

OCTOBER 2017

**STRATEGIC ENVIRONMENTAL ASSESSMENT &
HABITATS REGULATIONS ASSESSMENT:
SCREENING REPORT**

DRAFT BRAMHAM NEIGHBOURHOOD PLAN



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- i) Environment Agency
- ii) Historic England
- iii) Natural England

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1. Introduction

- 1.1 The purpose of this report is to determine whether the emerging Bramham Neighbourhood Plan (BNP) requires a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) through a process referred to as SEA/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. If likely significant environmental effects are identified, an environmental report must be produced.
- 1.3 A Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. The HRA screening will determine whether significant effects on a European site are likely.
- 1.4 This report explains the legislative background to SEA/HRA screening, provides details of the draft BNP before undertaking a SEA and HRA screening exercise and providing conclusions.
- 1.5 Leeds City Council has prepared this screening report on behalf of Bramham Town Council who are the qualifying body for the BNP as part of the neighbourhood planning duty to assist. Leeds City 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 plan is compatible with European Union obligations (this includes the SEA Directive).
- 1.6 For the purposes of this assessment the draft version of the plan which was sent to the Local Authority in March 2017 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 Assessments (SEA)

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA as discussed within the NPPF at paragraph 165. However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. As a Neighbourhood Plan is not a development plan document it therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA still needs to be undertaken in line with the SEA regulations.
- 2.3 In February 2015 amendments to the Neighbourhood Plan Regulations came into force. Regulation 2(4) of these amendments adds additions to the list of documents that a qualifying body must submit to a local planning authority with a Neighbourhood Plan. The additional document which must be submitted is either 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. The amendment to the Regulations is to ensure that the public can make informed representations and that independent examiners have sufficient information before them to determine whether a neighbourhood plan is likely to have significant environmental effects.
- 2.4 The legislation advises that draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a 'screening' assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The regulations state that before an authority makes a determination on a plan it should:
- a) Take into account the criteria for determining the likely significance of effects on the environment specified in schedule 1 of the Regulations.
 - b) Consult the environmental consultation bodies.
- 2.5 The National Planning Practice Guidance (NPPG), provides further guidance on SEA screening. It advises that whether a neighbourhood plan proposal requires a Strategic Environmental Assessment, and (if so) the level of detail needed, will depend on what is proposed. A SEA may be required, for example, where:
- A neighbourhood plan allocates sites for development.
 - The neighbourhood area contains sensitive natural or heritage assets that may be affected by proposals in the plan.
 - The neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

- 2.5 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 Environmental Assessment of Plans and Programmes Regulations 2004.

Habitats Regulations Assessment (HRA)

- 2.6 Habitats Regulations Assessment (HRA) has its origins in European law under the Habitats Directive. This has been translated into UK law via The Conservation of Habitats and Species Regulations 2010.
- 2.7 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 is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.8 The NPPG advises that it is required to determine whether significant effects on a European site can be ruled on the basis of objective information. If the conclusion of the screening is that the plan is likely to have a significant effect on a European site then an appropriate assessment of the implications of the plan for the site, in view of the site's conservation objectives, must be undertaken. If a plan is one which has been determined to require an appropriate assessment under the Habitats directive then it will normally also require a SEA.

3. Draft Bramham Neighbourhood Plan Overview

- 3.1 Whether a neighbourhood plan requires a SEA/HRA is dependent on what is being proposed within the plan. The emerging BNP contains a set of locally specific planning policies and guidance for the Neighbourhood Area.

- 3.2 The vision of the draft plan is

“Bramham in 2017 will be a village set in some of the highest quality countryside in Yorkshire, with historic parkland on our doorstep. Our village too is steeped in history and is wonderfully conserved. The facilities we have now buck the trend of decline in rural areas, with a well attended primary school on our doorstep, shops, pubs, community buildings and vibrant and dynamic community groups and societies serving all ages.”

