

Collingham Neighbourhood Plan

Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report

November 2015

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1. Introduction

- 1.1 This screening report will determine whether or not the contents of the draft Collingham Neighbourhood Plan (hereafter known as 'CNP') (July 2015) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 This report will also screen to determine whether or not the CNP requires a Habitats Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. Kirk Deighton Special Area of Conservation (SAC) is the only international designated site within a 15km radius of the CNP boundary.
- 1.3 The purpose of the CNP is to preserve and enhance the distinctive character and appearance of Collingham by ensuring positive management of future developments, creating a safer and more secure environment, protecting existing open space, creating new greenspace and footpaths and building a stronger community spirit to meet the future needs of the village.
- 1.4 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3, provides a screening assessment of both the likely significant environmental effects of the CNP and the need for a full SEA. Section 4, provides a screening assessment of the likely significant effects of the implementation of a CNP and the need for a Habitats Regulation Assessment.

2. Legislative Background

Strategic Environmental Assessment (SEA)

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 2.2 The 2008 Planning Act amended the requirement so only development plan documents (DPD's) need to be subject to a Sustainability Appraisal. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.
- 2.3 To fulfil the legal requirement to identify if the CNP requires an SEA a screening for a SEA and the criteria for establishing whether a full assessment is needed is undertaken in chapter 3 of this report.

Habitat Regulation Assessment (HRA)

- 2.4 It is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.5 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the CNP upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken in chapter 4 of this report.

3. SEA Screening

Criteria for Assessing the Effects of CNP

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

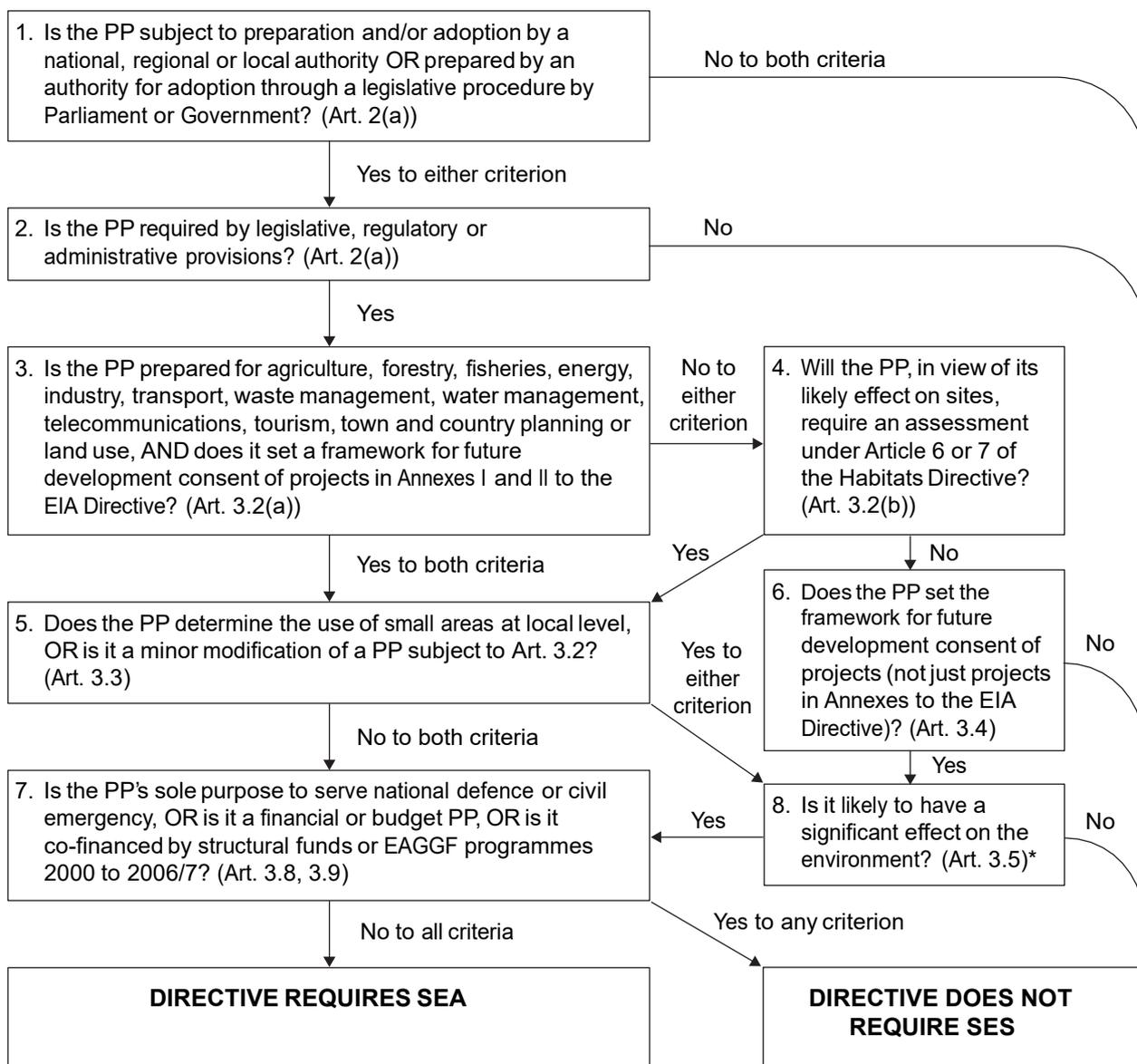
1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive

3.2 The process for screening a planning document against the criteria to determine whether a full SEA is required is shown in Figure 1

Figure 1 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Assessment

3.3 Once adopted, the CNP will form part of the planning policy framework for Collingham and will be used in conjunction with the Core Strategy, saved UDP policies, Site Allocations Plan (once adopted), Natural Resources and Waste DPD and other policy and material considerations to determine planning applications. As such it will be part of the framework within which planning consents are granted and is a plan prepared for ‘town and country planning or land use...’ (Article 3(2)). However the CNP does not specifically address any of the projects listed in Annexes I and II to EIA Directive 85/337/EEC and would not provide any explicit policy guidance on any proposals for these types of land uses. Any such proposals would be considered against the provisions of the Core Strategy, saved UDP policies, Natural Resources and Waste DPD and other relevant policy and material considerations.

- 3.4 It is required by the Localism Act (2011) that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. The Leeds Core Strategy was adopted in November 2014 and was subject to a full Sustainability Appraisal which included a SEA assessment. This concluded that either the implementation of the Core Strategy would not result in any likely significant environmental effects or sufficient mitigation measures were in place to address any effects. The CNP is in general conformity with the adopted Core Strategy which identifies Collingham as a 'smaller settlement'. It does not specifically allocate land for development but it allows for appropriately planned development that fits harmoniously into the existing character. It also provides for the conservation and protection of the character and setting of the village, including the local heritage assets. The Plan has sustainable development at its core and aims to minimise any environmental effects of the policies and projects. Policy E: 'Sustainable Development' explicitly concerns the effect of development on local services, infrastructure, facilities, flood risk and good agricultural land.
- 3.5 Leeds City Council is also preparing a Site Allocations Plan DPD and is currently undertaking public consultation on the Publication Draft. The SAP does not allocate any housing sites within Collingham though it brings forward the Leeds Road Protected Area of Search site as safeguarded land for possible long term development post 2028. Similarly the CNP does not allocate sites for development though it does allow for some new development subject to the provisions of a number of policies within the plan. The Issues and Options Draft and Publication Draft have been subject to Sustainability Appraisals which include SEA assessments. Further drafts and modifications will be subject to additional appraisals.
- 3.6 The CNP does not allocate sites for any specific development but the plan supports growth and development that is 'controlled and appropriate', that 'fits harmoniously into the existing character of Collingham, is designed to sit sensitively within the existing environment and retains Collingham's unique character'. Policy A seeks to guide the scale, character and design of new development to protect the rural setting of the village and views whilst Policy B specifically promotes the protection of the historic environment including trees and archaeology. Furthermore, Policy C sets out how the design of new development must protect and enhance the village by reflecting and reinforcing the local character and vernacular detailing. These policies will help to minimise any detrimental effects of development and therefore contribute to the preservation of the natural and built environments. Indeed the policies are expected to result in positive environmental effects through the protection of positive assets and good quality design. Policy E addresses elements of sustainability and provides for assessing the effect of development on Collingham's services, infrastructure and facilities. This will enable robust scrutiny of the environmental effects of proposed development and allow revisions or mitigation measures to minimise any detrimental effects.
- 3.7 Policy F refers to the Protected Area of Search site at Leeds Road and seeks to protect the site from development until the SAP process has been concluded which will be subject to full Sustainability Appraisals. Policy G provides guidance on housing types and mix, requiring smaller dwellings especially for the ageing population of the village. Policy H recognises the importance of village facilities and services and seeks to protect them to help retain a thriving and healthy community and reduce the need for people to travel. Policy I supports development that provides new parking, safe walking and cycling opportunities whilst Policy L promotes improvements to the footpath, cycleway and bridleway networks. Development will be guided by other policies in the plan and provision/improvement of walking, cycling and riding opportunities will have a positive effect on the sustainability of the village. Policies J and K promote the protection and enhancement of green infrastructure and the provision of new local green space which again will have a positive effect on the environment and assist in achieving a sustainable community. Finally Policy M supports development that includes measures to slow traffic. **Considering the policies listed above, it is concluded that the implementation of the policies contained within the CNP would not result in any likely significant effects upon the environment but would result in positive effects in some cases e.g. new local green space, improved walking, cycling and riding**

