



**St Albans Local Plan
Publication**

Habitats Regulations Assessment Screening Update

**September 2018
(updated March 2019)**

Table of Contents

1	Introduction	1
1.1	Background.....	1
1.2	Previous HRA Screening	1
1.3	HRA Screening for the Local Plan	3
1.3.1	Potential effects to be considered.....	4
2	Chiltern Beechwoods SAC – Evidence Review	5
2.1	Introduction.....	5
2.2	Qualifying habitats and species.....	5
2.3	Conservation objectives	5
2.4	Natura 2000 – Standard Data Form	5
2.5	Site Improvement Plan.....	6
2.5.1	Threat: ‘Public access/disturbance’ in relation to stag beetle	6
2.5.2	Threat: ‘Air pollution – atmospheric nitrogen deposition’ (for all features).....	6
2.6	Condition of relevant SSSI Units.....	6
2.7	Implications for the HRA Screening	7
3	Screening Update.....	7
3.1	Introduction.....	7
3.2	New factors to consider	7
3.2.1	Recreational disturbance	7
3.2.2	Recent caselaw - ‘People Over Wind’ (Sweetman)	9
3.3	Air quality effects	10
3.3.1	Distance criterion.....	10
3.3.2	Traffic level increase criterion	10
3.3.3	Potential for effects on Chiltern Beechwoods SAC.....	11
3.4	Implications for St Albans Local Plan HRA Screening.....	11
3.4.1	Recreational disturbance	11
3.4.2	Air quality effects	11
3.4.3	Implications of recent caselaw	11
4	Conclusion of Screening Update	12
4.1	Consultation with Natural England	12

1 Introduction

1.1 Background

St Albans District Council (SADC) is developing a new Local Plan that will replace the current St Albans District Local Plan Review 1994. It sets out the planning policies and proposals for the future development of the City and District of St Albans and establishes the Council's long term spatial planning strategy for delivering and managing development and infrastructure, and for environmental protection and enhancement, from 2020 to 2036.

The Local Plan is a statutory Development Plan Document (DPD) and must comply with legal requirements. One of these requirements is to comply with the Conservation of Habitats and Species Regulations 2017¹ by undertaking a Habitats Regulations Assessment (HRA). The first stage of the HRA involves undertaking a screening process to determine whether the Local Plan is likely to have a significant effect on a European site² (either alone or in combination with other plans or projects). Where these likely significant effects (LSE) cannot be excluded, they would then need to be assessed in detail through Appropriate Assessment (AA) to ascertain whether there would be an adverse effect on the integrity of the European site.

The new Local Plan is a continuation of the same on-going strategic planning process to replace St Albans District Local Plan Review 1994 as that for the Strategic Local Plan (formerly Core Strategy) and Detailed Local Plan, which were not adopted, rather than being a new planning process.

The HRA Screening for the SLP and DLP is therefore considered to remain a valid ('live') element of the strategic planning process. However given the 'passage of time' since the publication of the HRA Screening Report in April 2008 it is necessary to revisit the HRA Screening to confirm whether or not the conclusions remain unchanged.

This report forms the HRA Screening Update for the Publication Local Plan 2018.

Following consultation with Natural England, the September 2018 HRA Screening Update has been updated in March 2019 to include a new section (Section 4.1) which provides information relating to consultation on the September 2018 document.

1.2 Previous HRA Screening

In previous stages of SADC strategic planning an HRA Screening was undertaken. In agreement with Natural England, the statutory consultee for Screening and Appropriate Assessment, it was determined that the Chilterns Beechwoods Special Area of Conservation (SAC) was the only European site of relevance.

¹ Statutory Instrument 2017 No. 1012

² European sites are those designated under the EU Habitats Directive and the Wild Birds Directive.

An HRA Screening Report³ that was prepared in 2008 concluded, in agreement with Natural England, that any likely potential impacts of the St Albans Issues and Options (including the combined Dacorum/ St Albans Issues and Options for Hemel Hempstead growth), either alone or in combination with other plans and programmes, were not considered to be significant. As a result there was no requirement to undertake Appropriate Assessment.

