



# **Local Plan Update**

Leeds Local Plan

## **Habitat Regulations Assessment**

Development Plan Document

September 2022

## Regulation 19 Draft – Habitat Regulation Assessment Screening

### Background

1. This Habitats Regulations Assessment (HRA) Screening has been carried out to determine if the policies of the Publication Draft Leeds Local Plan Update give rise to any Likely Significant Effects (LSEs), on the integrity of European Sites. These include: Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and, as a matter of Government policy, Ramsar sites. Any effects are assessed both in isolation or in combination with other plans and projects, and the HRA advises on whether further assessment in the form of an appropriate assessment is required. If an appropriate assessment is required, this is because the amendments to policies could lead to LSEs to European Sites if approved and implemented through the evolving Local Plan Update.
2. The need for HRA is set out within the Conservation of Habitats & Species Regulations 2017 (as amended) and concerns the protection of European sites. European sites can be defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to European sites.
3. This report has been prepared having regard to all relevant case law relating to the Habitats Directive and the European Court of Justice case of People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17) as it directly concerns the approach to Stage 1 Likely Significant Effects (Screening) under the Habitats Regulations. The case held that *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site"* (paragraph 40). It is important to note that not all mitigation measures are excluded from consideration – only those *"intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage"* (PINS Note 05/2018 Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta).
4. The UK is no longer part of the European Union. However, the latest amendment to the Conservation of Habitats and Species Regulations 2017 (as amended) make it clear that HRA assessments must continue post-Brexit.
5. The Local Plan Update will amend the Council's Natural Resources and Waste Local Plan and Core Strategy by amending, replacing and introducing new policies on the following topics:
  - Carbon Reduction
  - Green and Blue Infrastructure
  - Flood Risk
  - Sustainable Infrastructure
  - Place Making

6. This HRA has been undertaken having regard to Government guidance on the use of Habitats Regulations Assessment<sup>1</sup>.

### **European Designations, Conservation Objectives and Qualifying Features (relating to Leeds Metropolitan District)**

7. There is only one European site in Leeds – a small part of the South Pennine Moors Phase 2 SPA and SAC (known locally as Hawksworth Moor or Rombalds/Ilkley Moor).
8. However, sites within 10km of the Leeds MD boundary and, due to its strategic significance, the Humber Estuary have also been considered. Appendix 1 sets out the European Designations, Conservation Objectives and Qualifying Features of potential relevance to the LPU.
9. Information for each site has been obtained from the Joint Nature Conservation Committee website and Natural England. These sites are designated at the European Level as Special Protection Areas (SPAs) and/or Special Areas of Conservation (SACs) and/or Ramsar sites. This means they have a very high level of conservation protection by virtue of their importance as key habitats of national significance.
10. Sites can be designated as both an SPA and a SAC and they are also simultaneously designated for their national importance as Sites of Special Scientific Interest (SSSIs). Within this overall context, it should be noted that the Humber Estuary is identified as a site that may be affected (the Humber Estuary is also a Ramsar site).
11. Although only a small part of the South Pennine Moors Phase 2 SPA and SAC, (known locally as Hawksworth Moor or Rombalds/Ilkley Moor) is located within the Leeds City Council boundary (to the far north west of the District), the potential impact on remaining areas of this site (and others) outside the administrative area of Leeds MD must also be assessed. The Humber Estuary is 26.5 km from the Leeds MD boundary and is therefore not close enough for individual sites, to directly impact on it. However, the cumulative effect of sites needs to be considered because of the potential for effects on the River Aire and River Wharfe (that join the River Ouse and ultimately flow into the Humber Estuary).
12. The list of European sites considered by this HRA Screening & Appropriate Assessment are summarised as follows:
  - The North Pennine Moors SPA/SAC: This is over 103,000 ha in size and exists in parts of County Durham, Northumberland, Cumbria and North Yorkshire. It is located over 3km north-west of Leeds and is outside the Leeds Metropolitan District boundary
  - The South Pennine Moors Phase 2 SPA/SAC: This is part of a wider European Site (South Pennine Moors) which totals 64,000 ha covering other parts of West and South Yorkshire and the Pennine areas of Lancashire. Most of this lies outside the Leeds MD but a small part, known as Hawksworth Moor lies within the Leeds MD.
  - Kirk Deighton SAC: This is approximately 4 ha in size and is located to the north of Wetherby. It lies 500 metres outside of the Leeds MD
  - Denby Grange Colliery Ponds SAC: This is nearly 19 ha in size. It lies over 7km outside the Leeds MD near the A637 in Wakefield District

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<sup>1</sup> <https://www.gov.uk/guidance/appropriate-assessment>

- Humber Estuary SPA/SAC (and Ramsar site): This is approximately 37,000 ha covering Humberside and Lincolnshire and is located 26.5km outside of Leeds MD.