- 3.3 The Neighbourhood Plan does not propose any allocations. However, it includes several policies to help guide development within the area. The neighbourhood plan includes draft policies under the following topic headings: green environment, built environment, mixed use developments, housing, employment, community facilities & services and Transport and travel.

3.4 Once made the Neighbourhood Plan will become part of the Leeds Local Plan and the policies within the plan will be used, alongside other adopted Development Plan documents in the determination of planning applications within the 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 A copy of the draft BNP was send to the environmental assessment consultation bodies on 31st May 2017. All of the consultation bodies provided comments to the consultation. Full details of the responses can be found in Appendix 1 of this report. A summary of their responses is provided within the table below:

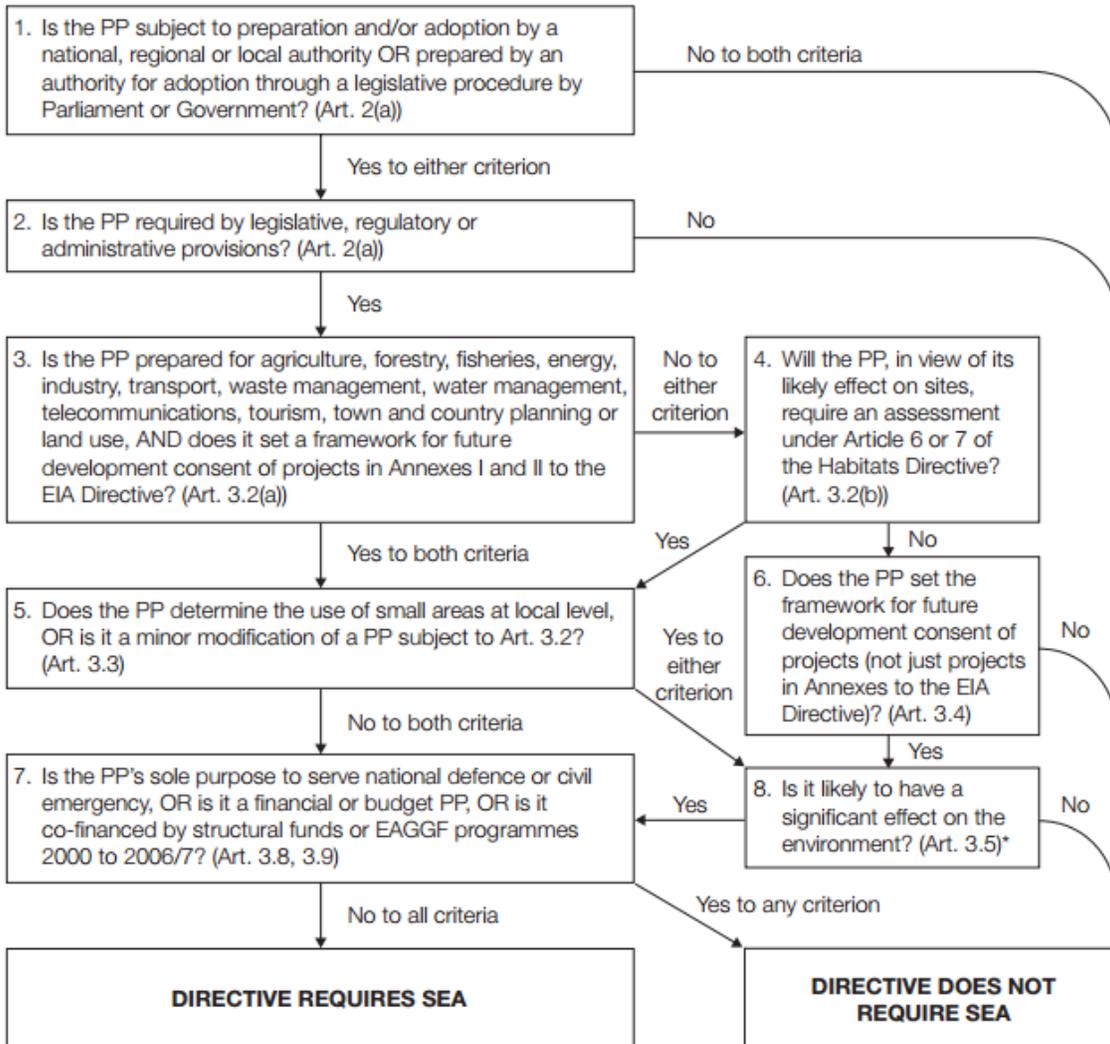
Consultation Body	Summary of comments
Historic England	Historic England considers that the preparation of a Strategic Environmental Assessment is not required
Environment Agency	Having considered the nature of the policies in the Plan, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.
Natural England	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.....that there are unlikely to be significant environmental effects from the proposed plan.