The 2008 HRA Screening Report identified one St Albans related element⁴ of the Issues and Options document that might lead to a conclusion of likely significant effects on the Chilterns Beechwoods SAC and for which mitigation was considered in order to avoid any such effects. That element was '*Option 21(c): Seeking to increase net out-commuting, by meeting the need for new employment land outside the district*', the associated likely significant effect being related to air pollution from increased traffic.

The mitigation proposed in 2008 was as follows: "*Option 21(c) is only pursued if: a) Employment sites outside the district were located close to the district boundary (e.g. Hemel Hempstead, Hatfield). b) Roads that pass near to Chilterns Beechwoods SAC (i.e. A41, A4251, A4146) do not undergo any significant increase in traffic as a result of siting of new employment land. c) Sustainable transport requirements such as improved public transport, improved cycle routes and Green Travel Plans were met*".

The HRA Screening Report also considered mitigation measures relating to possible 'recreational impacts' and 'water resource impacts'. However these were precautionary, to lessen the possibility of any adverse effects (significant or otherwise) from the Plan, rather than being included as mitigation required in order to arrive at a conclusion of 'no likely significant effects'.

In relation to the requirement for HRA, Section 6.3 of the 2008 report states:

"It is therefore considered unnecessary to undertake a full Appropriate Assessment on the St Albans CSIOs. It is also considered that this AA screening report will suffice for any future Site Allocations produced by St Albans City and District Council, providing the Allocations are within the spatial boundaries set by the St Albans Core Strategy. This AA screening report should suffice for all future policies and site allocations produced by St Albans City and District Council provided they are in the boundaries set by the Core Strategies (including Dacorum's Core Strategy). Any future plans that are likely to cause an increase in key impacts (i.e. recreation, air pollution) or other impacts that might adversely affect the conservation objectives of the SAC (for example, significant impacts within 5km of the SAC) may need to be examined as either an addendum to this screening report or as part of a full Appropriate Assessment."

As the strategic planning process progressed further to the stage of the submission of the Strategic Local Plan (SLP), the findings of the 2008 HRA Screening Report were revisited at each additional stage to ascertain whether the assessment and conclusions still stood or whether they needed to be updated.

Following a review of the updates to the SLP after the original Issues and Options stage, the findings of the 2008 HRA Screening Report were confirmed as still being applicable to the level of new development and the broad locations that were proposed in the Publication

³ http://www.stalbans.gov.uk/Images/SP_SLP_ENV004HabitatRegulationAssessment2008_tcm15-54904.pdf

⁴ The development location as Pouchen End was also included in Table 1 of the 2008 HRA, but that is Dacorum Borough and not in St Albans District

Strategic Local Plan (2016). Therefore the conclusion of ‘no likely significant effects’ remained applicable.

This finding was documented in Section 2.6 of the SA Report that was consulted on alongside the Publication Strategic Local Plan in spring 2016. Natural England’s response in relation to the SA Report was as follows: “Natural England does not wish to make any specific comments in relation to the Sustainability Appraisal”.

1.3 HRA Screening for the Local Plan

As mentioned in Section 1.1, there is a requirement for SADC to consider whether the Local Plan would be likely to have a significant effect on a European site (either alone or in combination with other plans or projects), this being the first step in the process to ensure that the Local Plan will not have an adverse effect on the integrity of the European site.

It is considered that it remains the case that the only European site that might be affected by the Local Plan is the Chilterns Beechwoods SAC which is a multi-site designation, the closest constituent part of which is situated just over 7km to the west of the District (see Figure 1). NB: the figure is copied from a 2008 report and the element relating to the ‘Indicative route of Hemel Hempstead Northern Bypass’ is no longer relevant.

