

Strategic Environmental Assessment
&
Habitats Regulations Assessment:
Screening Report

**Draft Thorner Neighbourhood
Development Plan**



June 2020

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1. Introduction

- 1.1 The purpose of this report is to determine whether the draft Thorner Neighbourhood Plan (TNP) requires a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) through a process referred to as SEA and HRA screening.
- 1.2 A Strategic Environmental Assessment is a process for evaluating, at the earliest appropriate stage, the environmental effects of a plan before it is made. The SEA screening determines whether the plan is likely to have significant environmental effects and, if so, an environmental report is required.
- 1.3 A Habitats Regulations Assessment identifies whether a plan is likely to have significant effects on a European site (Natura 2000 sites), either alone or in combination with other plans or projects. A HRA is required when it is deemed that likely significant effects may occur as a result of the implementation of a plan/project. The HRA screening will determine whether significant effects on a European site are likely.
- 1.4 Leeds City Council has prepared this screening report on behalf of Thorner Parish Council who are the qualifying body for the TNP. The Council has a responsibility to advise the Parish Council if there is a need for formal SEA/HRA of the draft plan. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood development plan will not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.5 For the purposes of this assessment the draft version of the plan which was sent to the Local Authority in March 2020 has been screened. This version of the plan is considered to show a firm vision and policy intent. As a consequence the neighbourhood plan is considered to be at an appropriate stage for the screening exercise to be undertaken.

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 which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. The 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal of development plan documents (DPDs), including neighbourhood plans, however there is still a need for a Strategic Environmental Assessment.
- 2.2 The Neighbourhood Planning (Amendment) Regulations 2015 introduced the requirement for an environmental report (prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004), or a statement of reasons why an environment assessment is not required to be submitted to the Local Planning Authority. This is to inform the public and to ensure independent examiners have sufficient information to determine whether a neighbourhood plan is likely to have significant environmental effects.
- 2.3 Regulation 9 of the SEA Regulations 2004 advises that draft neighbourhood plan proposals should be screened (assessed) to determine whether the plan is likely to have significant environmental effects, taking into account the criteria specified in schedule 1 and comments from the environmental consultation bodies. A SEA *may* be required, for example, where the neighbourhood plan allocates sites for development or the neighbourhood area contains sensitive natural or heritage assets that may be affected by proposals in the plan.
- 2.4 Where it is determined that the plan is unlikely to have significant environmental effects, and accordingly, does not require an environmental assessment, the authority is required to prepare a statement for its reasons for the determination. If likely significant environmental effects are identified then an environmental report must be prepared in accordance with paragraphs (2) and (3) of Regulation 12 of the SEA Regulations 2004.

Habitat Regulation Assessment (HRA)

- 2.5 Article 6 (3) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) require that an appropriate assessment of the implications of the plan or project for European sites 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. A screening is undertaken to determine whether the plan is likely to have a significant effect on a European site and, if so, an appropriate assessment of the implications must be undertaken against the site's conservation objectives.
- 2.6 The judgement of the European Union Court of Justice in 'People Over Wind' dated 12 April 2018 has implications for the HRA screening process. The judgement considered whether it is possible to take account of "measures intended to avoid or reduce the harmful effects of the plan (or project) on the site" i.e. mitigation, at the screening stage. As the Directive is silent on "mitigation", the Court found it is not possible to take mitigation into account at the screening stage. This screening therefore assesses the risk that the TNP will have a significant effect on a European site by considering the characteristics and specific environmental conditions of the site along with the proposals of the draft Plan; completed mitigation measures and other conservation, preventative and compensatory measures.
- 2.7 The ruling necessitated a change to the habitat conservation regulations (The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018) which amended the basic condition. Examiners must now consider whether "The making

of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

- 2.8 On 25 July 2018 the Court of Justice (Second Chamber) ruled in the case of *Grace, Sweetman and the National Planning Appeals Board Ireland* (ECLI:EU:C2018:593). This Judgement relates to Appropriate Assessments and how conclusions should be interpreted which in turn determines whether Article 6(3) or Article 6(4) of the Directive applies. If a screening concludes an Appropriate Assessment is not required, this Judgement is not applicable.

3. Draft Thorner Neighbourhood Plan Overview

3.1 Whether a neighbourhood plan requires a SEA/HRA is dependent on what is being proposed within the plan. The draft TNP contains a set of locally specific planning policies and guidance to help determine planning applications in the neighbourhood area.

3.2 The vision of the draft plan is

"Our vision is to maintain the character of Thorner as a distinctive rural community set in a special landscape setting, conserving its rich historic and architectural heritage and ensuring that new development reflects the qualities and characteristics that people value in the Parish."

3.3 The TNP does not propose any allocations. However, it includes policies to help guide development within the area. It seeks to retain and protect the built heritage and distinctive local character of the area, to protect and enhance the natural and green environment within and surrounding the village and improve accessibility to the countryside. The neighbourhood plan includes draft policies focussed on the following issues:

- Design of new development
- Building extensions
- Garden development
- Light pollution
- Parking
- Flooding
- Local Green Spaces
- Trees
- Views
- Pedestrian and cycle links

3.4 Once made the TNP will become part of the Leeds Development Plan and the policies within the plan will be used, alongside other adopted development plan documents in the determination of planning applications within the Thorner Neighbourhood Area.