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

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



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

5.2 Table 1 (below), helps to apply the Directive by running the draft plan through the questions outlined within Figure 1:

Table 1 – Application of the SEA Directive

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood Plans are made by a 'qualifying body' (Parish/Town Council or designated Neighbourhood Forum) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. A neighbourhood plan is subject to an examination and referendum. If it receives 50% or more 'yes' votes at referendum, it will be 'made' by Leeds City Council as the Local Planning Authority.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to be able to produce a neighbourhood plan, however communities 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 and once adopted and will be part of the planning policy framework determining future development within the Bramham Neighbourhood Area. Developments that fall within Annex I are 'excluded' development 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 BNP 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 Section 6 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 BNP 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 allocate several areas as Local Green Spaces. 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 Neighbourhood Plan will provide a framework for future development consent of projects in the 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	N/A	N/A

structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8. Is it likely to have a significant effect on the environment? Art. 3(5)	?	See section below.

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

1. The characteristics of plans and programmes, having regard, in particular, to

- *the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,*
- *the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,*
- *the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,*
- *environmental problems relevant to the plan or programme,*
- *the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).*

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- *the probability, duration, frequency and reversibility of the effects,*
- *the cumulative nature of the effects,*
- *the transboundary nature of the effects,*
- *the risks to human health or the environment (e.g. due to accidents),*
- *the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),*
- *the value and vulnerability of the area likely to be affected due to:*
 - *special natural characteristics or cultural heritage,*
 - *exceeded environmental quality standards or limit values,*
 - *intensive land-use,*
- *the effects on areas or landscapes which have a recognised national, Community or international protection status.*

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. Once made the NP will form part of the Leeds Local 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 national planning policy. It does not influence other plans.</i>
The relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>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, biodiversity and sustainability and overall it aims to create sustainable communities.</i>
Environmental problems relevant to the NP	<i>It is not considered that there are any particular environmental problems relevant to the plan.</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 NP.</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 NP the Plan encourages 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 encourage new development that is sustainable and has the least negative and greatest positive environmental impacts.</i>
The cumulative nature of the effects	<i>The cumulative effects of proposals within the NP are unlikely to be significant on the local environment. The effects of the NP need to be considered alongside the Leeds Core Strategy, Submission Draft Site Allocations Plan and the Natural Resources and Waste DPD. The NP is required to be in general conformity with the Leeds Local Plan. It is not considered that the NP introduces significant additional effects over and above those already considered in the SA/SEA for the Core Strategy, SAP and NRWDPD. Notably the NP does not propose more development than the Core Strategy and SAP for the area.</i>

The transboundary nature of the effects	<i>The proposals within the NP are unlikely to have a significant impact beyond the Neighbourhood Area boundary.</i>
The risks to human health or the environment (e.g. due to accidents)	<i>None identified.</i>
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	<i>The NP is concerned with development within the Bramham neighbourhood Area. 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 NP 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 character of the area. The NP does not allocate any sites, as such 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 NP 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 also seeks to protect some local green spaces and the local landscape character.</i>

Assessment of Bramham Neighbourhood Plan Policies

Community Assets

- 5.5 The Plan protects 14 identified community assets from development and supports their improvement (Policy CA1.)

