on the basis of objective information) to exclude the possibility that the plan could have significant effects on any European site, either alone or in combination with other plans or projects.
  - An effect will be 'significant' in this context if it could undermine the site's conservation objectives. The assessment of that risk must be made in the light of factors such as the characteristics and specific environmental conditions of the European site in question.

<sup>7</sup> Welsh Assembly Government Annex to Technical Advice Note 5: Nature conservation and planning. The Assessment of Development Plans in Wales Under the Provision of The Habitats Regulations' (October 2006).

## Categorising Effects

- 3.4.3 All elements of the Local Plan have been screened for likely significant effects on European sites and categorised in accordance with DTA Publications Limited, *The Habitats Regulations Assessment Handbook*.
- 3.4.4 The effects associated with the Local Plan can be allocated into one of 12 categories according to the ways in which the option, policy or proposal could affect the Designated site. These are described in Table 2 below.

Table 2: Screening Assessment Categories

Category	Description
Category A:	General statements of policy/general aspirations. Policies which are no more than general statements of policy or general political aspirations should be screened out because they cannot have a significant effect on a site.
Category B:	Policies listing general criteria for testing the acceptability/sustainability of proposals. These general policies cannot have any effect on a Designated site and should be screened out.
Category C:	<p>Proposal referred to but not proposed by the plan. Screen out any references to specific proposals for projects, such as those which are identified, for example, in higher policy frameworks such as the Wales Spatial Plan or National Policy Statements, relating perhaps to nationally significant infrastructure projects. These will be assessed by the Secretary of State or Welsh Ministers. A useful 'test' as to whether a project should be screened out in this step is to ask the question:</p> <p>'Is the project provided for/proposed as part of another plan or programme and would it be likely to proceed under the other plan or programme irrespective of whether this subject plan is adopted with or without reference to it?'</p> <p>If the answer is 'yes' it will normally be appropriate to screen the project out in this step.</p>
Category D:	Environmental protection/site safeguarding policies. These are policies, the obvious purpose of which is to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any adverse effect on a Designated Site. They can be screened out because the implementation of the policies is likely to protect rather than adversely affect Designated sites and not undermine their conservation objectives.
Category E:	Policies or proposals that steer change in such a way as to protect Designated sites from adverse effects. These types of policies or proposals will have the effect of steering change away from Designated sites whose qualifying features may be affected by the change and they can therefore be screened out.
Category F:	Policies or proposals that cannot lead to development or other change. Policies that do not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development, such as materials for new development. They do not trigger any development or other changes that could affect a Designated site and can be screened out.
Category G:	Policies or proposals that could not have any conceivable adverse effect on a site. Policies which make provision for change but which could have no conceivable effect on a Designated site, because there is no causal connection or link between them and the qualifying features of any Designated site, and can therefore be screened out.

Category	Description
Category H:	Policies or proposals the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects). Policies or proposals which make provision for change but which could have no significant effect on a Designated site, either alone or in combination with other aspects of the same plan, or in combination with other plans or projects, can be screened out. These may include cases where there are some potential effects which (and theoretically even in combination) would plainly be insignificant and could not undermine the conservation objectives.
Category I:	Policies or proposals with a likely significant effect on a site alone. Policies or proposals which are likely to have a significant effect on a Designated site alone, should be screened in.
Category J:	Policies or proposals not likely to have a significant effect alone. These aspects of the plan would have some effect on a site, but the effect would not be likely to be a significant effect; so they must be checked for in combination (cumulative) effects. They will then be re-categorised as either Category K (no significant effect in combination) or Category L (likely to have a significant effect in combination), as explained below.
Categories K and L:	<p>Policies or proposals not likely to have a significant effect either alone or in combination (K) or likely to have a significant effect in combination (L) after the in combination test. Where an aspect of a plan could have some effect on the qualifying feature(s) or a Designated site, but the effects of that aspect of the plan alone would not be significant, the effects of that aspect of the plan will need to be checked in combination firstly, with other effects of the same plan, and then with the effects of other plans and projects.</p> <p>i.e. policies or proposals which will have no likely significant effect alone or in combination are classified as Category K. Policies or proposals which are likely to have a significant effect in combination are classified as Category L. Category L policies or proposals will require further consideration in terms of potential in combination effects. Firstly, this will be with regard to other aspects of the Plan itself, and subsequently with other separate plans or projects, for example neighbouring Local Plans.</p>