4. Summary of consultee responses (Environmental assessment consultation bodies)

- 4.1 It is a requirement of the SEA screening process to consult the environmental assessment consultation bodies when forming a view on whether a SEA is required. Regulation 4 of the Environmental Assessment of Plans and Programmes Regulations 2004 defines these consultation bodies as Historic England, the Environment Agency and Natural England.
- 4.2 All of the consultation bodies provided comments, full details of which can be found in Appendix 1 however a summary of their responses is provided below:

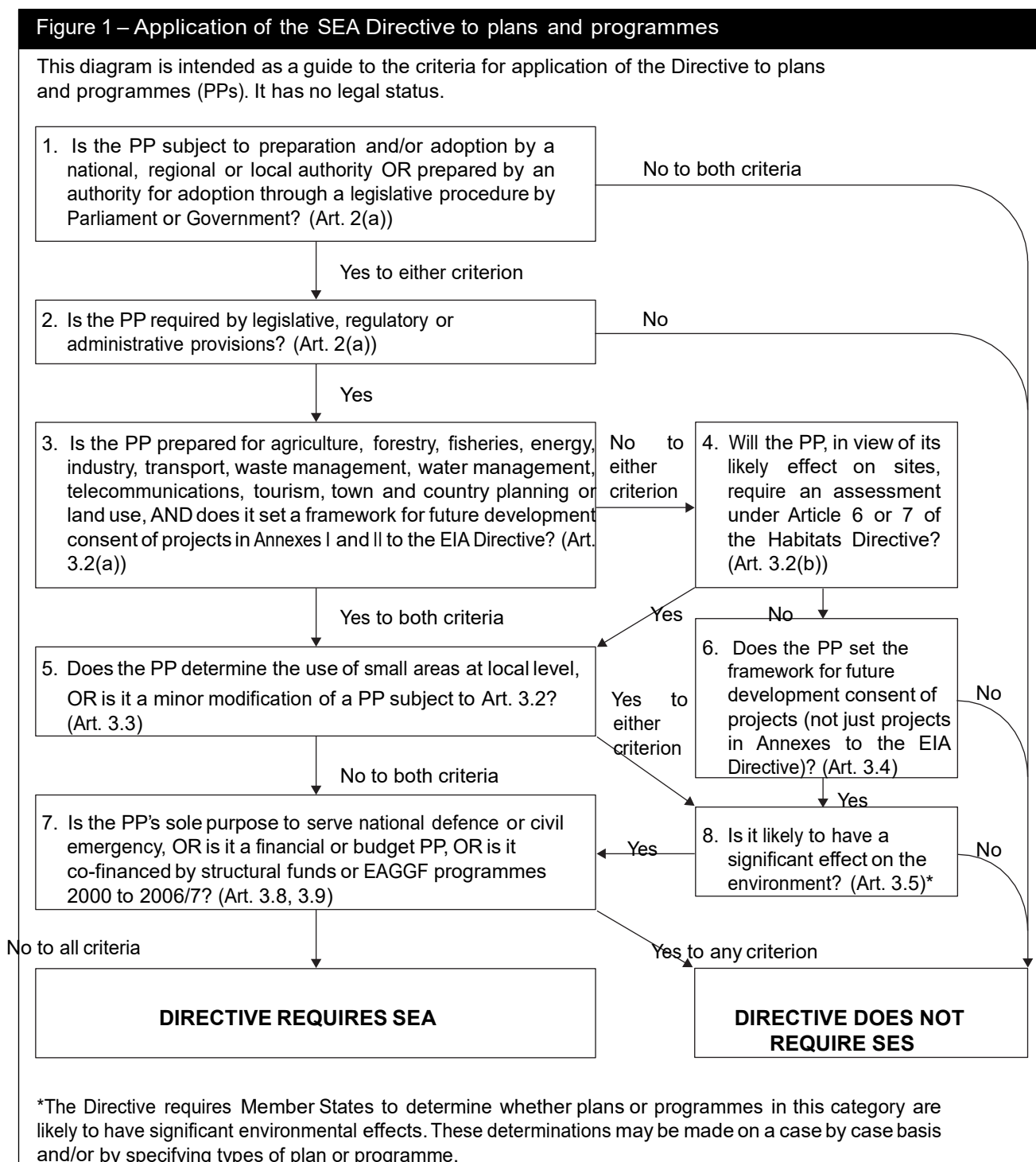
Consultation Body	Summary of comments
Historic England	On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not required.
Environment Agency	Having considered the nature of the policies in the Plan, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.
Natural England	We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed Thorner Neighbourhood Plan.

- 4.3 These consultation responses will be used to help determine whether the plan is likely to have significant environmental effects and have informed the conclusions of this screening report.

5. SEA Screening Assessment

5.1 The flowchart below illustrates the process for screening a planning document to ascertain whether a full SEA is required:

FIGURE 1: APPLICATION OF THE SEA DIRECTIVE TO PLANS AND PROGRAMMES



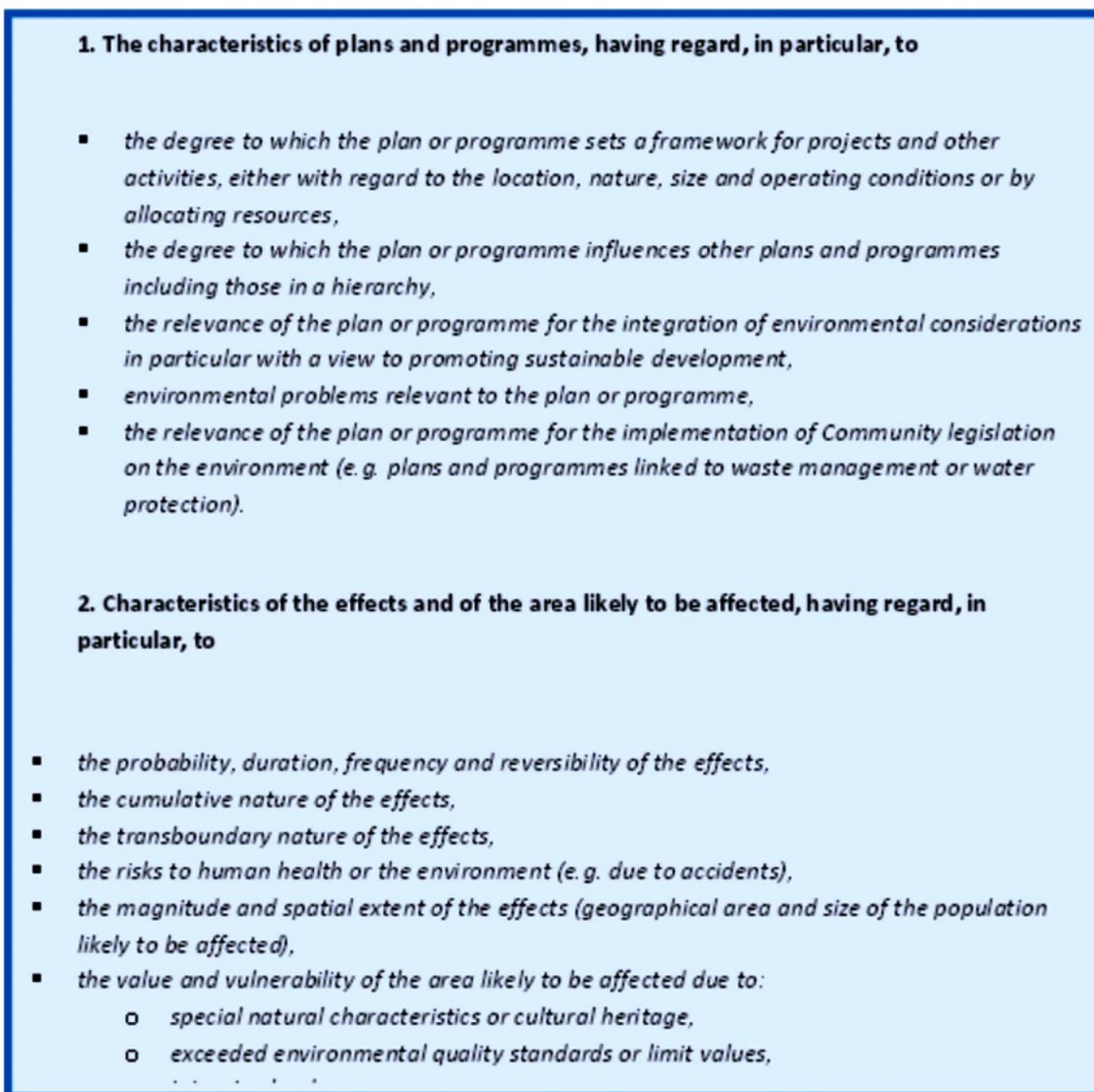
5.2 Table 1 (below) helps to apply the Directive by running the draft plan through the questions outlined in Figure 1.

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 but they are not required by legislative, regulatory or administrative purposes to produce a neighbourhood plan. This plan, however, if adopted, would form part of the statutory development plan, 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))	N	The draft plan is being prepared for 'town and country planning and land use...' (Article 3(2)) and, once adopted, will be part of the planning policy framework determining future development within the Thorner Neighbourhood Area. Developments that fall within Annex I are 'excluded' developments for Neighbourhood Plans as set out in Section 61(k) of the Town and Country Planning Act 1990 (as amended). It is not anticipated that the TNP would be the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.
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	Once made the TNP 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. The draft plan seeks to designate and protect local green spaces, protect the local natural and built environment and encourage design that respects and reflects the local character. GO TO STEP 8
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	The TN will provide a framework for the consent of any future development projects in the neighbourhood area. GO TO STEP 8
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 TNP do not deal with these issues
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See section below and conclusions.

- 5.3 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below in Figure 2.

FIGURE 2: CRITERIA FOR DETERMINING LIKELY SIGNIFICANT EFFECTS



- 5.4 An assessment of the likely significant effects resulting from the neighbourhood plan has been carried out in Table 2:

Table 2 – Assessment of likely significant effects

Criteria	Comments
1. The characteristics of plans and programmes, having regard, in particular, to	
The degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<i>The NP will set a policy framework for the determination of planning applications for future development projects within the Thorner Neighbourhood Area. Once made the NP will form part of the Leeds Development Plan.</i>
The degree to which the NP influences other plans and programmes including those in a hierarchy	<i>The NP must be in general conformity with the Leeds Local Plan and have regard to national planning policy, i.e. National Planning Policy Framework. It does not have any influence over other plans. Once made, the TNP will form part of the planning policy framework for the designated Thorner Neighbourhood Area and will be used in conjunction with the Leeds Core Strategy, saved UDP Review policies, Site Allocations Plan, Natural Resources and Waste DPD and other relevant policy and material considerations to determine planning applications.</i>
The relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>Contributing to the achievement of sustainable development in one of the basic conditions that the NP must meet. The draft plan includes themes and policies regarding the environment and built heritage with the overall intention of supporting Thorner to become a more sustainable community.</i>
Environmental problems relevant to the NP	<i>It is not considered that there are any particular environmental problems relevant to the TNP.</i>
The relevance of the NP for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	<i>This criterion is unlikely to be directly relevant in regard to the TNP as there are no policies which relate to these issues.</i>
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	<i>Although no specific developments are proposed within the TNP, the plan supports appropriate development and provides a framework for guiding any such development. It is likely that some development will occur during the duration of the plan within the area therefore an element of environmental change will take place. However, the plan policies are designed to shape new development that is sustainable and to minimise negative and maximise positive environmental impacts.</i>
The cumulative nature of the effects	<i>The cumulative effects of proposals within the TNP are unlikely to be significant on the local environment as the policies seek to minimise the impact arising from new development proposals. The plan does not allocate any sites for development. The effects of the TNP also need to be considered alongside the Leeds Core Strategy, Site Allocations Plan and the Natural Resources and Waste DPD. The Sustainability Appraisal (including a SEA assessment) of the Core Strategy concluded that the implementation of the Core Strategy would not result in any likely significant environmental effects. The Site Allocations Plan does not allocate any development sites within Thorner. It is not considered that the TNP introduces significant additional effects over and above</i>