Leisure and Recreation

- 5.6 The plan area benefits from a network of existing byways, bridleways and footpaths. Their loss is resisted (Policy LR1) and improvements to the existing network are supported to allow greater access and connectivity. The construction and appearance of any new public rights of way should be appropriate and sensitive to the local character of the area.

Housing

- 5.7 The Local Planning Authority has identified 4 small potential sites for housing within the Site Allocations Plan. The Plan seeks a mix of specified housing types on developments of 10 units or more (Policy HOU1) and discourages large properties (5 bedrooms or more).

Transport

- 5.8 The Plan seeks to improve transport links to and between the parish and neighbouring parishes and communities. It requires new housing developments to provide safe connected pedestrian access to bus stops and other village facilities and show how development will contribute to improving off road, non-motorised accessible routes and public transport services (Policy T1.)

Natural Environment

- 5.9 The Plan designates 10 local green (Policy NE1) and protects them from development except in very special circumstances. The Wildlife Area behind the Senior Citizens Centre and Bramham in Bloom sites are protected from development that would reduce or damage their nature conservation value (Policy NE2.) Existing landscape features with biodiversity value should be retained and new development should seek to enhance and support wildlife and/or biodiversity.

Heritage

- 5.10 The Plan supports the conservation and enhancement of identified non-designated heritage assets (Policy H1) and provides guiding principles for development within the Conservation Area to ensure it is sensitive to the character and appearance of the historic environment (Policy H2.). The Plan also contains considerations for development outside the Conservation Area (Policy H3) and provides for the protection and maintenance of identified views (Policy H4.)

SEA Screening Conclusions

- 5.11 In conclusion, as a result of the assessment carried out in Table 2 above and the more detailed consideration of the draft policies, it is considered that it is unlikely that any significant environmental effects will arise as a result of the Bramham Neighbourhood Plan. 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.
- 5.12 Notably, the draft neighbourhood plan does not propose any allocations. No sensitive natural or heritage assets will also be significantly affected by proposals 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 Local Plan. It is unlikely that there will be any significant additional environmental effects that have not already been considered and dealt with through a SEA/SA of the Local Plan. Finally, none of the environmental consultation bodies raised any concerns regarding any likely significant environmental effects.

6. 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 will consider 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 In addition to SPA and SAC sites Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of Government Policy, Ramsar sites 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.

Relevant Natura 2000 sites

6.4 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 international designated site within a 15km radius of the Kippax Area boundary.

6.5 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 20km away from the Bramham Neighbourhood Area at its nearest point. It is therefore unlikely that any policies or proposals in the draft plan will have an effect on Kirk Deighton SAC. A location plan and the Natura 2000 data form are attached in Appendix 2.

6.6 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.

HRA Screening Determinations for higher level planning policy documents

Leeds Core Strategy (2014)

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

Leeds Site Allocations Plan

- 6.8 A HRA screening determination has been undertaken considering the potential effect of those sites proposed for development and protection as greenspace on the relevant SACs and SPAs. All sites within 2.5km of Kirk Deighton were assessed as to whether they could potentially have an impact even though it is acknowledged that the distance for movement of great crested newts is normally up to 500m. This larger buffer was to reflect the threat to the habitat of the Great Crested Newt from increased acid and nitrogen deposition from transport growth. The HRA screening undertaken in September 2015 identified habitat fragmentation, water abstraction, increased acid & nitrogen deposition from transport as potential likely significant effects (LSE). Overall no LSE were identified but a series of precautionary Avoidance Measures are identified.
- 6.9 The HRA screening of the Revised Publication Draft: Area Proposals for Outer North East (Sept 2016) concluded that the Plan includes a series of precautionary avoidance measures, including future GCN surveys and application of Local Transport Plan (LTP) and adopted Core Strategy Policies, which along with the location of the proposed allocation for development, means that there is no LSE at Kirk Deighton. Therefore no Appropriate Assessment was required.
- 6.10 Great Crested Newt movements between Kirk Deighton and the nearest proposed housing site in the have not were investigated, however West Yorkshire Ecology and North and East Yorkshire Ecological Data Centre data did not show any records of Great Crested Newts between Kirk Deighton SAC and Spofforth Hill, not least because there are road barriers between the two sites. It was therefore concluded that none of the site allocations within the 2.5km buffer are likely to have any significant impact on movements of Great Crested Newts. It was also considered that the policies of the LTP3, NRW LP and Core Strategy are capable of achieving a shift to more sustainable transport modes, combined with a reduction in travel (per capita) and mitigation for