opportunities, protection of the setting of the village as well as the historic and natural environments.

3.8 Using the process and questions set out in Figure 1, an assessment of whether the CNP will require a full SEA has been undertaken and the findings are set out below.

Table 1 Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood Plans are made by a 'qualifying body' (Parish/Town Council or designated Neighbourhood Forum) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. A neighbourhood plan is subject to an examination and referendum. If it receives 50% or more 'yes' votes at referendum, it will be 'made' by Leeds City Council as the Local Planning Authority.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to be able to produce a Neighbourhood Plan however they are not required to do so by legislative, regulatory or administrative purposes. However once the neighbourhood plan is 'made' it will form part of the statutory development plan for the area and be used when making decisions on planning applications, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The CNP is prepared for town and country planning and land use and once adopted, will be part of the planning policy framework determining future development in Collingham. Whilst the plan does not allocate specific sites for development, it does support development that sits sensitively within the existing environment and retains Collingham's unique character. It does not specifically address future consent of projects in Annexes I and II.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	See screening assessment for HRA in following section of this report
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	Whilst not identifying uses for specific sites, once made the CNP will be part of the land use framework for the area and will help to determine the use of small areas at a local level.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	Policies within the CNP will be used in the decision making process on planning applications within the CNP area.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	The CNP does not deal with these issues
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	No likely significant effects upon the environment have been identified

3.9 The Environment Agency, Natural England and English Heritage were consulted on the

requirement for a SEA for CNP and gave comments on the version available prior to the formal pre-submission version. Their responses are attached in Appendix 1. Subject to some minor amendments to the text of para 16.3 and Policy E recommended by the Environment Agency, they support the conclusion that the CNP will not result in any likely significant effects upon the environment therefore a SEA is not required.

Screening Outcome

- 3.10 As a result of the assessment in Table 1 and the responses received from the consultees, it is unlikely there will be any significant environmental effects arising from the CNP. The CNP is in conformity with the Core Strategy (2014) and the emerging Site Allocations Plan, which have both been subject to a full Sustainability Appraisal, incorporating a SEA, finding no negative significant effects. Due to the nature of the CNP, the assessment of the CNP policies identifies no significant negative effects and as such, the CNP does not require a full SEA to be undertaken.

4. HRA Screening

HRA Process

- 4.1 The initial screening stage of the HRA process determines if there are any likely significant effects possible as a result of the implementation of the plan and if an appropriate assessment is needed. This stage should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.

Relevant Natura 2000 sites

- 4.2 Kirk Deighton Special Area of Conservation SAC is the only international designated site within a 15km radius of the CNP boundary. Therefore the HRA screening assessment needs to identify if any likely significant effects will be caused by the implementation of the CNP. The northern extent of the Collingham Neighbourhood Area is approximately 3.5km from the center of the Kirk Deighton Site (see Appendix 2.)

Kirk Deighton SAC

- 4.3 The Kirk Deighton site is approximately 4ha in size and is located to the north of Wetherby (north of Collingham) in Harrogate Borough (North Yorkshire), about 500m north of the northern boundary of Leeds. A location plan is attached in Appendix 2. The primary reason for the protection of this site is the presence of Great Crested Newts (*Triturus cristatus*) which breed in a large pond set in a depression in grazed pasture. This main breeding pond has a water level that fluctuates widely, sometimes leading to pond desiccation. As a result, there is relatively little aquatic vegetation but egg-laying occurs and recruitment is successful intermittently; however, a large population is present, demonstrating this species' ability to thrive in temporary pond sites. Newts range across an area comprising pasture with old hedgerows. The Natura 2000 data form is attached in Appendix 2.