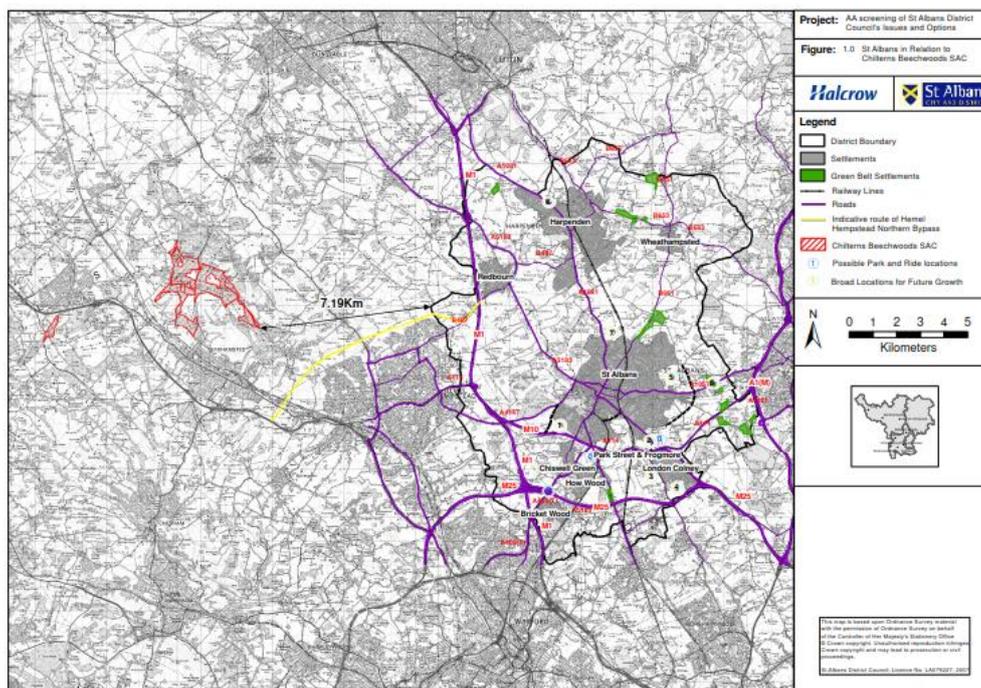


Figure 1: St Albans in relation to Chilterns Beechwoods SAC⁵

The policies in the Publication Local Plan cover the same topics as the policies in the Strategic Local Plan but provide more ‘development control’ type elements, as were included in the Regulation 18 draft Detailed Local Plan. The Publication Local Plan makes provisions for the delivery of 14,608 new dwellings and new allocations for employment development (55Ha at east Hemel Hempstead) in the period 2020 – 2036 and allocates 11 Broad Locations across the District for Green Belt release in order to deliver this quantum of

⁵ Study to Inform Appropriate Assessment (Screening Report) 2008, Halcrow.

development. Three of the Broad Locations for housing are located to the east of Hemel Hempstead, which is the area of the District located closest to the Chilterns Beechwoods SAC. One of these Broad Locations (North Hemel Hempstead), the closest to the SAC, is planned to only be partly built out (approx.35%) during the Local Plan period.

Given that the previous HRA screening (April 2008) covered the assessment of the Issues and Options for Hemel Hempstead growth⁶ which included 17 options for strategic sites around Hemel Hempstead (see Figure 2), this earlier HRA screening therefore remains relevant for the HRA screening of the Local Plan. For that reason the previous HRA screening report needs to be considered alongside this screening update.