13. The LPU is a selective update of the Leeds Local Plan which is amending, replacing and providing new policies in the Core Strategy for:

- Carbon Reduction
- Green and Blue Infrastructure
- Flood Risk
- Sustainable Infrastructure
- Place Making

### **Screening Stage considerations for Likely Significant Effects**

14. Based upon Natural England Site Improvement Plans, there are several impact pathways that require consideration regarding the LPU and European sites. These are:

- Water quality (surface water runoff)
- Water quality (discharge of treated sewage effluent)
- Hydrological changes, including water abstraction
- Recreational pressure – any increase in human activity and dog walking can lead to impacts on habitats because of increased visitors to a site (i.e., trampling) or can alter behaviour (e.g., alterations in feeding behaviour, avoidance of certain areas and use of sub optimal areas etc.) and physiological changes to species (e.g., an increase in heart rate).
- Air quality – the release of pollutants from vehicle emissions with a resulting concentration of oxides of nitrogen (known as NOx) in the atmosphere, which can cause acidification and the rate of the resulting nitrogen deposition which can act as a fertilizer
- Climate change – direct impacts of climate change Of the 32 priority habitats in the UK Biodiversity Action Plan, seven were assessed to be at high risk from the direct impacts of climate change with only standing waters, floodplain and grazing marsh being applicable to Leeds – the others being either mountain or coastal habitats

15. Planning policy has the potential to affect these pathways and make effects more likely in a number of ways as follows:

#### **Water Quality Surface Water Run Off**

- Development within Leeds MD could lead to the conversion of previously undeveloped land to hardstanding and therefore increase surface water runoff, which could reach some European Sites. Surface water could become contaminated by sediment, plastic and chemicals from development sites and roads. Leeds District has two main rivers the Aire and the Wharfe. The Aire and Wharfe catchments flow through Leeds, with the Aire catchment ultimately feeding into the Humber Estuary, as well as minor water courses. Therefore, the European sites that are susceptible to surface water runoff are possibly the Humber Estuary. However this is 40km outside of the MD.

#### **Water Quality (Discharge of Treated Sewage Effluent)**

- Development within Leeds MD may lead to increased sewage production, particularly if it is residential. There is therefore a risk that an increase in the volume of treated sewage effluent from the wastewater treatment works that serve Leeds could degrade

water quality (i.e. through increased phosphorus discharge) of river based European Sites when in the absence of environmental mitigation and adequate wastewater treatment work permits. Therefore, European sites that are susceptible to surface water runoff are possibly the Humber Estuary.

### **Hydrological Changes, including Water Abstraction**

- Development within Leeds MD may lead to increased water use within the area and potentially increased water abstraction, particularly, although not exclusively, associated with increased housing. Increased water abstraction could lead to a reduction in the volume of freshwater in rivers. Abstraction is managed by the Water Resources Management Plan Yorkshire Water Services Ltd April 2020.
- The rivers have Abstraction Licensing Strategies managed by the Environment Agency. The WRMP carried out an HRA screening assessment and concluded that no adverse effect on integrity of any European Sites would occur from delivery of the WRMP. Since the purpose of the WRMP is to set out how the water company intends to meet public water supply requirements up to 2045 it covers the period of the Leeds LPU. As such a conclusion of no likely significant effect of the Local Plan through this pathway can be drawn.

### **Recreational Pressure**

- Increased residential development within Leeds MD may increase the number of visitors to European Sites. In general recreational pressure is likely to arise from habitat destruction via abrasion and vegetation trampling or where features (i.e. breeding and wintering birds) are easily disturbed by human presence.
- The Council's Site Allocations Plan identified the prospect for Likely Significant Effects (LSE) in relation to the South Pennine Moors (Phase 2) SPA and SAC arising from recreational pressures. These were impacts on qualifying bird species and breeding bird assemblage through recreational impacts i.e. increased disturbance to qualifying bird species and bird assemblage from increased visitor numbers to the SPA resulting from any allocations within 7km of the SPA boundary. Also identified were recreational impacts through increased disturbance to qualifying habitats from increased visitor numbers to the SAC resulting from any allocations within 7km of the SAC boundary. These LSEs were considered further by way of an Appropriate Assessment. The AA concluded that measures that improved alternative recreational destinations would mitigate effects.

### **Air Quality**

- Development within the Leeds MD is likely to increase the number of vehicles operating within the MD. As a result, increased air pollution is expected from vehicle emissions relative to a situation without growth. Pollutants released from vehicles may be carried directly by wind currents and deposited to European Sites or pollutants may become soluble and taken up during evaporation and deposited to European Sites at precipitation. This generally occurs within 200m of significant roads, so the potential for development to contribute to traffic to roads within 200m of European Sites alone and in combination with neighbouring authorities is of relevance.