HRA Screening Determinations for higher level planning policy documents

Leeds Core Strategy (2014)

- 4.4 The potential effects of the provisions of the Publication Draft Core Strategy on Kirk Deighton SAC were assessed through a Screening Determination (Feb 2012). It was concluded that whilst policies promoting housing and economic growth could result in transport growth and increased industrial emissions, there was no risk of a likely significant effect which could not be mitigated by applying the LDF. Furthermore the West Yorkshire Local Transport Plan promotes a low carbon, sustainable transport system. Natural England agreed with this conclusion and that an Appropriate Assessment was not required in a letter dated 16th February 2012. A further screening was undertaken on the pre-submission changes in December 2012. As the CNP is in general conformity with the strategic policies of the Core Strategy, it broadly complies with the HRA assessment of the Core Strategy. The Core Strategy was adopted in November 2014.

Publication Draft Leeds Site Allocations Plan

- 4.5 A HRA screening determination has been undertaken considering the potential effect of those sites proposed for development and protection as greenspace on the relevant SACs and SPAs. All sites within 2.5km of Kirk Deighton were assessed as to whether they could potentially have an impact even though it is acknowledged that the distance for movement of great crested newts is normally up to 500m. This larger buffer was to reflect the threat to the habitat of the Great Crested Newt from increased acid and nitrogen deposition from transport growth.
- 4.6 Great Crested Newt movements between Kirk Deighton and the nearest proposed housing site (Spofforth Hill, Wetherby) were investigated, however West Yorkshire Ecology and North and East Yorkshire Ecological Data Centre data did not show any records of Great Crested Newts between Kirk Deighton SAC and Spofforth Hill, not least because there are road barriers between the two sites. It was therefore concluded that none of the site allocations within the 2.5km buffer are likely to have any significant impact on movements of Great Crested Newts. It was also considered that the policies of the LTP3, NRW LP and Core Strategy are capable of achieving a shift to more sustainable transport modes, combined with a reduction in travel (per capita) and mitigation for air quality impacts. None of the Collingham Neighbourhood Area lies within the 2.5km buffer. The CNP is in general conformity with the Publication Draft Site Allocations Plan, as it does not propose any development sites though it does support some development that respects the character of the village, continues to protect the Leeds Road safeguarded site and promotes the conservation and protection of the area therefore it is unlikely to have any significant impact on the Kirk Deighton SAC.

Leeds Natural Resources and Waste Development Plan Document

- 4.7 A HRA screening determination was done to determine whether the NRWDPD required an Appropriate Assessment under the Habitats Regulations (Conservation of Habitats and Species Regulations 2010, SI no. 2010/490). It was identified that only 2 policies gave rise to the potential for direct or indirect impacts on SAC or SPA, however they would not affect the Kirk Deighton SAC as they related firstly to the development of wind power and the potential impact on flight patterns of birds and secondly to possible sites for waste facilities in the Aire Valley, over 10km from Kirk Deighton, particularly as great crested newts and their habitats are not particularly sensitive to air pollution. Natural England agreed that the policies of the NRWDPD are not likely to have a significant effect on any SAC or SPA. The CNP does not address the issue of natural resources and waste therefore only the NRWDPD will be applicable to any such proposals in the Collingham area.
- 4.8 As Kirk Deighton SAC lies within Harrogate District Council, plans prepared for that area must be considered:

Harrogate Local Plan: Issues and Options Consultation Habitats Regulations Assessment July 2015

- 4.9 This assessment was informed by the HRA produced for the Draft Sites and Policies Development Plan Document in May 2013 which was withdrawn from examination in May 2014. It is considered that the Great Crested Newts utilise the terrestrial habitat outside the SAC and that policies that required land in-take in areas within 500m of the SAC boundary could have an impact. Furthermore, policies that would increase the concentrations and deposition of air pollutants above a critical level or that would impact on water quality or quantity could also have a potential impact. Any development within Collingham would be more than 500m from the SAC.