### 3.5 Potential Impact Pathways

3.5.1 During the HRA screening stage, the likely nature, magnitude, frequency, timing, duration, location and spatial extent of changes resulting from implementation of the LDP will be assessed. As a part of this, mechanisms through which the LDP could impact upon European sites will be considered.

3.5.2 The main impact pathways could be:

- Direct habitat and species loss associated with European sites.
- Habitat degradation as a result of increased air pollution.
- Changes in water quality where sites are hydrologically linked to European sites.
- Loss of habitat functionally linked to a European site (i.e. used by overwintering or passage birds for foraging).
- Disturbance/displacement to species as a result of construction activities/ operational stage.
- Disturbance to habitats and species through increased recreational activity, during operational stage.

## 4 The European Sites

4.1.1 Twenty three European sites have been identified within 20km of Flintshire. A list of the sites together with their status and location is presented in Table 3 and Table 4. Figure 1 also shows the locations of the European sites.

Table 3: Summary of European Sites within Flintshire

Name of Site	Identification Number	Distance from district boundary (approximate km)
The Dee Estuary Ramsar site (England and Wales)	UK11082	Within the County boundary
Dee Estuary / Aber Dyfrdwy SAC	UK0030131	Within the County boundary
The Dee Estuary SPA (England and Wales)	UK9013011	Within the County boundary
Liverpool Bay / Bae Lerpwl (England and Wales) SPA	UK9020294	Within the County boundary
Deeside and Buckley Newt sites SAC	UK0030132	Within the County boundary
Alyn Valley Woods / Coedwigoedd Dyffryn Alun SAC	UK0030078	Within the County boundary
Halkyn Mountain / Mynydd Helygain SAC	UK0030163	Within the County boundary
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid (England and Wales) SAC	UK0030252	Within the County boundary

Table 4: Summary of European Sites outside Flintshire (within 20 km)

Name of Site	Identification Number	Distance from district boundary (approximate km)
Mersey Estuary Ramsar site	UK11041	9 km northeast
Mersey Estuary SPA	UK9005131	9 km northeast
Mersey Narrows & North Wirral Foreshore Ramsar site	UK11042	14 km northeast
Mersey Narrows & North Wirral Foreshore SPA	UK9020287	14 km northeast
Ribble & Alt Estuaries Ramsar Site	UK11057	20 km north
Ribble & Alt Estuaries SPA	UK9005103	20 km north
Midland Meres & Mosses Phase 2 Ramsar site	UK11080	5 km southeast
Midland Meres & Mosses - Phase 1 Ramsar site	UK11043	20 km southeast
Oak Mere SAC	UK0012970	18 km east
Sefton Coast SAC	UK0013076	19 km north
Coedwigoedd Dyffryn Elwy / Elwy Valley Woods	UK0030146	7 km west
Johnstown Newt Sites SAC	UK0030173	7 km south
Llwyn SAC	UK0030185	5 km west

Name of Site	Identification Number	Distance from district boundary (approximate km)
Berwyn a Mynyddoedd De Clwyd / Berwyn and South Clwyd Mountains SAC	UK0012926	adjacent
Berwyn SPA	UK9013111	14 km southwest

## 4.2 Conservation Objectives of the European Sites

4.2.1 Under the Conservation of Habitats and Species Regulations 2010 the appropriate statutory nature conservation body (in this case Natural England) has a duty to communicate the conservation objectives for a European site to the relevant/competent authority responsible for that site. The information provided must also include advice on any operations which may cause deterioration of the features for which the site is designated.