air quality impacts. None of the Bramham Neighbourhood Area lies within the 2.5km buffer. The neighbourhood plan does not propose to allocate any land for development therefore it is unlikely to have any significant impact on the SAC. None of the Bramham Neighbourhood Area lies within the 2.5km buffer. The BNP is in general conformity with the Publication Draft Site Allocations Plan.

Leeds Natural Resources and Waste Development Plan Document

- 6.10 Through the HRA screening of the NRWDPD it was identified that only 2 policies gave rise to the potential for direct or indirect impacts on SAC or SPA, however they would not affect the Kirk Deighton SAC as they related firstly to the development of wind power and the potential impact on flight patterns of birds and secondly to possible sites for waste facilities in the Aire Valley, over 10km from Kirk Deighton, particularly as great crested newts and their habitats are not particularly sensitive to air pollution. Natural England agreed that the policies of the NWRDPD are not likely to have a significant effect on any SAC or SPA. The BNP do not address the issue of natural resources and waste therefore only the NRWDPD will be applicable to any such proposals in the Bramham area.
- 6.11 As Kirk Deighton SAC lies within Harrogate District Council, plans prepared for that area must be considered:

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

- 6.12 This assessment was informed by the HRA produced for the Draft Sites and Policies Development Plan Document in May 2013 which was withdrawn from examination in May 2014. It is considered that the Great Crested Newts utilize the terrestrial habitat outside the SAC and that policies that required land in-take in areas within 500m of the SAC boundary could have an impact. Furthermore, policies that would increase the concentrations and deposition of air pollutants above a critical level or that would impact on water quality or quantity could also have a potential impact. Consultation on the Draft Harrogate District Local Plan will commence on 11th November 2016.

Harrogate Core Strategy 2009

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

North Yorkshire Minerals and Waste DPD

- 6.14 The Issues and Options draft of the plan was screened and the findings were set out in Habitat Regulations Assessment Likely Significant Effects Report (Feb 2014). It assessed various options and highlighted whether an appropriate assessment may be necessary if particular options were to be carried forward to Preferred Option stage. Most options were not likely to have significant effects, it was anticipated that these could be avoided by using caveats. Consultation on the Preferred Options was undertaken Nov 2015 – Jan 2016. The HRA concluded that the majority of policies are likely to have no negative effect on a European site however four preferred policies were identified as having uncertain impacts. However, this uncertainty could be removed by adding wording to the policy stating that any development would need to be in line with the development policies in the plan. Further assessment of the sites at Ruddings Farm is required to assess whether likely significant effects on Kirk Deighton would result from the policies and may be policy changes would be necessary to ensure no significant effects.