## **Climate Change**

- Climate change includes both global warming driven by human emissions of greenhouse gases and the resulting large-scale shifts in weather patterns. The changing climate is beginning to have an impact on ecosystems and this impact is expected to increase and accelerate in the future, threatening the conservation of biodiversity. Changes can be summarised as follows: Changes in phenology (biological lifecycles), which may lead to loss of synchrony between species; Changes in species distribution, including the arrival of non-native species and potentially loss of species for which suitable climate conditions disappear; Changes in community composition; Changes in ecosystem function; and Loss of physical space due to sea level rise and increased storminess.
- Indirect impacts of climate change on European Sites can include: water resource issues and catchment management with increased water abstraction and flood control; woodlands with increased planting for carbon sequestration or production of biomass for renewable energy generation. These drivers could promote more intensive management systems or tree planting on semi-natural habitats.

16. Noting the potential impacts of planning policy on European sites outlined above it is noted that the majority

17. In Table 1 below each amended LPU policy is analysed for its effect on European sites. Green shading in the final column indicates that the policy has been deemed not to lead to a likely significant effect on any European Sites due to the absence of any mechanism for an adverse effect. Orange shading indicates that a pathway of impact potentially exists, and further investigation will be required as the Local Plan Update process evolves.

18. In carrying out this screening assessment it is noted that of the 33 policies to be screened:

- a. No policies are promoting specific sites for development
- b. Only one policy designates areas that may lead to additional development – Policy EN3 which establishes areas of opportunity for renewable energy. However, the designations are broad and so general that at this stage of plan making it is not known where, when or how they may be implemented or where the potential effects may occur, or which European sites, if any, may be affected. Nevertheless, the broad locations have been screened to establish if through implementation and planning decision taking LSEs could arise.
- c. All other policies:
  - i. will not directly lead to development or other land use change, because they set qualitative or design criteria, which guide development and/or
  - ii. are general, so that at this stage of plan making it is not known where, when or how they may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.

19. Note that the objectives of the Local Plan Update have resulted in new, amended, deleted and replacement policies from the Adopted Core Strategy (2014, selective review 2019) and the Natural Resources and Waste Local Plan (2013). Where existing adopted policies are amended the likely significant effect test documented does not revisit the assessment of the entire policy as that was undertaken for the adopted DPD and a conclusion of no adverse effects on integrity was drawn.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
<p>New Strategic Policy SP0</p> <p>Climate Change Mitigation and Adaptation</p>	<p>Policy is a statement of ambition that will drive the aspiration to achieve a reduction of carbon emissions to net zero by 2030, whilst tackling the biodiversity emergency and promoting health and well-being. It will aim to reduce climate change and increase adaptability.</p>	<p>This policy does not have pathways that will have any negative implications on European sites as it is a strategic policy focussing on measures to mitigate and adapt to climate change.</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>
<p>Replacement Policy EN1</p> <p>Carbon Dioxide Reduction</p>	<p>A strategic policy that aims to mitigate carbon in new development and encourages whole life cycle calculations of carbon.</p>	<p>This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development.</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>
<p>Replacement Policy EN2</p> <p>Sustainable Design and Construction</p>	<p>A strategic policy that requires new development to meet a high-quality sustainable construction standard.</p>	<p>This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development.</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>
<p>Replacement Policy EN3</p> <p>Renewable Energy Generation</p>	<p>A strategic policy that seeks to identify and support opportunities for renewable sources of energy generation and energy storage within the district in the context of national planning policy. The policy identifies opportunity areas for renewable energy on a map but requires that all applications within this area are assessed so that they limit impacts on ecology and landscape. The</p>	<p>In identifying a renewable energy opportunity areas the Renewable Energy Study (AECOM) considered a range of impacts on the environment and specifically bird migratory patterns as a constraint.</p> <p>The Kirk Deighton SAC lies 500m outside of Leeds MD boundary to the north of Wetherby. It is 1.2km from the general extent of its nearest opportunity area for</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>



Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
	<p>areas are general, so that at this stage of plan making it is not known where, when or how development within them may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.</p>	<p>wind turbines and 1.2km from the general extent of an opportunity area for solar power. The SAC's qualifying feature is <i>Triturus cristatus</i> (Great crested newt) and the broad location for wind farms and solar farms does not create pathways that affect the objectives of the SAC and seeking a favourable conservation status for the protected species.</p> <p>Part of the South Pennine Moors SPA lies within the Leeds District and contains bird species which may be affected by any loss of land providing feeding sites for qualifying bird species and bird assemblage within 2.5km of SPA boundary. The SPA is 12km from the general extent of its nearest opportunity area for wind turbines and 2.5km from the general extent of an opportunity area for solar power.</p>	
<p>Amended Policy EN4 District Heating</p>	<p>Amendments prioritise low carbon heat solutions for new developments that lie outside of district heating network zones. The policy is general and at this stage of plan making it is not known where, when or how this aspect of the Plan may be implemented or where the potential effects</p>	<p>This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development.</p>	<p>No Likely Significant Effect.  Screened out.</p>

