

# **Bentley Modified Neighbourhood Plan**

## **Habitats Regulation Assessment (HRA)**

Screening Statement - Determination under Conservation of Habitats and Species Regulations 2017 (as amended)

**Screening Opinion**

**30/01/2025**

## 1. Introduction

- 1.1. This statement sets out a determination by East Hampshire District Council on behalf of Bentley Parish Council, under Conservation of Habitats and Species Regulations 2017 (as amended). This determination concerns whether or not a Habitats Regulations Assessment (HRA) is required for the Bentley Modified Neighbourhood Plan.
- 1.2. European Designated sites are nature conservation sites of European importance and include Special Protection Areas (SPAs) for Birds and Special Areas of Conservation (SACs) for habitat types and species (excluding birds), Ramsar sites and areas secured as sites compensating for damage to European sites. They were created under the EC Birds Directive and Habitats Directive and form part of a larger European network called Natura 2000.
- 1.3. Any plans or projects, including a neighbourhood plan, which propose development which may have an adverse or significant impact on a European Designated site will be required to carry out a Habitats Regulation Assessment pursuant to the Conservation of Habitats and Species Regulation 2017 (as amended).
- 1.4. Natural England have been consulted before making a determination under The Conservation of Habitats and Species Regulations 2017 (as amended). The response received will be set out in Table 2.1 and Appendix 1.

## **2. Habitats Regulations Assessment (HRA)**

### **The HRA screening process**

- 2.1. A HRA is required to determine if a neighbourhood plan would have a significant impact upon the integrity of nature conservation sites of international importance, i.e.. Ramsar sites, Special Areas of Conservation (SAC), and Special Protection Areas (SPA). The principal aim of this part of the document is to 'screen' the potential of the Bentley Modified Neighbourhood Plan for its likely effect, either alone or in combination, on these sites.
- 2.2. This is a requirement under EC Habitats Directive 92/43/EEC7 and has been transposed into British law by Regulation 102 of the Conservation of Habitats and Species Regulations 2017 (as amended). The Directive states that any plan or project not connected or necessary to a sites management, but likely to have significant effects, shall be subject to Appropriate Assessment. An Appropriate Assessment determines the impact that plans and projects would have on internationally important nature conservation sites.
- 2.3. The neighbourhood plan must be in conformity with the strategic policies of the adopted Local Plan – in this case the East Hampshire Joint Core Strategy. An Appropriate Assessment has been undertaken for the Joint Core Strategy policies to ensure that either alone or in combination with other plans and projects, the policies do not adversely affect European protected sites in the district.
- 2.4. This HRA screening report has been undertaken by East Hampshire District Council. It concerns the Bentley Modified Neighbourhood Plan which has been produced by Bentley Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.5. The aim of this HRA screening report is to assess whether this neighbourhood plan would, alone or in combination with other plans and policies, cause any likely significant effects on European sites.

### **Likely impacts of the neighbourhood plan on designated sites**

- 2.6. Figure 1 shows the nature designations those located within the parish of Bentley.

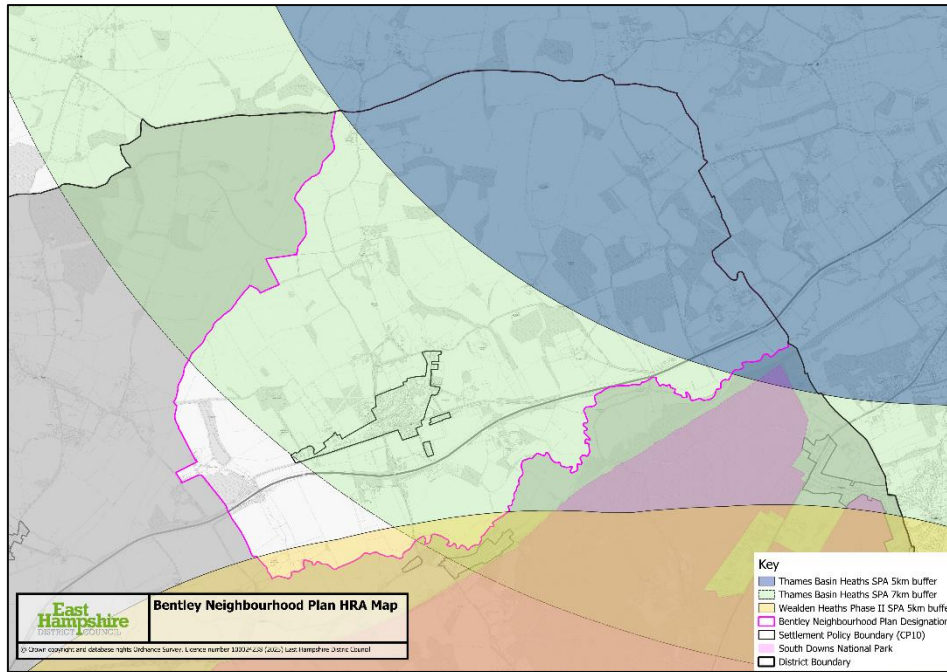


Figure 1: Designated sites of European importance in the Bentley modified neighbourhood plan area

2.7. Of note to the Bentley Modified Neighbourhood Plan is:

- Thames Basin Heath SPA 5km buffer; and
- The Wealden Heaths Phase II SPA, which also includes Woolmer Forest SAC/Shortheath Common SAC and comprises four separate SSSI areas.