4.2.2 The conservation objectives for a European site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

4.2.3 Guidance from the European Commission<sup>8</sup> indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

<sup>8</sup> Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

## 5 Screening

### 5.1 Context

- 5.1.1 The LDP currently includes 16 policies and two strategic allocation sites. The locations of the non-strategic allocation sites have not yet been identified. These will be assessed in the next iteration of the HRA Report when available.
- 5.1.2 The LDP is intended to be read as a single document rather than a series of separate policies, and has been assessed as such. Proposals in one area of the LDP may mitigate potentially damaging activities promoted in another area and should be understood in the wider context of the Plan's aims and purposes.
- 5.1.3 The preliminary screening of the LDP is presented in the following sections.

### 5.2 Screening Approach

- 5.2.1 The screening process has been split into two distinct stages, preliminary screening and detailed screening. Given that this is a high-level assessment of the Preferred Strategy, this HRA Screening Report only includes the preliminary screening stage. Further detailed screening will be carried out for the next iteration of the LDP.
- 5.2.2 The preliminary screening stage has provided a high-level screening assessment to determine if any elements of the LDP could possibly lead to significant adverse effects on European sites identified in Section 4. The purpose of this is to eliminate those policies and sites from the assessment which very clearly would not affect European sites in order to focus on those policies and sites where there was potential for effects or uncertainty about potential effects.
- 5.2.3 When identifying the elements of the LDP that could potentially affect European sites, it was important to focus upon those elements that would have any likelihood of impacting the sites. The definition of significance identified in Section 3.4 was very important for the preliminary screening.

### 5.3 Preliminary Screening of European sites

- 5.3.1 A preliminary Screening exercise has been undertaken to determine if there are any European sites which can be screened out of the detailed screening assessment. The preliminary Screening is shown in Table 5.
- 5.3.2 European sites screened out comprised those sites where there was no clear link, or conceivable impact pathway between the European sites and the policies/sites set out within the LDP.
- 5.3.3 Those European sites with the potential for Likely Significant Effect (LSE), as a result of implementation of the LDP, or those European sites for which impacts were uncertain, will be carried forward into the more detailed screening assessment.

Table 5: Preliminary Screening of the European sites

European site	Potential impacts	Further consideration required in the detailed screening assessment?
<b>European sites within the County boundary</b>		
The Dee Estuary Ramsar site (England and Wales)	Given that the locations of the non-strategic site allocations within the LDP have not yet been identified; on a precautionary basis, all European sites within the County boundary will require further consideration at the detailed	Yes
The Dee Estuary SPA (England and Wales)		Yes

European site	Potential impacts	Further consideration required in the detailed screening assessment?
Dee Estuary / Aber Dyfrdwy SAC	screening stage in relation to the potential impacts set out within Section 3.5.	Yes
Liverpool Bay / Bae Lerpwl (England and Wales) SPA		Yes
Deeside and Buckley Newt sites SAC		Yes
Alyn Valley Woods / Coedwigoedd Dyffryn Alun SAC		Yes
Halkyn Mountain / Mynydd Helygain SAC		Yes
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid (England and Wales) SAC		Yes
<b>European site outside of the County boundary</b>		
Mersey Estuary Ramsar site	Further consideration required in the detailed screening assessment in relation to potential impacts associated with: loss of functionally linked land and disturbance/ displacement of birds using functionally linked land adjacent to development within the County boundary.	Yes
Mersey Estuary SPA	Given the distance of SPA/Ramsar site from the County boundary (9 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, recreational pressure and disturbance/ displacement of birds during the construction phase of new development within Flintshire have been screened out of further assessment.	Yes
Mersey Narrows & North Wirral Foreshore Ramsar site	Further consideration required in the detailed screening assessment in relation to potential impacts associated with: loss of functionally linked land and disturbance/ displacement of birds using functionally linked land adjacent to development within the County boundary.	Yes
Mersey Narrows & North Wirral Foreshore SPA	Given the distance of SPA/Ramsar site from the County boundary (14 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, recreational pressure and disturbance/ displacement of birds during the construction phase of new development within Flintshire have been screened out of further assessment.	Yes