	<i>those already considered in the SA/SEA for the Core Strategy, SAP and NRWDPD.</i>
The transboundary nature of the effects	<i>The proposals within the TNP are unlikely to have any impact beyond the neighbourhood area boundary.</i>
The risks to human health or the environment (e.g. due to accidents)	<i>None identified. Health and safety mitigation measures will be dealt with on a procedural basis by applicants.</i>
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	<i>The TNP is concerned with development within the Thorner Neighbourhood Area only which had a population of 1646 in 2011. The potential for environmental impacts are likely to be local, limited and minimal.</i>
The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> ▪ special natural characteristics or cultural heritage, ▪ exceeded environmental quality standards or limit values, ▪ intensive land-use, 	<i>The TNP is unlikely to adversely affect the value and vulnerability of the area in relation to its special natural characteristics or cultural heritage. The policies within the plan seek to provide greater protection to the local natural and built environment and specific character of the area and provide design guidance to shape development. There are unlikely to be any intensive land-use concerns.</i>
The effects on areas or landscapes which have a recognised national, Community or international protection status.	<i>It is not considered that the draft policies in the TNP will adversely affect areas or landscapes which have a recognised national, community or international protection status. The policies do not allocate land for development and the plan seeks to protect some local green spaces and the local landscape character.</i>

SEA Screening Assessment – Draft Policies

5.5 The draft policies contained within the neighbourhood plan focus on two themes:

New Development

5.5.1 **Policies A1 – A6:** The policies in this section seek to minimise the impact of new development on the built environment in the village of Thorner. They seek to ensure that developments are appropriately designed in the village context and do not cause harm to the character of the village, give rise to unnecessary light pollution, lead to issues of additional parking stress or adversely impact local flood risk. It is not considered that any of the policies in this section will have significant environmental effects. They seek to minimise the impact that new development has on the environment in Thorner and are likely to result in small-scale positive effects.

Green Space

5.5.2 **Policies B1 – B4:** The policies in this section seek to designate areas of Local Green Space, protect additional trees beyond those already protected by separate legislation, maintain key views which support the relationship between the village and the landscape, and improve / extend local pedestrian and cycle links. It is not considered that any of the policies in this section will lead to any significant environmental effects. The policies seek to protect and enhance natural assets and encourage a positive relationship between the village and the surrounding countryside. It is likely that any effects of these policies will be small-scale.

SEA Screening – Conclusions

5.6 In conclusion, as a result of the assessment carried out in Table 2 and the analysis carried out above, it is considered that it is unlikely that any significant environmental effects will arise as a result of the draft TNP. Consequently, the assessment within Table 1 concludes (subject to HRA screening outcome), that an SEA is not required when judged against the application of the SEA Directive criteria.

- 5.7 Notably, the draft neighbourhood plan does not propose any allocations. No sensitive natural or heritage assets will be significantly affected by proposals contained within the plan. The neighbourhood plan's policies seek to guide development within the neighbourhood area and are required to be in general conformity with those within the Leeds Local Plan. Finally, none of the environmental consultation bodies raised any concerns regarding any likely significant environmental effects.

HRA Screening Assessment

- 6.1 The HRA involves an assessment of any plan or project to establish if it has potential implications for European wildlife sites. The HRA considers if the proposals in the neighbourhood plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:
- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
 - Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC).
- 6.2 Ramsar sites (designated under the Ramsar Convention, Iran 1971 as amended by the Paris Protocol 1992), whilst not covered by the Habitats Regulations, should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as Natura 2000 sites.
- 6.3 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.
- 6.4 The European Union Court of Justice judgement in the ‘People Over Wind’ case ruled that it is not possible to take account of mitigation measures at the screening stage, though this excludes conservation, preventative, or compensatory measures as defined under Articles 6(1), 6(2) and 6(4) and all types of measures, including mitigation, which have already been completed at the date of the screening assessment. This ensures that an assessment is undertaken of the characteristics and specific environmental conditions as they appear at the date of the screening assessment. This screening will be carried out in accordance with this ruling.
- 6.5 It will also consider whether the draft Plan meets the amended Basic Condition¹ and whether an appropriate assessment of implications is required. It will determine whether the plan:
- 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
 - is not directly connected with or necessary to the management of the site (Regulation 105 (1))
- 6.6 A qualifying body must provide enough information for the competent authority to allow it to assess a neighbourhood plan proposal or to enable it to determine whether an appropriate assessment is required through a screening stage assessment. The land use plan must only be given effect after the plan making authority has “ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site.”

Relevant Natura 2000 Sites

- 6.7 As a general ‘rule of thumb’ it is identified that sites with pathways of 10-15km of the plan/project boundary should be included within a HRA. Kirk Deighton Special Area of Conservation (SAC) is the only internationally-designated site within a 15km radius of the Thorner Neighbourhood Area boundary.
- 6.8 The Kirk Deighton SAC is approximately 4ha in size and is located to the north of Wetherby within the administrative area of Harrogate Borough (North Yorkshire). The site lies about 500m north of the northern boundary of the Leeds City Council administrative boundary. The SAC is situated approximately 7km away from the Thorner Neighbourhood Area at its nearest point. A location plan is attached within Appendix 2 along with the Natural 2000 Data Form for Kirk

¹ The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

Deighton.

- 6.9 In order to assess the potential impacts it is important to understand the conservation objectives for which the site was classified. 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.