2.8. The Thames Basin Heath SPA was designated for ground-nesting nightjar and woodlark and low-nesting Dartford warbler. Recreational pressure has been a long-standing issue in the Thames Basin Heath SPA. Evidence of disturbance impacts led to a mitigation strategy being established for the SPA, including the 400m buffer zone in which no net new residential development will be permitted, and the 5km catchment around the SPA within which mitigation will be required. For larger residential development (over 50 dwellings) within 5km-7km of the SPA, bespoke mitigation is also required.

2.9. The Wealden Heaths Phase II SPA is a site of international importance due to the presence of Dartford warbler, European nightjar and woodlark bird populations. Threats to these populations include recreational pressure and urbanisation effects, hydrological changes, air pollution and the introduction of invasive, non-native species.

2.10. The settlement of Bentley is outside of the 5km buffer zone of the Thames Basin Heath SPA and Wealden Heaths Phase II SPA but falls within the 5 – 7 km for TBH regarding large housing development. As the NP does not proposed allocating any housing for development there will be no significant effect on the

integrity of the European sites, either alone or in combination with other plans or projects.

- 2.11. The Bentley Modified Neighbourhood Plan shows preference for the type and form of development at the local level but does not allocate land for a specific purpose.
- 2.12. Plans with the potential to create in combination effects include other neighbourhood plans in the area and the adopted development plan. The adopted documents within the development plan (the Joint Core Strategy) has prepared a supporting HRA.
- 2.13. As the Bentley Modified Neighbourhood Plan is only influencing and guiding the type and form of development and directing it to the most sustainable locations – i.e. within the adopted settlement boundaries, the policies do not seek to deliver a quantum of development outside the scope of the development plan.
- 2.14. Therefore it is considered unlikely that in combination effects will be observed.
- 2.15. In conclusion, it is considered to be unlikely there will be any significant environmental effects arising from the Bentley Modified Neighbourhood Plan. As such, the ‘appropriate assessment’ stage of the HRA process that ascertains the effect on integrity of the European Site does not need to be undertaken. This conclusion has been issued to Natural England for comment. Please see Table 2.1 and Appendix 1 for a response from Natural England.

**Table 2.1 – Comments received by consultation bodies**

Consultation body	Comments
Natural England	Given that the Neighbourhood Plan does not allocate any housing for development, it is the opinion of Natural England that a Habitats Regulations Assessment is not required.

### **3. HRA Determination**

- 3.1. Having regard to considerations in section 2, the screening assessment, undertaken by East Hampshire District Council concludes that there is not a need for an appropriate assessment in terms of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to the Bentley Modified Neighbourhood Plan. This is because the modified neighbourhood plan does not seek to deliver development above and beyond the scope of that contained in the adopted Joint Core Strategy. Rather the policies seek to influence the

type, design and sustainability of any developments, whilst safeguarding the natural and historic assets of the neighbourhood area. It is considered therefore that there are unlikely to be significant effects with regards to the integrity of European sites. A full Habitat Regulations Assessment is therefore not required.

- 3.2. This screening opinion was made on **30/01/2025** in consultation with Natural England.

## **Appendix A – Natural England response**

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**RE: 2025-03-04 Bentley Neighbourhood Plan HRA Screening**

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**From** [REDACTED]  
**Date** Thu 30/01/2025 12:35  
**To** Jennifer Winter <Jennifer.Howard@easthants.gov.uk>

You don't often get email from paige.eke-goodwin@naturalengland.org.uk. [Learn why this is important](#)

Dear Jennifer,

Thank you for your email. Given that the Neighbourhood Plan does not allocate any housing for development, it is the opinion of Natural England that a Habitats Regulations Assessment is not required.

Best wishes,

[REDACTED]  
Sustainable Development Higher Officer  
Natural England

[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

<https://twitter.com/NEThamesSolent>  
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**From:** Jennifer Winter <[Jennifer.Howard@easthants.gov.uk](mailto:Jennifer.Howard@easthants.gov.uk)>  
**Sent:** 28 January 2025 15:02  
**To:** SM-NE-Consultations (NE) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>

[REDACTED]  
**Subject:** 2025-03-04 Bentley Neighbourhood Plan HRA Screening

Some people who received this message don't often get email from [jennifer.howard@easthants.gov.uk](mailto:jennifer.howard@easthants.gov.uk). [Learn why this is important](#)  
Dear Natural England,

**Bentley Neighbourhood Plan Habitat Regulation Assessment Screening Opinion**

Bentley Parish Council are producing a Bentley Neighbourhood Plan Review which includes some modifications to policies in their [made Neighbourhood Plan \(2016\)](#). These modifications include five new policies, updating references to reflect the most recent National Planning Policy Framework (NPPF) and recently adopted Supplementary Planning Documents (SPD's), as well as changes to the policies map to reflect changes on the



ground. It is important to note that the existing and new policies do not include housing allocations.

As the Local Planning Authority I am formally writing to see whether, in your opinion, a HRA will be required.

I attached, for your information, the draft modified Neighbourhood Plan.

I also add that Natural England previously responded to the Regulation 16 consultation and had no comments.

If you wish to discuss further please do not hesitate to contact me. However, a formal response back to myself would be greatly appreciated.

Kind regards

**Jennifer Winter**

**Senior Policy Planner**

**Tel: 01730 234357**

**My working pattern – Tuesday, Wednesday & Thursday**

**Notice of leave – None**



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