European site	Potential impacts	Further consideration required in the detailed screening assessment?
Ribble & Alt Estuaries Ramsar Site	Given the distance of SPA/Ramsar site from the County boundary (20 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, recreational pressure, loss of functionally linked land, disturbance/ displacement of birds using functionally linked land adjacent to development and disturbance/ displacement of birds during the construction phase of new development within Flintshire have been screened out of further assessment.	No
Ribble & Alt Estuaries SPA	Given the distance of SPA/Ramsar site from the County boundary (20 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, recreational pressure, loss of functionally linked land, disturbance/ displacement of birds using functionally linked land adjacent to development and disturbance/ displacement of birds during the construction phase of new development within Flintshire have been screened out of further assessment.	No
Midland Meres & Mosses Phase 2 SAC	Further consideration required in the detailed screening assessment in relation to hydrological links with development within the County.  Given the distance of SAC from the County boundary (5 km) potential impacts associated with: air quality, direct habitat loss, and recreational pressure have been screened out of further assessment.	Yes
Midland Meres & Mosses - Phase 1 SAC	Given the distance of SAC from the County boundary (20 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, and recreational pressure have been screened out of further assessment.	No
Oak Mere SAC	Given the distance of SAC from the County boundary (18 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, and recreational pressure have been screened out of further assessment.	No
Sefton Coast SAC	Given the distance of SAC from the County boundary (19 km) the potential impacts set out within Section 3.5 have been screened out of further assessment.	No
Coedwigoedd Dyffryn Elwy / Elwy Valley Woods	Given the distance of SAC from the County boundary (7 km) the potential impacts set out within Section 3.5 have been screened out of further assessment.	No
Johnstown Newt Sites SAC	Given the distance of SAC from the County boundary (7 km) potential impacts on the great crested newt population have been screened out of further assessment.	No
Llwyn SAC	Given the distance of SAC from the County boundary (5 km) the potential impacts set out within Section 3.5 have been screened out of further assessment.	No
Berwyn a Mynyddoedd De Clwyd / Berwyn and South Clwyd Mountains SAC	Further consideration required in the detailed screening assessment in relation to hydrological links, air quality and recreational pressure.  Given that the SAC is outside of the County boundary, potential impacts associated with direct habitat loss have been screened out of further assessment.	Yes
Berwyn SPA	Further consideration required in the detailed screening assessment in relation to potential impacts associated with: loss of functionally linked land and disturbance/	Yes

European site	Potential impacts	Further consideration required in the detailed screening assessment?
	<p>displacement of birds using functionally linked land adjacent to development within the County boundary.</p> <p>Given the distance of SPA/Ramsar site from the County boundary (14 km) potential impacts associated with: hydrological links, air quality, direct habitat loss, recreational pressure and disturbance/ displacement of birds during the construction phase of new development within Flintshire have been screened out of further assessment.</p>	

## 5.4 Preliminary Screening of Local Development Plan Policies

- 5.4.1 A preliminary Screening exercise has been undertaken to determine if any of the 16 policies within the LDP can be screened out of the detailed assessment. The preliminary Screening is shown in Table 6.
- 5.4.2 Policies screened out in the preliminary screening were generally those that could not lead to 'direct development', or could have no impact pathway to any of the European sites identified. This included policies which directly seek to protect the local historic and natural environment, or those which support the implement other policies and therefore could not directly affect European sites.