Consideration of the Likely Effect of the Draft Thorner Neighbourhood Plan

- 6.10 The following questions will help to establish whether an Appropriate Assessment is required for the emerging Thorner Neighbourhood Plan:
- a) **Is the Draft Thorner Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?**
- 6.11 No. The Kirk Deighton SAC does not lie within the Thorner Neighbourhood Area; therefore the draft TNP does not relate nor is directly connected with the management of the SAC. The Kirk Deighton SAC is not within the administrative boundary of the Leeds Metropolitan District. The policies in the TNP can only apply within the designated Neighbourhood Area, not outside.
- b) **Does the Draft Thorner Neighbourhood Plan propose new development or allocate sites for development?**
- 6.12 No. The draft TNP does not propose new development or allocate sites for development, it seeks to shape development that will come forward in the neighbourhood area. It includes policies covering design of new development, building extensions, garden development, light pollution, parking, flooding, Local Green Spaces, trees, views, and pedestrian and cycle links.
- c) **Are there any other projects or plans that together with the Draft Thorner Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?**

Leeds Site Allocations Plan

- 6.13 The Site Allocations Plan was adopted by Leeds City Council in July 2019. The SAP was subject to a [HRA Screening & Appropriate Assessment](#) as part of the Examination in Public.
- 6.14 In order to consider the "in combination" effect of the draft TNP and other plans and programmes, it is appropriate to refer to the Screening & Appropriate Assessment of the SAP which assesses the in combination effect of the Site Allocations Plan with other plans and projects.
- 6.15 Para 4.2 of the SAP Screening & Appropriate Assessment of the SAP states:

With regard to the Kirk Deighton SAC (which occurs 500 metres north of the Leeds MD and is situated with the administrative area of Harrogate Borough Council), the proposed housing, employment and green space SAP allocations are identified on Plan 2 for information, showing the nearest allocation being 1.01km away.

- 6.16 Para 4.5 states:

Advice from Natural England dated 24th August 2016 stated that the distance normally considered for acid and nitrogen deposition is 200 metres, and that specifically in the case of Kirk Deighton SAC because allocations are to the east of the SAC emissions will normally go in the opposite direction (from predominantly westerly UK winds). Therefore consideration is only required of roads within 200m of European Sites that are

expected to experience an increase in traffic. Appendix 11 shows the nearest road that is likely to receive any increase in traffic being 382.5 metres away.

- 6.17 Using the Site Improvement Plan for Kirk Deighton SAC, the Appropriate Assessment concludes for each environmental consideration related to the site, the SAP does not give rise to any potential LSE and therefore the SAP is screened out. Para 1.6 of the Screening & Appropriate Assessment states:

It is confirmed also that this HRA Screening and subsequent Appropriate Assessment has been undertaken with due regard to the judgment of the Court of Justice of the European Union (CJEU) C-323/17 dated 12 April 2018 in People over Wind, Peter Sweetman v Coillite Teoranta.

- 6.18 In their response of November 2018, Natural England confirmed that they were satisfied that the Appropriate Assessment of the SAP utilised the 200m threshold as set out in the Department for Transport's Design Manual for Roads and Bridges and providing that the traffic assessment was correct, the SAP does not impact on any roads within 200m of the European site and no further assessment of the SAP was needed.
- 6.19 As the TNP does not propose to allocate land for new development, it is not likely that it will impact on any roads within the 200m buffer of the Kirk Deighton SAC. Indeed, the Site Allocations Plan does not allocate any new development sites within the Thorner Neighbourhood Area.

Harrogate District Local Plan (Adopted 04 March 2020)

- 6.20 Harrogate BC revisited the HRA of the Draft Local Plan following the ruling by the Court of Justice of the European Union to ensure that no mitigation was included in the screening process. Consequently, an Appropriate Assessment was undertaken which considered the significant effects of three elements of the draft Local Plan – Growth Strategy, Draft Development Policies and Draft Allocations - under the following issues:

- Loss of land
- Urban disturbance
- Recreational pressure
- Water quantity and quality
- Pollution levels

- 6.21 For all but one of the above issues the assessment concluded that, due to certain policies in the draft Local Plan, the policies alone or in-combination with other projects or plans would not have a significant impact on European Sites. It does, however, identify that there could be an impact on the air quality at Kirk Deighton therefore further air dispersion modelling (December 2018) was undertaken to understand the impact of the increase in traffic on the SAC. This showed that there would not be a significant increase, therefore the emerging Local Plan would not have significant air quality impacts on the Kirk Deighton SAC / SSSI, and that mitigation measures are not required.. Natural England were satisfied with the Appropriate Assessment (August 2018) and the further modelling.

Thorner Neighbourhood Plan

- 6.22 The TNP does not propose any development sites and the policies proposed will shape new development within the area in a way that will reduce the likelihood of significant environmental effects. There are no likely significant effects on the Kirk Deighton SAC identified as a result of the Neighbourhood Plan therefore no mitigation measures are required. The 'in combination' effect is properly addressed through the Council's conclusions in the Site Allocations Plan HRA Screening and Harrogate Borough Council's revised Appropriate Assessment (August 2018).
- 6.23 The policies within the plan are required to be in general conformity with those of the

development plan and the Council considers that the TNP meets this Basic Condition. The neighbourhood plan does not promote a greater amount of development than set out in the Local Plan.

HRA Screening Conclusions

- 6.24 Kirk Deighton SAC 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 Thorner Neighbourhood Area lies within 500m of the site. Furthermore, Natural England has stated within their consultation response that '...there are unlikely to be significant environmental effects from the proposed Thorner Neighbourhood Plan.'
- 6.25 It is considered that none of the policies in the Draft TNP are likely to have a significant effect on the Kirk Deighton SAC, whether alone or in combination with other projects and programmes. Furthermore, the policies within the plan are required to be in general conformity with those of the Local Plan (including biodiversity policies) which have been subject to HRA assessments.
- 6.26 The Council has considered the European Court Judgement, the HRA Screenings & Assessments of the Leeds SAP and the Harrogate Local Plan and has not relied on measures intended to avoid or reduce the harmful effects of the plan in order to screen out the neighbourhood plan under the Conservation of Habitats and Species Regulations 2018. An Appropriate Assessment is not required therefore the Court of Justice (Second Chamber) judgement in the case of Grace, Sweetman and the National Planning Appeals Board Ireland (ECLI:EU:C2018:593) is not applicable.