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
	may occur, or which European sites, if any, may be affected.		
Replacement Natural Resources and Waste Policy Water 1 Water Efficiency	Existing policy moved from Natural Resources and Waste Plan to the updated Core Strategy with minor factual updates and incorporation of water efficiency measures within Core Strategy EN2.	As the policy is already adopted policy it is not considered that the policy will have any pathways or implications for European sites.	No Likely Significant Effect. Screened out.
Replacement Natural Resources and Waste Policy Water 2	Existing policy with minor factual updates moved from Natural Resources and Waste Plan to the updated Core Strategy.	As the policy is already adopted policy it is not considered that the policy will have any pathways or implications for European sites.	No Likely Significant Effect. Screened out.
Replacement Natural Resources and Waste Policy Water 3 Functional Floodplain	One of the impacts of Climate Change is the greater occurrence of extreme rainfall events which increase opportunities for flooding which can threaten both life and property. A strategic policy providing an approach to protecting the functional floodplain.	This policy does not have pathways that will have any negative implications on European sites as it protects the functional flood plain from development and is associated with the design of new developments.	No Likely Significant Effect. Screened out.
Amended Natural Resources and Waste Policy Water 4 Land at Increased Risk of Flooding	The amendments incorporate a requirement to take account of future flood zone scenarios as mapped through the updated SFRA, incorporating data on climate change scenarios.	This policy does not have pathways that will have any negative implications on European sites as it concerns the requirement for new development to consider effect of flood risk	No Likely Significant Effect. Screened out.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
Amended Natural Resources and Waste Policy Water 6  Flood Risk Assessments	Amendments require that the latest Government climate change allowances are considered in Flood Risk Assessments that accompany new development	This policy does not have pathways that will have any negative implications on European sites as it concerns flood risk assessments for new development which consider climate change allowances.	No Likely Significant Effect.  Screened out.
New Policy Water 6A:  Safe Access and Egress	A strategic policy ensuring that safe routes are available for occupiers of development in time of flood	This policy does not have pathways that will have any negative implications on European sites and is associated with the design of new developments	No Likely Significant Effect.  Screened out.
Replacement Natural Resources and Waste Policy Water 5  Residual Risk	A strategic policy requiring an assessment of residual risk for development in defended land	This policy does not have pathways that will have any negative implications on European sites and is associated with the design of new developments	No Likely Significant Effect.  Screened out.
Replacement Natural Resources and Waste Policy Water 7  Sustainable Drainage	A strategic policy associated with the design of new developments and managing surface water discharge via a hierarchy of storage, infiltration and attenuation before any discharge into water courses. It also requires Sustainable Drainage that benefits biodiversity.	This policy does not have pathways that will have any negative implications on European sites and is associated with the design of new developments. The policy, through reducing surface water discharge into water courses and encouraging SuDs for biodiversity is likely to have positive impacts on wider ecology.	No Likely Significant Effect.  Screened out.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
<p>New Policy WATER 8</p> <p>Porous Paving, Loss of Front Gardens and Permitted Development Rights</p>	<p>A policy associated with ensuring that hard standing is constructed from porous materials, limiting the loss of permeable landscaping around new development and limiting the loss of front gardens where planning permission is required.</p>	<p>This policy does not have pathways that will have any negative implications on European sites.</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>
<p>Replacement Spatial Policy 13</p> <p>Protecting, Maintaining, Enhancing and Extending Green and Blue Infrastructure</p>	<p>A strategic policy that sets an ambition for the protection, maintenance, enhancement, and expansion of green and blue infrastructure (including green space networks).</p>	<p>This policy does not have pathways that will have any negative implications on European sites. The policy is important in addressing Climate Change and identifies the importance of biodiversity, it also has the potential to create more recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites.</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>
<p>Replacement Policy G1</p> <p>Protecting, Enhancing and Extending Green and Blue Infrastructure</p>	<p>A strategic policy that requires all new development to carry out a Green and blue Infrastructure assessment</p>	<p>This policy does not have pathways that will have any negative implications on European sites, but the policy is important in addressing Climate Change and identifies the importance of biodiversity, it also has the potential to create more recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites. A map of GBI is included within the Plan which identifies the</p>	<p>No Likely Significant Effect.</p> <p>Screened out.</p>