Table 6: Preliminary Screening of the Local Development Plan Policies

Policy	Justification	Assessment category	Further consideration required in the detailed screening assessment?
<b>Creating Sustainable Places and Communities</b>			
Policy STR1: Strategic Approach	<p>This Policy sets out the economic and housing ambitions for the Local Plan.</p> <p>This Policy will require further consideration at the detailed screening stage in relation to the potential impacts set out within Section 3.5.</p>	H	Yes
Policy STR2: The Location of Development	<p>This Policy sets out locations of new development within the County.</p> <p>This Policy will require further consideration at the detailed screening stage in relation to the potential impacts set out within Section 3.5.</p>	H	Yes
Policy STR3: Strategic Sites	<p>This Policy sets out the two strategic sites for development within Flintshire.</p> <p>This Policy will require further consideration at the detailed screening stage in relation to the potential impacts set out within Section 3.5.</p>	H	Yes
Policy STR4: Principles of Sustainable Development and Design	<p>This Policy relates to sustainable development. The criteria listed within the policy relate to sustainability design principles that new developments would be required to incorporate</p>	B	No

Policy	Justification	Assessment category	Further consideration required in the detailed screening assessment?
	<p>into proposals. , and would not lead directly to development.</p> <p>There would be no LSE on European sites as a result of implementation of this policy.</p>		
Policy STR5: Transport and Accessibility	<p>This Policy sets out the criteria which new development must adhere to in relation to new transport links and accessibility. The policy sets out general transport principles, and as such would not lead directly to development.</p> <p>There would be no LSE on European sites as a result of implementation of this policy.</p>	A	No
Policy STR6: Services, Facilities, and Infrastructure	<p>This Policy sets out the potential mitigation required to ensure that the needs of the community are met in term of services, facilities and infrastructure.</p> <p>Implementation of this policy would not lead directly to development.</p> <p>There would be no LSE on European sites as a result of implementation of this policy</p>	B	No
<b>Supporting a Prosperous Economy</b>			
Policy STR7: Economic Development, Enterprise, and Employment	<p>This Policy sets out the employment area for development within Flintshire.</p> <p>This Policy will require further consideration at the detailed screening stage in relation to the potential impacts set out within Section 3.5.</p>	H	Yes
Policy STR8: Employment Land Availability	<p>This Policy sets out the employment land for development within Flintshire.</p> <p>This Policy will require further consideration at the detailed screening stage in relation to the potential impacts set out within Section 3.5.</p>	H	Yes
Policy STR9: Retail Centres and Development	<p>This policy relates specifically to town centre locations and maintaining the vibrancy, viability and attractiveness of Flintshire's town, district, and local centres.</p> <p>Implementation of this policy would not lead directly to development.</p> <p>There would be no LSE on European sites as a result of implementation of this policy</p>	B	No
Policy STR10: Tourism, Culture, and Leisure	<p>This policy relates to supporting sustainable tourism within the County. Although STR10 supports new development, there are no specific sites allocated under this policy. The policy states that emphasis will be placed on</p>	B	No

Policy	Justification	Assessment category	Further consideration required in the detailed screening assessment?
	<p><i>'Conserving and enhancing Flintshire's natural, built and cultural heritage'</i></p> <p>Given that the aim of the policy is to support sustainable tourism, LSE upon European sites as a result of implementation of this policy would not be anticipated.</p>		

### Meeting Housing Needs

Policy STR11: Provision of Sustainable Housing Sites	<p>This Policy sets out the criteria to which new development must adhere to, to meet the provision of sustainable housing within the County. The policy states that <i>'new housing will be directed to sustainably located, economically viable and deliverable housing sites'</i>. However, there are no sites allocated under this policy which only sets out principles of sustainable housing.</p> <p>There would be no LSE on European sites as a result of implementation of this policy.</p>	A	No
Policy STR12: Provision for Gypsies and Travellers	<p>This policy identifies the need to address the accommodation needs of gypsies, travellers and travelling showpeople. The policy sets out the Council's legal duty, but the policy itself does not allocate any sites.</p> <p>Given the likely small-scale nature of such sites, and their likely location adjacent to existing development, it is considered unlikely that there would be LSE on European sites as a result of implementation of this policy.</p>	G	No