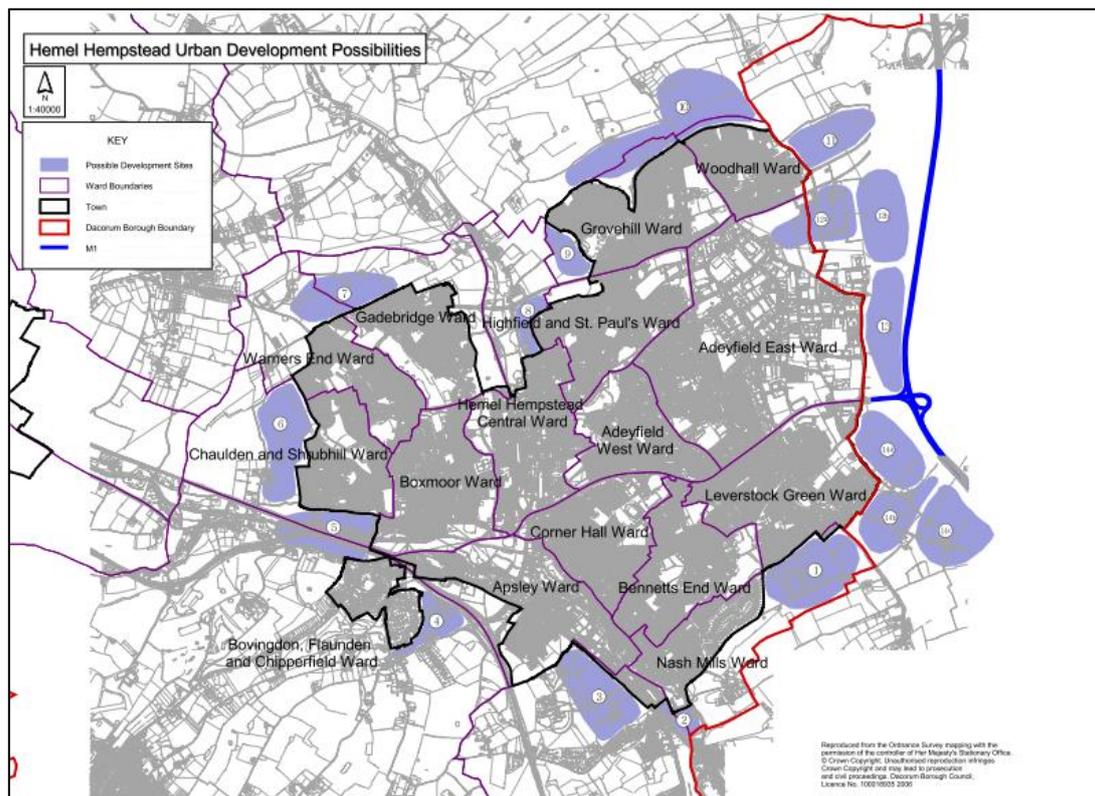


Figure 2: Possible Development Sites included in the 2006 Issues and Options Paper ‘Growth at Hemel Hempstead’⁷

However it is important to consider whether there are any new factors of relevance or any new evidence that would change the previous screening decision. This HRA Screening Update therefore builds on the previous work to take new information into account and to specifically consider the effects of the Publication Local Plan.

1.3.1 Potential effects to be considered

The previous HRA screening identified two potential effects which were then considered in more detail in the screening exercise. These were ‘recreational disturbance’ and ‘air pollution’. It is considered that this remains the case and that they are the only two effects that need to be investigated in relation to the potential for the St Albans Local Plan to have effects on the Chilterns Beechwoods SAC.

⁶ Core Strategies Supplementary Issues and Options Paper Growth at Hemel Hempstead (November 2006).

⁷ <http://www.stalbans.gov.uk/Images/1%260HemelHempstead.pdf>

2 Chiltern Beechwoods SAC – Evidence Review

2.1 Introduction

The Chilterns Beechwoods SAC is a multi-site designation with areas in Berkshire (6.71%), Buckinghamshire (43.19%), Hertfordshire (35.07%) and Oxfordshire (15.03%). The closest component site to St Albans District is at Ashridge.

2.2 Qualifying habitats and species

The qualifying habitats and species of the SAC are as follows:

- Beech forests on neutral to rich soils
- Dry grasslands and scrublands on chalk or limestone
- Stag beetle

2.3 Conservation objectives

The Conservation Objectives for the SAC are as follows:

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.*

2.4 Natura 2000 – Standard Data Form

The Natura 2000 – Standard Data Form⁸ generated in January 2016 identifies the most important threats, pressures and activities with impacts on the site. Four negative impacts are listed, all ranked as ‘High’. These are as follows:

- Threats and pressures code B02 (Forest and Plantation management & use) - Inside the site;

⁸ <http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0012724.pdf>

- Threats and pressures code I02 (Problematic native species) – Both inside and outside the site;
- Threats and pressures code I01 (Invasive non-native species) – Both inside and outside the site; and
- Threats and pressures code K04 (Interspecific floral relations) - Inside the site.