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
		specific assets to be protected and enhanced etc.	
Amended Policy G4 Green Space Improvement and New Green Space Provision	Amended part of policy clarifies the approach to spending greenspace commuted sums.	This policy does not have pathways that will have any negative implications on European sites, but has the potential to create more recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites.	No Likely Significant Effect. Screened out.
New Policy G4A Quality of New Green Space	A strategic policy associated with the design of new developments and quality of green space delivered	This policy does not have pathways that will have any negative implications on European sites but has the potential to create more recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites.	No Likely Significant Effect. Screened out.
New Policy G4B Maintenance of Green Space	A strategic policy associated with the design of new developments and maintenance of green space.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.
Replacement Policy G6 Protection of Existing Green Space	A strategic policy associated with the protection of green space.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
New Policy F1 Food Resilience	A strategic policy that supports food resilience and food growing opportunities.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.
Amended Policy G8a Protection of Important Species and Habitats	This policy specifically looks at protecting the natural environment and includes references to the implications of climate change upon the natural environment.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.
New Policy G8b Leeds Habitat Network	This policy specifically looks at protecting the natural environment.	This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on European sites.	No Likely Significant Effect. Screened out.
Replacement Policy G9 Biodiversity Net Gain	This policy specifically looks at protecting the natural environment and applying measures within the Environment Act (2021).	This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites.	No Likely Significant Effect. Screened out.
New Policy G2a Protection Of Trees, Woodland and Hedgerows	A strategic policy which seeks to retain all woodlands, trees and hedgerows or ensure that their loss has been considered through development appraisal. Recognises the role	This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial	No Likely Significant Effect. Screened out.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
	of trees in capturing carbon as well as amenity and habitat.	effects on ecology in general near to European sites.	
New Policy G2b Ancient Woodland, Long Established Woodland, Ancient Trees, Veteran Trees	A strategic policy which seeks to protect ancient woodland, long established woodland, ancient trees and veteran trees and avoid loss of irreplaceable habitats. Recognises the role of trees in capturing carbon as well as amenity and habitat.	This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites.	No Likely Significant Effect. Screened out.
New Policy G2c Tree Replacement	A strategic policy setting in place a means of calculating tree replacement if necessary, based on carbon sequestration. Recognises the role of trees in capturing carbon as well as amenity and habitat.	This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites.	No Likely Significant Effect. Screened out.
New Policy SP1B Achieving Well- Designed Places	A strategic policy associated with the design and layout of new developments and quality of place achieved through appraisal of environmental, economic, and social matters	This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth which limits air pollution, reduces carbon and improves the management of the environment and water.	No Likely Significant Effect. Screened out.
Replacement Policy P10	This policy is associated with the design of new developments from a development principles and high quality design perspective for the purposes of climate change mitigation, adaptation and health	This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth which limits air pollution, reduces carbon and	No Likely Significant Effect. Screened out.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
Development Principles for High-Quality Design & Healthy Place Making	and well-being as well as environmental harmony.	improves the management of the environment and water.	
New SP1A Policy Achieving 20 Minute Neighbourhoods in Leeds	This strategic policy relates to supporting the long-term sustainability of communities through encouraging growth in locations that are highly accessible to services including public transport and greenspace i.e. 20 min neighbourhoods. It recognises the role of greenspace in serving a key function as well as reducing car use and promoting active travel. The policy fits with the current spatial strategy as set out in the Adopted Core Strategy (2014, selectively reviewed 2019). The policy is so general that at this stage of plan making it is not known where, when or how this aspect of the Plan may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.	This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth closer to existing recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites. It will also encourage reduced car usage which will reduce pollutants in the air and help to mitigate climate change. It identifies the locations in Leeds which fit most closely with the principles of 20 min neighbourhoods, but does not assign growth requirements to them. This will be done through a further Local Plan Update and at that stage any potential effects on European Sites will need to be considered.	No Likely Significant Effect. Screened out.
Amended Policy SP1 Location of Development	A strategic policy that clarifies the existing spatial strategy for Leeds by potentially reducing the level of development in smaller settlements outside of the main urban area and major settlements that do not deliver the principles of 20 minute neighbourhoods. The	This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth closer to existing recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on	No Likely Significant Effect. Screened out.



Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
	policy is so general that at this stage of plan making it is not known where, when or how this aspect of the Plan may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.	European Sites. It will also encourage reduced car usage which will reduce pollutants in the air and help to mitigate climate change. It restricts development in the locations in Leeds which do not fit with the principles of 20 min neighbourhoods, but does not assign growth requirements to them. This will be done through a further Local Plan Update and at that stage any potential effects on European Sites will need to be considered.	
New Policy EN9 New Drive-Thru Developments	A strategic policy which seeks to reduce car dependent development outside of town centres to reduce air pollution and encourage active travel.	This policy does not have pathways that will have any negative implications on European sites. It will also encourage reduced car usage which will reduce pollutants in the air and help to mitigate climate change.	No Likely Significant Effect. Screened out.
New Policy P10A The Health Impacts of Development	A strategic policy which seeks to reduce the causes of ill health and health inequalities by ensuring healthier environments, lifestyles and impacts that development can deliver including access to services. The policy is concerned with the design and assessment of new developments.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.
New Policy SP11A	A strategic policy setting ambition and support for a Yorkshire mass transit system which will deliver improved connectivity by	This policy does not have pathways that will have any negative implications on European sites and has the potential to reduce air	No Likely Significant Effect.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
Mass Transit and Rail Infrastructure	public transport. The policy is supportive of mass transit in principle and sets conditions to ensure that environmental impacts are minimised, but does not identify a preferred route. The policy is so general that at this stage of plan making it is not known where, when or how this aspect of the Plan may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.	pollution by providing alternatives to the private car. Route alignment will be considered through further Local Plan Updates and at that stage any potential effects on European Sites will need to be considered.	Screened out.
New Policy SP11B Leeds Station	A strategic policy which supports growth of the station and sets criteria for it to be developed in a manner which is well designed and fits within its surroundings and historic environment.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.
New Policy DC1 Digital Connectivity	A strategic policy which ensures that new development is digitally enabled.	This policy does not have pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.
Removed From Scope Leeds Bradford Airport	A policy to guide development of Leeds Bradford Airport was scoped but due to an absence of updated national policy on regional airport growth has been removed from the scope of the update. Existing	The removal of this policy from the scope of the LPU does not create pathways that will have any negative implications on European sites.	No Likely Significant Effect. Screened out.

Proposed Policy	Description of Policy	Proposed Pathways	Screening Outcome
	adopted policy SP12 will guide future growth until a further policy is developed.		

20. Within the context of the only European Designation (part of the South Pennine Moors Phase 2 SPA/SAC) that occurs within Leeds MD Plans 1a and 1b sets out the proposed opportunity areas for renewable energy. The South Pennines Moor is 2.5km from the nearest extent of opportunity and due to its qualifying features is considered both in relation to both wind and solar energy opportunities.