### Valuing the Environment

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure	<p>This policy specifically looks at protecting the natural environment.</p> <p>The implementation of this policy is considered to have no adverse impacts and potentially some beneficial effects on European sites.</p>	D	No
Policy STR14: Climate Change and Environmental Protection	<p>This policy specifically looks at mitigating the effects of climate change. Although the policy encourages <i>'energy efficient development, environmentally acceptable renewable and zero / low carbon energy generation and combined heat and power and communal / district heating networks'</i>; given, that the policy is intended to protect the Environment, the implementation of this policy is considered to have no adverse impacts and potentially some beneficial effects on European sites.</p>	D	No

Policy	Justification	Assessment category	Further consideration required in the detailed screening assessment?
Policy STR15: Waste Management	<p>This policy sets out the principles of how the LDP will facilitate the sustainable management of waste in the future. However, there are no specific sites allocated under this policy.</p> <p>The policy states that <i>'some types of waste facility may need to be located outside development boundaries'</i> However, new waste management facilities would be directed towards existing and allocated industrial sites which are suitable for waste management facilities. The policy goes on to state that new facilities would protect <i>'strategically important sites through the use of buffer'</i></p> <p>. Given that the aim of the policy is to manage waste water effectively, it is considered unlikely that there would be LSE on European sites as a result of implementation of this policy</p>	G	No
Policy STR16: Strategic Planning for Minerals	<p>This policy sets out how the mineral resources within the County will be sustainably managed.</p> <p>Although STR16 supports new mineral extraction, there are no specific sites allocated under this policy. The policy states that mineral resources will be sustainably managed by <i>'Reducing the conflict between mineral development and sensitive development through the use of buffer zones'</i> and <i>'ensuring new mineral extraction is located so as minimise impacts on communities and the environment'</i></p> <p>Given the safeguards within the policy to protect the environment, and the need for any new development to comply with Policy STR13, it is considered unlikely that there would be any LSE on European sites as a result of implementation of this policy.</p>	A	No

## 5.5 Preliminary Screening of Local Development Plan Strategic Sites

5.5.1 Finally, a preliminary Screening exercise has been undertaken to determine if either of the two strategic allocation sites within the Local Plan can be screened out of the detailed assessment. The preliminary Screening is shown in Table 7.

Table 7: Preliminary Screening of the Local Plan Strategic Allocation Sites

Site	Justification	Further consideration required in the detailed screening assessment?
STR3A Northern Gateway Mixed Use Development Site	Given the size and location of these two strategic sites, further consideration will be required at the detailed screening stage.	Yes
STR3B Warren Hall Mixed Use Development Site STR3B Warren Hall Mixed Use Development Site		Yes

## 6 Preliminary Screening Summary and Conclusion

### 6.1 European Sites

6.1.1 Table 7 **Error! Reference source not found.**, above, provides the preliminary Screening of the European sites. Twenty three European sites have been identified within, and up to 20km from the Flintshire County boundary. Of these, eight can be ruled out completely on the basis that there are no potential impact pathways which are likely to give rise to likely significant effects on these sites and/or because there will be no foreseeable adverse impact on European sites through implementation of the LDP:

- Ribble & Alt Estuaries Ramsar Site
- Ribble & Alt Estuaries SPA
- Midland Meres & Mosses - Phase 1 SAC
- Oak Mere SAC
- Sefton coast SAC
- Coedwigoedd Dyffryn Elwy / Elwy Valley Woods SAC
- Johnstown Newt Sites SAC
- Llwyn SAC

6.1.2 For the remaining 15 European sites, likely significant effects cannot be ruled out at this preliminary screening stage. Therefore, the sites that will be taken through into the detailed screening assessment comprise the following:

- The Dee Estuary Ramsar site (England and Wales)
- The Dee Estuary SPA (England and Wales)
- Dee Estuary / Aber Dyfrdwy SAC
- Liverpool Bay / Bae Lerpwl (England and Wales) SPA
- Deeside and Buckley Newt sites SAC
- Alyn Valley Woods / Coedwigoedd Dyffryn Alun SAC
- Halkyn Mountain / Mynydd Helygain SAC
- River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid (England and Wales) SAC
- Mersey Estuary Ramsar site