Overall Screening Conclusions

- 7.1 A SEA and HRA screening exercise has been undertaken for the draft TNP. The assessments have concluded that the neighbourhood plan is unlikely to give rise to any significant environmental effects or have significant effects on a European site therefore the TNP is screened out under the Conservation of Habitats and Species Regulations 2018.
- 7.2 These conclusions are supported by comments from the environmental consultation bodies. Accordingly it is considered that an SEA or HRA assessment is not required for the draft neighbourhood plan.
- 7.3 It is important to note that this screening opinion is based on a draft version of the Thorner Neighbourhood Plan (dated March 2020). Consequently if the content of the neighbourhood plan should materially change then the SEA/HRA screening process will need to be re-considered and updated as appropriate.

APPENDIX 1

RESPONSES FROM ENVIRONMENTAL ASSESSMENT CONSULTATION BODIES



Historic England

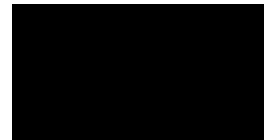
YORKSHIRE

Ms. Abbie Miladinovic
Policy and Plans,
Leeds City Council,
Merrion House,
110 Merrion Centre,
Leeds,
LS2 8BB

Our ref: PL0056508

Your ref:

Telephone
Mobile



27 May 2020

Dear Ms. Miladinovic,

Thorner Neighbourhood Plan Strategic Environmental Assessment Screen Opinion

We write in response to your e-mail of Monday 20 April 2020, seeking a Screening Opinion for the Thorner Neighbourhood Plan.

For the purposes of this consultation, Historic England will confine its advice to the question, “Is it likely to have a significant effect on the environment?” in respect to our area of concern, cultural heritage. Our comments are based on the information supplied with the Draft Thorner Neighbourhood Plan, 2020LR.

The Draft Neighbourhood Plan indicates that within the plan area there are several designated cultural heritage assets, but does not identify all 32 grade II listed buildings (including one – Fieldhead - straddling the southern boundary of the Parish). The Thorner Conservation Area is identified. There are also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not required.

The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.



Historic England, [REDACTED]
Telephone [REDACTED] HistoricEngland.org.uk

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Correspondence or information which you send us may therefore become publicly available.

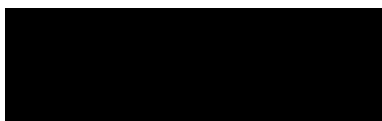


We should like to stress that this opinion is based on the information available in the Thorner Neighbourhood Plan. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

We would be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Historic England strongly advises that the conservation and archaeological staff of the Leeds City Council and the West Yorkshire Archaeological Advisory Service are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

Yours sincerely



Craig Broadwith
Historic Places Adviser
E-mail: [REDACTED]



Historic England, [REDACTED]
Telephone [REDACTED] HistoricEngland.org.uk

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From: [REDACTED]
To: [Miladinovic, Abbie](#)
Subject: RE: Thorne Neighbourhood Plan - SEA-HRA Screening
Date: 19 June 2020 11:30:17
Attachments: [image002.png](#)

Good Morning Abbe

Thank you for consulting the Environment Agency regarding the above mentioned proposed draft plan. We have reviewed the information submitted and we wish to make the following comments

-
Strategic Environmental Assessment

We note that the Council has a responsibility to advise the Parish Council if there is a need for formal Strategic Environmental Assessment of the draft Neighbourhood Plan. You are seeking our views in order to inform the Council's decision on this matter.

We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies in the Plan, we consider that it is **unlikely that significant negative** impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.

Draft Plan

-
We have no objections to the proposed plan, We are pleased to see that they have included a policy on flood risk.

Allocation of sites

This could be used as an opportunity for environmental gain for the area as an offset against the housing development.

Those that are not within the local plan we suggest any developer take the opportunity to have pre development advise from ourselves, so no unwanted surprises arise at planning stage.

Water quality

Proper management is important to protect water quality, both for groundwater and surface water resources.

Drainage misconnections can occur in new developments, redevelopments, extensions or through refurbishment. Developers must ensure that they do not connect any foul drainage (including sinks, showers, washing machine/dishwasher outlets and toilets) to a surface water sewer, as this can send polluted water into watercourses. Similarly, developers should ensure that they do not connect surface water drainage (e.g. roof gutter downpipes) into foul sewers as this can cause overloading of the foul sewer during heavy rainfall.

Polluted surface water flows from areas like car parks or service yards should always have sufficient pollution prevention measures in place to ensure the protection of groundwater and watercourses from specific pollutants like petrol (hydrocarbons) and suspended solids. Developers should follow appropriate pollution prevention guidance when designing formal drainage for large areas of hardstanding.

Ideally, applicants should introduce more 'surface' or 'green' drainage solutions to aid improvements in water quality, such as swales along hardstanding boundaries, or a more advanced reed bed system for larger sites. These solutions are easier to access and maintain than engineered solutions like petrol/oil interceptors, which require regular maintenance to ensure they operate correctly.

We would welcome a policy which requires a net gain in biodiversity through all development,

River restoration

We would welcome the inclusion of a specific river policy, addressing the following:

- Minimum of 8 metre (m) buffer zones for all watercourses measured from bank top to provide an effective and valuable river corridor and improve habitat connectivity. A 5m buffer zone for ponds would also help to protect their wildlife value and ensure that the value of the adjacent terrestrial habitat is protected.
- Development proposals to help achieve and deliver WFD objectives. Examples of the types of improvements that we may expect developers to make are: removal of obstructions (e.g. weirs), de-culverting, regrading banks to a more natural profile, improving in-channel habitat, reduce levels of shade (e.g. tree thinning) to allow aquatic vegetation to establish, etc. Proposals which fail to take

opportunities to restore and improve rivers should be refused. If this is not possible, then financial or land contributions towards the restoration of rivers should be required.