2.5 Site Improvement Plan

The Site Improvement Plan prepared in 2014 identifies seven potential pressures/threats to the SAC. These are as follows:

1. Forestry and woodland management (Pressure/Threat). Feature(s) affected ‘H9130 Beech forests on neutral to rich soils’
2. Deer (Pressure/Threat). Feature(s) affected ‘H9130 Beech forests on neutral to rich soils’
3. Changes in species distributions (Threat). Feature(s) affected ‘S1083 Stag beetle’
4. Invasive species (Pressure/Threat). Feature(s) affected ‘H9130 Beech forests on neutral to rich soils’
5. Disease (Threat). Feature(s) affected ‘H9130 Beech forests on neutral to rich soils’
6. Public access/disturbance (Threat). Feature(s) affected ‘S1083 Stag beetle’
7. Air pollution – impact of atmospheric nitrogen deposition (Pressure). Feature(s) affected ‘H6210 Dry grasslands and scrublands on chalk or limestone (important orchid sites)’; ‘H9130 Beech forests on neutral to rich soils’; and ‘S1083 Stag beetle’.

Two of these potential pressures/threats (#6 and #7) are considered to be of relevance to the HRA of the Local Plan and these are detailed below, along with the proposed actions to tackle the threats.

2.5.1 *Threat: ‘Public access/disturbance’ in relation to stag beetle*

Proposed measures to address the issue: ‘Reduce visitor impact on dead wood’

Delivery Bodies: Forestry Commission, National Trust, Natural England, Landowner(s), National Nature Reserve (NNR), Chilterns Woodland Project, Chilterns Conservation Board

2.5.2 *Threat: ‘Air pollution – atmospheric nitrogen deposition’ (for all features).*

Proposed measures to address the issue: ‘Establish a site nitrogen action plan’.

Delivery Body: Natural England

2.6 Condition of relevant SSSI Units

The SSSI Unit which is closest to St Albans District is Unit 1 of the Ashridge Commons and Woods SSSI.

The most recent assessment of the condition of that unit was undertaken on 13-June-2014. The condition of the unit was found to be ‘Favourable’.

2.7 Implications for the HRA Screening

The information provided in Sections 2.4 to 2.6, which was not available to inform the 2008 Screening, confirms that recreational impacts and air quality impacts remain as the two issues that need to be taken into consideration in this Screening Update.

3 Screening Update

3.1 Introduction

This section provides an update to the HRA Screening at the stage of the Publication of the Local Plan in September 2018. It considers the findings of the 2008 HRA Screening in the context of new evidence and case law developments.

3.2 New factors to consider

Since the previous HRA Screening Report (April 2008) was prepared there have been some new developments in the HRA process and context which need to be taken into consideration for the HRA screening of the St Albans Local Plan. These include the development of the Thames Basin Heaths Delivery Framework, which addresses recreational disturbance on ground nesting birds, and a recent ruling by the Court of Justice of the European Union (CJEU) that has resulted in a change to how and when mitigation can be taken into consideration in the HRA process. These are discussed in the following sub-sections.

3.2.1 Recreational disturbance

3.2.1.1 Natural England Public Access and Disturbance Theme Plan

As part of their 'Improvement Programme for England's Natura 2000 Sites – Planning for the Future' Natural England have issued a 'Public Access and Disturbance Theme Plan'. The document identifies that housing development near to Natura 2000 sites has in some cases been a driver for increased use of these sites by recreational users. However it also points out that the data from Natural England's MENE⁹ suggests a possible decrease in the frequency of visits to the countryside (with most visits being taken in parks in towns and cities). There is no specific information provided in this plan to inform this Screening Update and the reference to the document is provided here for the background purposes only.