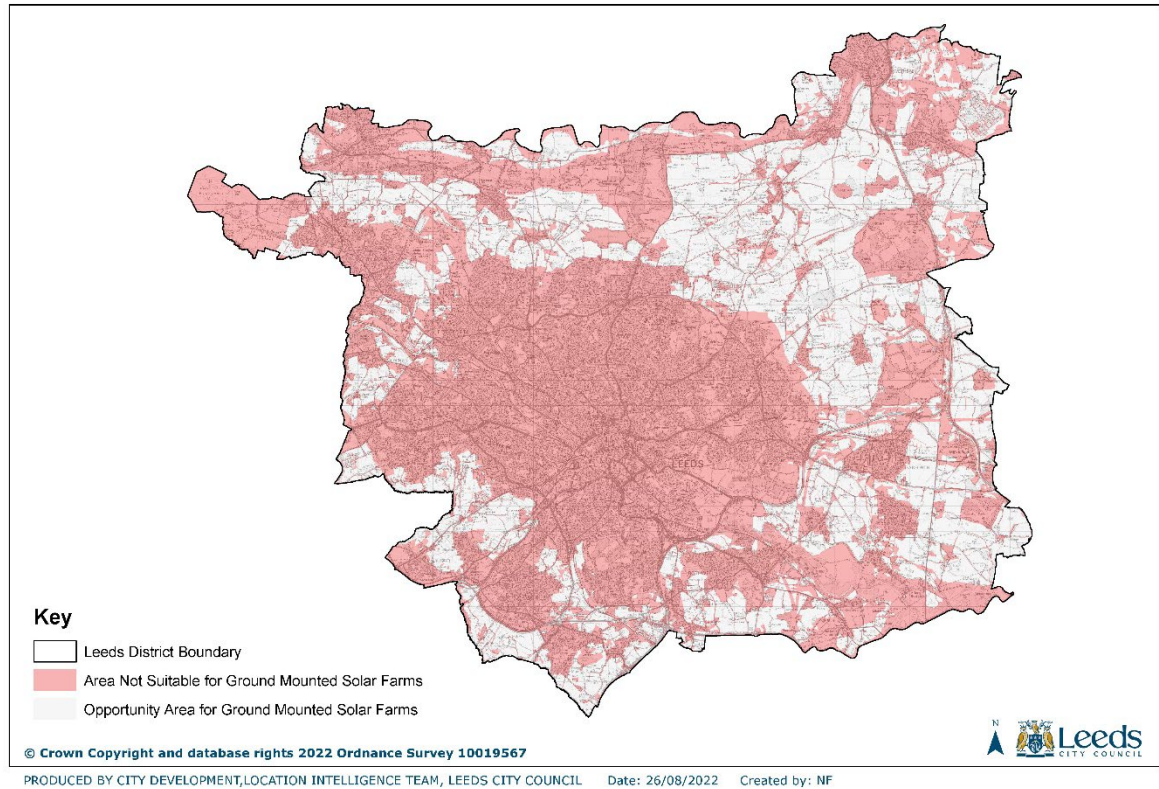


Figure 1: Plan 1a: Solar Opportunity Areas

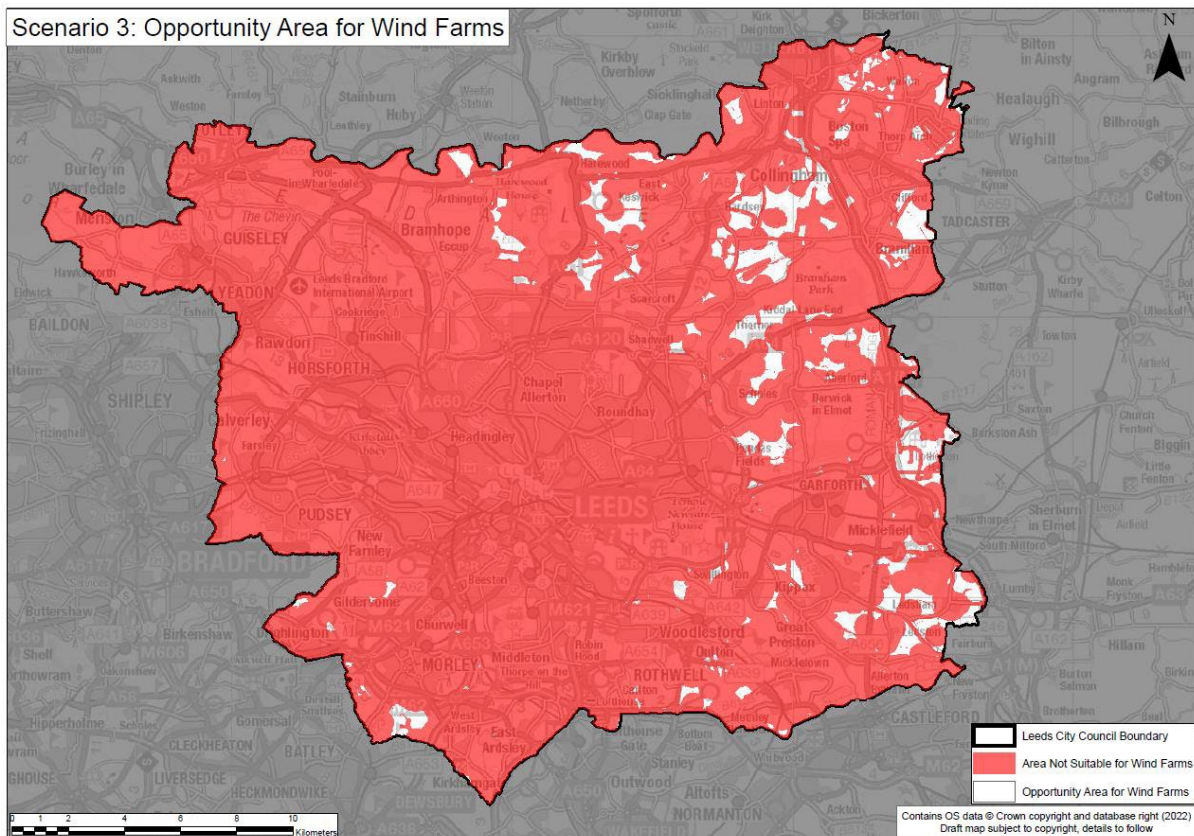


Figure 2: Plan 1b: Wind Opportunity Areas

21. 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 opportunity areas extend to within 1.2 km of the site as shown in Plan 1B.
22. It is also noted that the Council's adopted policy G8 Protection of Important Species and Habitats remains in place to guide all development in Leeds. In its current form the policy is as follows:

**POLICY G8: PROTECTION OF IMPORTANT SPECIES AND HABITATS**

Development will not be permitted which would seriously harm, either directly or indirectly, any sites designated of national, regional or local importance for biodiversity or geological importance or which would cause any harm to internationally designated sites, or would cause harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan (UK BAP and WY BAP) Priority species and habitats. In considering development proposals affecting any designated sites and UK or WY BAP Priority species or habitats, the needs of the development and the requirements to maintain and enhance biological and geological diversity will be examined.