- Mersey Estuary SPA
- Mersey Narrows & North Wirral Foreshore Ramsar site
- Mersey Narrows & North Wirral Foreshore SPA
- Midland Meres & Mosses Phase 2 SAC
- Berwyn a Mynyddoedd De Clwyd / Berwyn and South Clwyd Mountains SAC
- Berwyn SPA

## 6.2 Preliminary Screening of Policies within the LDP

6.2.1 In addition to Screening out eight of the European sites, it has been possible to screen out 11 of the policies from further assessment. This is on the basis that no identifiable impact pathway exists linking the policies with the European sites and/or because there will be no foreseeable adverse impact on European sites through policy implementation. These comprise the following:

- Policy STR4: Principles of Sustainable Development and Design
- Policy STR5: Transport and Accessibility
- Policy STR6: Services, Facilities, and Infrastructure
- Policy STR9: Retail Centres and Development
- Policy STR10: Tourism, Culture, and Leisure
- Policy STR11: Provision of Sustainable Housing Sites
- Policy STR12: Provision for Gypsies and Travellers
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy STR14: Climate Change and Environmental Protection
- Policy STR15: Waste Management
- Policy STR16: Strategic Planning for Minerals

6.2.2 For the remaining five policies, likely significant effects cannot be ruled out at this preliminary screening stage. Therefore, the policies that will be taken through into the detailed screening assessment comprise the following:

- Policy STR1: Strategic Approach
- Policy STR2: The Location of Development
- Policy STR3: Strategic Sites
- Policy STR7: Economic Development, Enterprise, and Employment
- Policy STR8: Employment Land Availability

## 6.3 Preliminary Screening of Strategic Sites within the LDP

6.3.1 Both of the strategic allocation sites (STR3A: Northern Gateway Mixed Use Development Site and STR3B Warren Hall Mixed Use Development Site) have been granted outline planning consent and were subject to HRA during the planning application process which did not identify any potentially significant effects. However, given that work has not yet commenced and the time that has elapsed since the HRAs were undertaken, on a precautionary basis, at this preliminary screening stage of the deposit LDP, both sites have been screened in for further assessment at the detailed screening stage. It is likely that evidence available for both sites would enable them to be screened out from the need to any further Appropriate Assessment individually, however, there may be in combination effects with other allocations within the Local Plan that have not previously been considered. Therefore, both strategic allocation sites have been taken through to the detailed screening stage of the Deposit LDP which would include a full list of agreed policies and allocation sites.

6.3.2 The detailed screening will take into account the planning status of the allocations within the LDP, review the findings of any previous ecological assessments of the allocations that can provide more

detail regarding the potential for effects upon European sites, and any other information regarding the proposals that enable a conclusion to be drawn as to whether likely significant effects upon European sites can be ruled out. If there is sufficient evidence to conclude no likely significant effect (which is likely to be the case for the two strategic allocation sites), then these allocation sites will be screened out at the detailed screening stage. In the event that the information available for any of the allocations is not sufficient to rule out the possibility of likely significant effects, further Appropriate Assessment would be required to assess the extent of the potential impacts and whether an effect upon the integrity of a European site could occur. In combination effects between allocations within the Local Plan as well as those in combination with other Plans or Projects will also be assessed during the detailed screening stage.