Harrogate Core Strategy 2009

- 4.10 The Harrogate Core Strategy was formally assessed under Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Flora and Fauna. It was not found that any of the policies within it required an Appropriate Assessment to be done, however following consultation with Natural England, some policies did raise

issues which were subsequently addressed.

North Yorkshire Minerals and Waste DPD

- 4.11 The Issues and Options draft of the plan was screened and the findings were set out in Habitat Regulations Assessment Likely Significant Effects Report (Feb 2014). It assessed various options and highlighted whether an appropriate assessment may be necessary if particular options were to be carried forward to Preferred Option stage. Most options were not likely to have significant effects on the key sites and those that were judged to potentially have significant effects, it was anticipated that these could be avoided by using caveats.

Harrogate Local Biodiversity Action Plan 2012

- 4.12 North Yorkshire County Council and Harrogate Borough Council have led the Harrogate BAP initiative, with support and funding from Natural England. This is the first attempt to draw together all the information known on habitats and species. The BAP concentrates on priority species and habitats. Individual Action Plans have been prepared for 15 habitats. The aim is to achieve conservation through targets based upon protection, enhancement and re-creation. A small number of Species Action Plans have also been prepared including one for Great Crested Newts. The BAP will contribute to the care of special habitats and the species associated with them.
- 4.13 Overall, it was determined that these higher order plans would not significantly affect any SAC or SPA, including Kirk Deighton. Where plans were at an early stage of preparation it was generally considered that mitigation measures could address any potential effects.

5.0 Assessment of Effects

Screening Assessment for the Collingham Neighbourhood Plan

- 5.1 The following questions will help to establish whether an Appropriate Assessment is required for the CNP:

Is the Collingham Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

- 5.2 The Kirk Deighton SAC does not lie within the Collingham Neighbourhood Area therefore the Collingham Neighbourhood Plan does not relate nor is directly connected with the management of the SAC.

Does the Collingham Neighbourhood Plan propose new development or allocate sites for development?

- 5.3 No. The Plan is in conformity with the general approach to the distribution of housing development set out in the adopted Leeds Core Strategy and the details emerging through the Site Allocations Plan work. Whilst Collingham is classified as a 'smaller settlement' in the Core Strategy and therefore a potential location for small scale housing development, the Publication Draft Site Allocations Plan does not allocate any sites for housing during the plan period. The Core Strategy and drafts of the Site Allocations Plan have been subject to HRA's.

Are there any other projects or plans that together with the Collingham Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?

- 5.4 The information set out in paras 4.4 – 4.12 confirm that other projects and plans that relate to the Kirk Deighton site are unlikely to impact on the integrity of the European site, though the HRA of the early Issues and Options stage of the Harrogate Local Plan identifies some potential effects. The CNP does not propose any development sites and promotes the conservation and protection of the area therefore it is unlikely to have an 'in combination' impact.

5.5 A screening assessment has been done for each policy in the CNP to determine whether they are likely to have a significant effect on the Kirk Deighton SAC which can be found in Appendix 3. The assessment structure set out in guidance for Scottish Natural Heritage has been used which is set out below:

- a) Intended 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 negative effect on a European site;
- b) Which will not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
- c) Which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
- d) Which make provision for change but which could have no significant effect on a European site (but is a minor residual effect), because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;
- e) For which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.

5.6 It is considered that none of the policies in the CNP are likely to have a significant effect on the Kirk Deighton SAC, whether alone or in combination with other projects and programmes. The plan does not specifically allocate land for development however it does generally support development that provides improved services and facilities including green space, footpaths, cycle ways and parking. A consultation response from Natural England supports this conclusion (see Appendix 1).

5.7 Kirk Deighton is protected due to the presence of Great Crested Newts which have a limited distance of movement of normally up to 500m. None of the Collingham Neighbourhood Area lies within 500m of the site. A larger buffer was used in HRA screening determinations for higher order plans to reflect the threat to the habitat of the Great Crested Newt from increased acid and nitrogen deposition from transport growth. None of the Collingham Neighbourhood Area does lie within this larger buffer.

6.0 Screening Outcome

6.1 The screening assessment in Appendix 3 and the assessment undertaken in Section 5 shows that there would be no likely significant effects on the Kirk Deighton SAC from the policies included in the CNP.

6.2 A full HRA of the CNP is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.

7.0 Overall Conclusions

7.1 In light of the assessments undertaken above, a Strategic Environmental Assessment and a Habitats Regulations Assessment are not required for the CNP.