- River corridors are very sensitive to lighting and rivers and their 8m buffer zones (as a minimum) should remain/be designed to be intrinsically dark i.e. Lux levels of 0-2.

It may be useful to include ownership information details for landowners, applicants or developers who have a watercourse running through or adjacent to their site. Many people believe that the Environment Agency own 'main rivers' which is not the case. Whilst we hold permissive powers to carry out maintenance on main rivers, the site owner is the 'riparian owner' of the stretch of watercourse running through their site (whole channel) or adjacent to their site (up to the centre line of the channel) – and this includes culverted watercourses. Our 'Living on the Edge' publication provides important guidance for riverside owners.

Applicants should remove watercourses from existing culverts where this is feasible. This will help to reduce flood risk from blocked or collapsed culverts, and open channels are significantly easier for the landowner to maintain. Culverts that cause blockages of the watercourse are the responsibility of the owner to repair. Additionally, we will usually object to planning applications that propose new culverts.

Your plan policy should also provide details of 'buffer zones' that are left adjacent to watercourses. We will always ask developers to maintain an undeveloped,

Naturalised, 8 metre buffer zone adjacent to main rivers. We ask that applicants do not include any structures such as fencing or footpaths within the buffer zone as this could increase flood risk - through the inclusion of close-board fencing for example. Any works or structures that applicants intend within 8m of a main river will require a flood defence consent from us, which is separate from and in addition to any planning permission granted.

Sustainable construction

You could also help your community save money through sustainable construction. Neighbourhood planning is an opportunity for communities to encourage efficient water and waste management systems in new buildings, and use locally sourced wood fuel for heating. You could also help to promote the use of sustainable materials in construction, and encourage energy efficiency measures for new builds. These measures will reduce the cost of construction for developers and help to reduce utility bills for those using the building. This will also help the environment by reducing emissions and improving air quality.

We hope this response helps you develop your plan. Apologies for this being late.

Kind regards

Claire Dennison
Sustainable Places Planning Advisor

MY CONTACT DETAILS:

Direct Dial : [REDACTED]

Email [REDACTED]

TEAM CONTACT DETAILS:

Tel: [REDACTED]

Email [REDACTED]

Environment Agency, [REDACTED]

Charging for planning advice

Speak to us early about environmental issues and opportunities - we can provide a free basic response. For more detailed advice / meetings / reviews we can provide a project manager to coordinate specialist advice / organise meetings which costs £100 per hour, plus VAT. For a free preliminary opinion email details including a brief description of the proposal, what advice you are looking for and a location plan to [REDACTED]

Date: 22 May 2020
Our ref: 314791



Abbie Miladinovic
Neighbourhood Planning
Leeds City Council

Customer Services
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BY EMAIL ONLY

Dear Ms Miladinovic

Planning consultation: Thorner Neighbourhood Plan - SEA-HRA Screening

Thank you for your consultation on the above which was received by Natural England on 20 April 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Habitats Regulations Assessment – screening and appropriate assessment requirements

Where a neighbourhood plan could potentially affect a [‘habitats site’](#), it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the ‘Habitats Regulations’). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 (as amended), a neighbourhood plan cannot be made if it breaches the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended).

A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on the habitats site(s). This will be particularly important if a neighbourhood plan is to progress **before** a local plan and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan. Where mitigation is necessary to ensure no effects then this will need to be properly assessed via an appropriate assessment.

Strategic Environmental Assessment - Screening

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your neighbourhood plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [regulation 12](#) of the SEA Regulations.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on [REDACTED] For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Yours sincerely

Kate Wheeler
Yorkshire and Northern Lincolnshire Area

From: [REDACTED]
To: [Miladinovic, Abbie](#)
Subject: RE: Thorner Neighbourhood Plan and Rawdon Neighbourhood Plan
Date: 02 June 2020 13:20:08
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hi Abbie

Thanks for sending this over.

We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed Thorner Neighbourhood Plan.