3.2.1.2 Thames Basin Heaths SPA Delivery Framework

This Framework was prepared in order to provide local authorities with recommendations on measures to enable the delivery of dwellings in the vicinity of the SPA - without having a significant effect on the SPA as a whole. It focuses on avoiding the impact of recreation and urbanisation on the SPA habitat and interest features. Whilst this relates to effects on ground-nesting birds, and so is not of direct relevance to potential effects on the Chilterns Beechwoods SAC, it nevertheless provides one of the few examples of concrete guidance

⁹ Monitor of Engagement with the Natural Environment, Natural England 2015

relating to distance based criteria for determining the potential for new housing development to result in likely significant effects on a Natura 2000 site.

The Delivery Framework states that: *“The avoidance measures recommended in the Delivery Framework should be applied within a ‘Zone of Influence’ - defined as the area from 400m from the perimeter of the SPA (measured as the crow flies to nearest part of the curtilage of the dwelling) to 5km from the perimeter of the SPA, (measured as the crow flies from the primary point of access to the curtilage of the dwelling). The South East Plan Technical Assessor (‘the Assessor’) recommended that a zone of influence should be defined on the basis of travel distance. A travel distance approach was trialled by LAs, however this approach led to increased confusion and uncertainty. The JSPB therefore recommends that in the interests of certainty and clarity the Zone of Influence of the Delivery Framework approach to provision of avoidance measures is based on a 5km linear distance.*

Applications for large scale development proposals beyond the zone of influence should be assessed on an individual basis. Where appropriate a full appropriate assessment may be required to ascertain whether the proposal could have an adverse effect on the SPA. This is in line with the general requirements of the Habitats Regulations and reflects the approach proposed by the Assessor, who recommended that between 5 and 7km from the edge of the SPA residential developments of over 50 houses should be assessed and may be required to provide appropriate mitigation. It is recommended that such cases be considered on a case by case basis.”

The avoidance and mitigation measures referred to above relate to the provision of SANG (Suitable Alternative Natural Greenspace) and Access Management.

Generally, HRA screening and AA now uses this delivery framework as a general model. For example the HRA undertaken for the Aylesbury Vale Local Plan¹⁰ makes reference to the Thames Basin Heaths Delivery Framework as follows: *“... These distances have been based on various research commissioned by Natural England which investigated people’s recreational movements, behaviour and distance travelled to woodland and heathland sites. Importantly, the research indicates that beyond 7 km, the effect of recreational pressures on a heathland and woodland site are likely to be minimal”*. However it is not made clear as to which Natural England research to which this refers.

3.2.1.3 Solent recreation mitigation strategy

Along similar lines to the Thames Basin Heaths SPA Delivery Framework the Solent Recreation Mitigation Strategy aims to prevent bird disturbance from recreational activities, in this case in relation to the SPA. This strategy requires the provision of 'developer contributions' for new homes built within 5.6 kilometres of the SPAs. (This 5.6 kilometre zone is where the majority of coastal visitors live.) Some developments may require additional mitigation due to their size or proximity to a SPA. Other studies and reports on recreational disturbance.

¹⁰ Aylesbury Vale DC Local Plan HRA report, Land Use Consultants (April 2017)

3.2.1.4 Burnham Beeches Visitor Survey

In the absence of a visitor survey for the Chilterns Beechwoods SAC, a survey¹¹ undertaken by Footprint Ecology in 2013 for the nearby Burnham Beeches SAC could be considered to act as a proxy survey for the Chilterns Beechwoods SAC. That survey found that “*Extrapolation of visitor data indicates that around 16% of visitors currently come from postcodes within 0.5km of the SAC boundary and 5% come from postcodes within 1km. Visit rates per household decline sharply with distance away from the SAC. Within a 5km radius there is a marked change with distance. A development of 100 dwellings at 5km is estimated to have the same impact (in terms of access to Burnham Beeches SAC) as 1.3 dwellings within 500m*”. Section 6 of the report provides a detailed analysis of visitor origins and home postcodes, including understanding impacts of new development. The report concludes in paragraph 9.9 that “... *In terms of spatial planning and impacts to Burnham Beeches SAC, these results would suggest that consideration needs to focus on all development in areas directly adjacent to the SAC, and that large developments within 5km are also of relevance*”.