Other than the above requirement particular account will be taken of:

- The extent and significance of potential damage to the interest of any national, regional or local site, or UK or WY BAP Priority species or habitat; and

- Demonstration that the need for the development outweighs the importance of any national, regional or local site, or UK or WY BAP Priority species or habitat; and
- The extent that any adverse impact could be reduced and minimised through protection, mitigation, enhancement and compensatory measures imposed through planning conditions or obligations and which would be subject to appropriate monitoring arrangements.

23. This policy is itself subject to update through the Local Plan Update as follows with amended text IN CAPITALS:

**AMENDED POLICY G8A: PROTECTION OF IMPORTANT SPECIES AND HABITATS**

1. *Development will not be permitted which would UNACCEPTABLY harm, either directly or indirectly, any sites designated of international, national, regional or local importance for biodiversity or geological importance or UK Biodiversity Action Plan (UK BAP) Priority species and habitats.*
2. *In considering development proposals affecting such sites, the needs of the development and the requirements to maintain and enhance biological and geological diversity will be ASSESSED.*
3. **IN ADDITION, particular account will be taken of:**
  - i. *The extent and significance of potential damage to the interest of any national, regional or local site, or UK BAP Priority species or habitat, and*
  - ii. **EVIDENCE DEMONSTRATING that the need for the development outweighs the importance of any national, regional or local site, or UK BAP Priority species or habitat, and**
  - iii. *The extent that any adverse impact could be reduced and minimised through protection, mitigation, enhancement and compensatory measures imposed through planning conditions or obligations and which would be subject to appropriate monitoring arrangements.*
  - iv. **THE SUBMISSION OF COMPREHENSIVE AND ROBUST MAINTENANCE AND MANAGEMENT MEASURES AND A COMMITMENT TO IMPLEMENT THEM.**
  - v. **ANY CANDIDATE AREAS OF DESIGNATION THAT HAVE BEEN ASSESSED AGAINST RECOGNISED CRITERIA AND ARE AWAITING FORMAL DESIGNATION OR ARE CLEARLY IDENTIFIED ON AN ASSESSMENT WORK PROGRAMME**
  - vi. **THE PRIORITIES OF THE RELEVANT LOCAL NATURE RECOVERY STRATEGY FOR WEST YORKSHIRE AND THE NATIONAL NATURE RECOVERY NETWORK.**

24. The identification of LSEs for consideration has been informed by the Core Strategy HRA Screening Determination (previously approved by Natural England and subsequently found to be sound by the Core Strategy Inspector), the Natural Resource and Waste HRA Screening and the Site Allocations Plan HRA Screening and Appropriate Assessment. Regard has also been had to the Kirk Deighton SAC Site Improvement Plan (included at Appendix 2).

**Conclusion**

25. This Screening Stage HRA has identified that the draft Local Plan Update policies do not give rise to LSEs and to that end there is no need for the HRA to proceed to consider LSEs as part of an Appropriate Assessment Stage.
26. The HRA will be subject to consultation with Natural England and any comments will be considered prior to submission of the Plan to the Secretary of State.

## APPENDIX 1: EUROPEAN DESIGNATIONS, CONSERVATION OBJECTIVES & QUALIFYING FEATURES WHICH RELATE TO SITES

European Site	European Conservation Objectives for SAC	Location Relative to Leeds	Qualifying Features
<b>SPECIAL AREAS OF CONSERVATION (SAC)</b>			
<b>KIRK DEIGHTON</b>	<p>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;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of qualifying species</li> <li>• The structure and function of the habitats of qualifying species</li> <li>• The supporting processes on which the habitats of qualifying species rely</li> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>	Approx. 500 m north of Leeds District Boundary located within Harrogate Borough Council administrative area	<i>Traitorous cristatus</i> ; Great crested newt



European Site	National (SSSI) and European Conservation Objectives for Each SAC/SPA	Location Relative to Leeds	Qualifying Features
<b>SPECIAL PROTECTION AREAS (SPA)</b> *also a Ramsar Site			
<b>SOUTH PENNINE MOORS PHASE 2</b>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The population of each of the qualifying features, and,</li> <li>• The distribution of the qualifying features within the site.</li> </ul>	Partly within the Leeds MD Boundary, north eastern corner at Ilkley Moor	<i>Falco columbarius</i> ; Merlin (Breeding) <i>Pluvialis apricaria</i> ; European golden plover (Breeding) Breeding bird assemblage – Golden Plover; Lapwing; Dunlin; Snipe; Curlew; Redshank; Common Sandpiper; Short-eared Owl; Whinchat; Wheatear; Ring Ouzel; Twite.