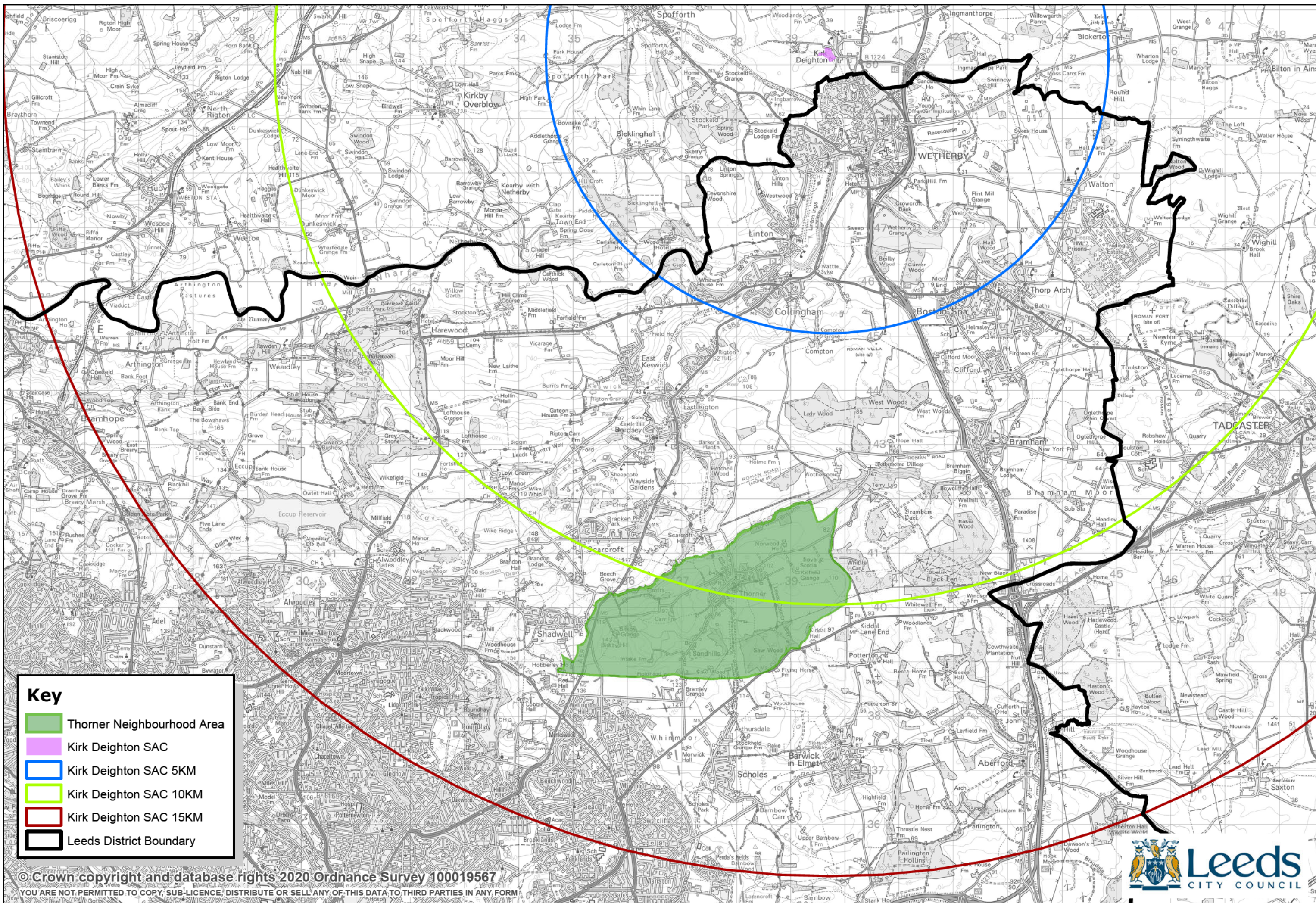
Thank you

Kind regards

Kate

APPENDIX 2

MAP SHOWING KIRK DEIGHTON SPECIAL AREA OF CONSERVATION/THORNER NEIGHBOURHOOD AREA AND NATURA 2000 DATA FORM



Key

- Thomer Neighbourhood Area
- Kirk Deighton SAC
- Kirk Deighton SAC 5KM
- Kirk Deighton SAC 10KM
- Kirk Deighton SAC 15KM
- Leeds District Boundary

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NATURA 2000

STANDARD DATA FORM

FOR SPECIAL PROTECTION AREAS (SPA)
FOR SITES ELIGIBLE FOR IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE (SCI)
AND
FOR SPECIAL AREAS OF CONSERVATION (SAC)

1. Site identification:

1.1 Type 1.2 Site code

1.3 Compilation date 1.4 Update

1.5 Relationship with other Natura 2000 sites

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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1.6 Respondent(s)

1.7 Site name

1.8 Site indication and designation classification dates

date site proposed as eligible as SCI	200107
date confirmed as SCI	200412
date site classified as SPA	
date site designated as SAC	200504

2. Site location:

2.1 Site centre location

longitude	latitude
01 23 47 W	53 56 43 N

2.2 Site area (ha) 2.3 Site length (km)

2.5 Administrative region

NUTS code	Region name	% cover
UK22	North Yorkshire	100.00%

2.6 Biogeographic region

Alpine

Atlantic

Boreal

Continental

Macaronesia

Mediterranean

3. Ecological information:

3.1 Annex I habitats

Habitat types present on the site and the site assessment for them:

Annex I habitat	% cover	Representativity	Relative surface	Conservation status	Global assessment

3.2 Annex II species

Species name	Resident	Population			Site assessment			
		Breed	Winter	Stage	Population	Conservation	Isolation	Global
<i>Triturus cristatus</i>	Common	-	-	-	C	C	C	B

4. Site description

4.1 General site character

Habitat classes	% cover
Marine areas. Sea inlets	
Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins)	
Salt marshes. Salt pastures. Salt steppes	
Coastal sand dunes. Sand beaches. Machair	
Shingle. Sea cliffs. Islets	
Inland water bodies (standing water, running water)	3.0
Bogs. Marshes. Water fringed vegetation. Fens	
Heath. Scrub. Maquis and garrigue. Phygrana	
Dry grassland. Steppes	
Humid grassland. Mesophile grassland	
Alpine and sub-alpine grassland	
Improved grassland	95.0
Other arable land	
Broad-leaved deciduous woodland	
Coniferous woodland	
Evergreen woodland	
Mixed woodland	
Non-forest areas cultivated with woody plants (including orchards, groves, vineyards, dehesas)	2.0
Inland rocks. Scree. Sands. Permanent snow and ice	
Other land (including towns, villages, roads, waste places, mines, industrial sites)	
Total habitat cover	100%

4.1 Other site characteristics

<p>Soil & geology: Clay, Neutral</p> <p>Geomorphology & landscape: Lowland</p>
--

4.2 Quality and importance

<p><i>Triturus cristatus</i></p> <ul style="list-style-type: none"> for which this is considered to be one of the best areas in the United Kingdom.
--

4.3 Vulnerability

<p>Kirk Deighton is subject to variable water levels which means the ponds do not hold water some years. The situation will need to be kept under review. The ponds are situated in a heavily grazed pasture. While this is not a problem in itself the pond edges tend to be heavily poached and there is little aquatic vegetation. An agreement will be sought with the land manager that would involve fencing of the pond and setting aside a small section of the pasture to improve the habitat for newts.</p>

5. Site protection status and relation with CORINE biotopes:

5.1 Designation types at national and regional level

Code	% cover
UK04 (SSSI/ASSI)	100.0