3.2.1.5 Other Habitats Regulations Assessments

A review of Habitats Regulations Screening Reports and Appropriate Assessments for other plans and projects has identified some other references and evidence relating to distance based recreation effects.

The HRA for the City of Bradford District Core Strategy undertaken by Urban Edge (UE) Environmental Consulting makes reference to visitor surveys undertaken by UE and their partners relating to Ashdown Forest SPA¹² and for a new Whitehill & Bordon Ecotown¹³. For the Ashdown Forest SPA 76% of visitors travel 5km or less to access the heathland sites. The survey undertaken for Whitehill & Bordon in relation to Shortheath Common SAC indicated that the recreational catchment for the Common is relatively restricted, with the median travel distance being less than 5km.

3.2.2 Recent caselaw - ‘People Over Wind’ (Sweetman)

A ruling by the Court of Justice of the European Union (CJEU) in April 2018¹⁴ has resulted in a change to how and when mitigation can be taken into consideration in the HRA process, as described in the extract from PINS Note 05/2018¹⁵ below:

¹¹ Liley, D., Floyd, L. and Fearnley, H. (2014) Burnham Beeches Visitor Survey Footprint Ecology. Unpublished report for Corporation of London.

¹² Pincombe NEJ and Smallbone K (2009a): Visitor Access Patterns on Ashdown Forest. UE Associates Ltd and University of Brighton Report for Mid Sussex and Wealden District Councils.

¹³ Pincombe NEJ and Smallbone K (2009b): Visitor Access Patterns on European Sites surrounding Whitehill and Bordon, East Hampshire. UE Associates Ltd and University of Brighton Report for the Whitehill Bordon Eco-town and East Hampshire District Council. As reported in the HRA for the East Hampshire Joint Core Strategy (URS 2013)

¹⁴

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30dd4a0be052f3b04c09819ffb09262871e7.e34KaxiLc3qMb40Rch0SaxyNbxn0?text=&docid=200970&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=636343>

¹⁵ Planning Inspectorate (May 2018) Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta

“... on 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

Prior to this judgment, case law in England and Wales had established that avoidance or reduction measures that form part of a proposal could be taken into account when considering whether the plan or project would be likely to have a significant effect on a European site. If the risk of a significant effect could be excluded on the basis of objective information, there was no need to undertake an AA.”

This ruling needs to be taken into account in the context of this Screening Update and future HRAs.

3.3 Air quality effects

The 2008 HRA Screening identified the potential for air quality effects. This was in relation to Option 21c which was never taken forward, but nevertheless is an effect that needs to be considered in the context of this HRA Screening update.

Natural England Guidance published in June 2018¹⁶ has been prepared to assist Natural England staff when giving advice relating to the assessment of the potential impacts from road traffic emissions on the qualifying features of European Sites. This has been made available to the public and so has been used to inform this Screening Update.

3.3.1 Distance criterion

In relation to the requirement for assessing impacts that road projects may have on air quality the Design Manual for Roads and Bridges (DMRB) Volume 11 Section 3, Part 1 – Air Quality identifies that “Only properties and Designated Sites within 200 m of roads affected by the project need be considered”.

The Natural England 2018 guidance confirms that only those European sites present within 200m of the edge of a road on which a plan or project will generate traffic will need to be considered when checking for the likelihood of significant effects from road traffic emissions - although where (unusually) there is a credible risk that air quality impacts might extend beyond 200 metres from a road, Natural England may advise that additional sites should also be scoped into the HRA screening and potentially the assessment.

3.3.2 Traffic level increase criterion

DMRB Volume 11 Section 3, Part 1 – Air Quality also identifies a screening threshold above which the predicted change resulting from the plan or project is likely to be significant. This threshold is based on a predicted change of daily traffic flows of 1,000 Annual Average Daily Traffic Flow (AADT) used as a proxy for emissions. Where the AADT, in combination with

¹⁶ Natural England’s approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (June 2018)

other plans or projects, is less than 1,000 the plan or project can be screened out from requiring Appropriate Assessment.