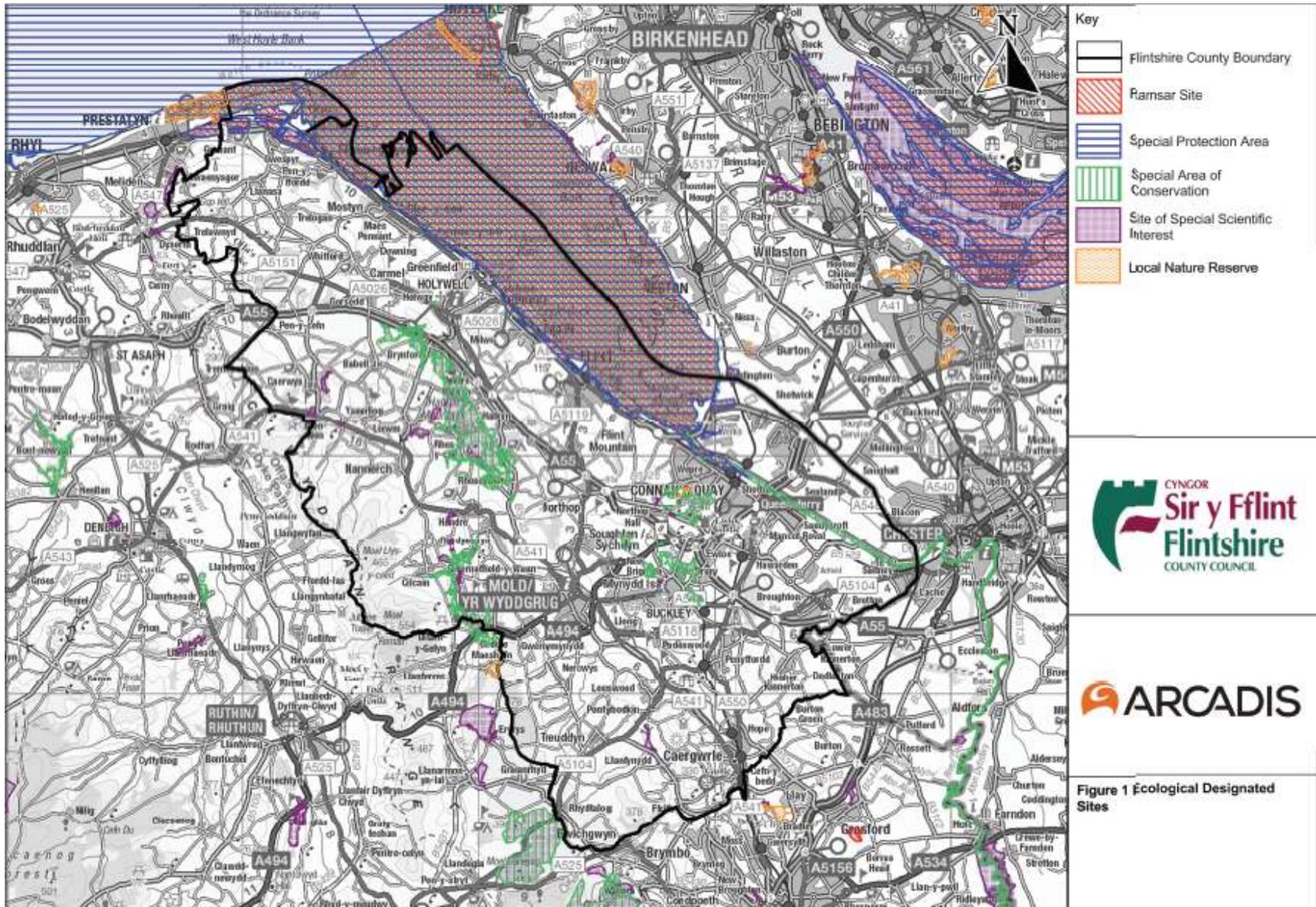
## **6.4 Conclusion**

- 6.4.1 The preliminary screening exercise has been able to rule out eight European sites and 11 polices from further detailed screening. Potential for likely significant effect on the remaining 15 European sites, in relation to five polices and two strategic allocation sites, cannot be ruled out at this stage and will require further detailed screening.

## **7 Next Steps**

- 7.1.1 Following completion of the preliminary screening exercise (detailed within this report), further detailed screening will be required. This will be carried out on the next iteration of the LDP (the Deposit LDP).
- 7.1.2 The detailed screening will consider if implementation of the screened in polices/sites within the Deposit LDP could have a likely significant effect on the European sites screened into the detailed screening assessment.
- 7.1.3 The detailed screening will be used to determine whether further Appropriate Assessment is required of any of the screened in polices/sites within the Deposit LDP.

Figure 1: Location of European Designated Sites



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