DMRB also contains other thresholds, but which are not considered relevant for the St Albans Local Plan HRA. These are: road alignment will change by 5 m or more; Heavy Duty Vehicle (HDV) flows will change by 200 AADT or more; daily average speed will change by 10 km/hr or more; and peak hour speed will change by 20 km/hr or more.

3.3.3 Potential for effects on Chiltern Beechwoods SAC

Based on the criteria in Sections 3.3.1 and 3.3.2, the only element of the Chilterns Beechwoods SAC which lies within 200m of an A or B road and which could therefore have the potential to be affected by > 1,000 AADT is the section to the west of the A41 west of Tring, this being the Tring Woodlands SSSI component of the SAC.

3.4 Implications for St Albans Local Plan HRA Screening

This section considers the implications of the new evidence/guidance and caselaw provided in Sections 3.2.1 and 3.2.2 on the HRA Screening for St Albans Local Plan.

3.4.1 Recreational disturbance

The closest point of St Albans District is 7.19 km from the Chilterns Beechwoods SAC as the crow flies (Figure 1). That point of the District is also the area for one of the 11 Broad Locations allocated in the Local Plan (Policy S6 iv) North Hemel Hempstead). By road, the distance from this Broad Location (considered to be at the junction between Cherry Tree Lane and Redbourn Road) to the Ashridge Estate visitor centre in the SAC via Little Gaddesdon is 15.8km (9.8 miles).

Given that this distance is over 7km, based on the evidence in Section 3.2.1 it can be concluded that the finding of the 2008 Screening remains unchanged, i.e. that development in the St Albans Local Plan would not have any likely significant recreation based effects on the Chilterns Beechwoods SAC, either alone or in-combination with other plans or projects.

3.4.2 Air quality effects

The distance of the planned developments included in the St Albans Publication Draft Local Plan from Tring is substantial and in addition the A41 is not a route directly associated with the District. Given the very low level of new residents (or businesses) in the development areas planned that would be anticipated to commute on the A41 near Tring, it is considered that in relation to air quality, development in the St Albans Local Plan would not have likely significant effects on the Chilterns Beechwoods SAC. This applies either alone or in-combination with other plans or projects.

3.4.3 Implications of recent caselaw

The previous HRA screening did take mitigation into consideration during the screening stage before arriving at the conclusion of 'no likely significant effects'. However that was only in relation to 'Option 21(c): Seeking to increase net out-commuting, by meeting the need for new employment land outside the district'. Following the consultation on the Issues

and Options in 2006 that option (option 21c) has never been further considered for inclusion in the strategic planning process and as a result the likely significant effects identified and the mitigation proposed in relation to that option (see Section 1.2) are no longer of relevance to the HRA Screening for the Local Plan.

In light of the fact that the ‘remainder’ of the conclusions of the 2008 HRA Screening did not rely on mitigation measures in order to conclude ‘no likely significant effects’, the ‘People over Wind’ ruling does not have any implications for this HRA Screening Update and the findings of the 2008 HRA Screening remain valid. An Appropriate Assessment in order to comply with the new ruling is therefore not required.

4 Conclusion of Screening Update

Based on the information provided in Sections 1 to 3, it is considered that it remains the case that the findings of the 2008 HRA Screening Report remain valid and the replacement to the St Albans Local Plan 1994, namely the Publication Draft St Albans Local Plan 2018, will not have likely significant effects on the Chilterns Beechwoods SAC, either alone or in combination with other plans and projects. As a result it is considered that Appropriate Assessment will not be required.

4.1 Consultation with Natural England

The information, findings and conclusions that were contained in the HRA Screening Update (September 2018) were subject to consultation with Natural England and other stakeholders as part of the Regulation 19 stage for the St Albans Local Plan.

The Regulation 19 response from Natural England in relation to the Local Plan and accompanying Sustainability Appraisal/HRA stated that *“Natural England does not consider that this St Albans District Council Local Plan Publication 2018 poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.”*

Further clarification in relation to the HRA was sought from Natural England in March 2019 and in the resulting correspondence Natural England confirmed that they *“agree with the conclusion of the Habitats Regulations Assessment (HRA) that there will be no likely significant effects on any European Site”*.