Harrogate Local Biodiversity Action Plan 2012

- 6.15 North Yorkshire County Council and Harrogate Borough Council have led the Harrogate BAP initiative, with support and funding from Natural England. This attempts to draw together all the information known on habitats and species and concentrates on priority species and habitats. Individual Action Plans have been prepared for 15 habitats. The aim is to achieve conservation through targets based upon protection, enhancement and re-creation. A small number of Species Action Plans have also been prepared including one for Great Crested Newts. The BAP will contribute to the care of special habitats and the species associated with them.
- 6.16 An HRA was undertaken of the Publication Draft Harrogate District Sites and Policies DPD (May 2013) which concluded that there was no need to carry out an Appropriate Assessment as it was not considered that any of the draft sites or policies proposed in the Sites and Policies DPD singularly or in combination with other sites or plans would have any significant effects on the Natura 2000 sites considered. This plan was withdrawn from examination in June 2014 to address some fundamental concerns but the HRA is assisting in the preparation of the emerging Harrogate District Local Plan.
- 6.17 Overall, it was determined that these higher order plans would not significantly affect any SAC or SPA, including Kirk Deighton SAC. Where plans were at an early stage of preparation it was considered that mitigation measures could address any potential effects.

Assessment of the likely effect of the neighbourhood plan

- 6.18 The following questions will help to establish whether an Appropriate Assessment is required for the emerging BNP:
- a) **Is the BNP directly connected with, or necessary to the management of a European site for nature conservation?**

The Kirk Deighton SAC does not lie within the Bramham Neighbourhood Area, therefore the WNP does not relate nor is directly connected with the management of the SAC.

b) Does the BNP propose new development or allocate sites for development?

No. The neighbourhood plan is required to be in general conformity with the policies set out within the adopted Leeds Core Strategy which set the broad parameters for future development within Leeds. The Core Strategy and earlier drafts of the Site Allocations Plan have been subject to HRA's and future drafts of the SAP will be assessed appropriately.

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

The aforementioned section regarding HRA Screening Determinations for higher level planning policy documents (para's 6.7-6.16), confirms that other projects and plans that relate to the Kirk Deighton SAC site are unlikely to impact on the integrity of the European site. The BNP does not propose any development sites, rather the policies will help to shape new development within the area and primarily minimise any negative effect. The policies within the plan are required to be in general conformity with those of the Local Plan (inc Biodiversity policies) which has been subject to HRA assessment. The neighbourhood plan does not promote a greater amount of development than the Local Plan. Overall it is considered that the plan is unlikely to have an 'in combination' impact.

HRA Screening Conclusions

- 6.19 It is considered that none of the policies in the BNP are likely to have a significant effect on the Kirk Deighton SAC, whether alone or in combination with other projects and programmes. The plan does not specifically allocate land for development and does not promote more land for development than the Local Plan. Furthermore, the policies within the plan are required to be in general conformity with those of the Local Plan (inc Biodiversity policies) which has been subject to HRA assessment.
- 6.20 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 Bramham Neighbourhood Area lies within 500m of the site. Furthermore, Natural England have stated within their consultation response that "...we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect."
- 6.21 It is therefore considered that the BNP is not likely to cause a significant effect Kirk Deighton SAC or on any other European site. Consequently the draft plan is not considered to require further assessment under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

7. Screening Conclusions

- 7.1 A SEA and HRA screening exercise has been undertaken for the emerging BNP. The assessments have concluded that the Bramham neighbourhood plan is unlikely to give rise to any significant environmental effects or have significant effects on a European site. These conclusions are supported by comments from the environmental consultation bodies. Accordingly it is considered that an SEA, or further HRA assessment is not required for the draft neighbourhood plan.
- 7.2 It is important to note that this screening opinion is based on a draft version of the BNP. Consequently if the content of the neighbourhood plan should materially change then the SEA/HRA screening process will need to be re-assessed and updated.

APPENDIX 1

RESPONSES FROM ENVIRONMENTAL ASSESSMENT CONSULTATION BODIES

Neighbourhood Planning Team
Leeds City Council
Planning Services
The Leonardo Building
2 Rossington Street
Leeds
West Yorkshire
LS2 8HD

Our ref: RA/2006/100689/OR-
51/IS1-L01
Your ref: Bramham NP
Date: 06 October 2017

Dear Neighbourhood Planning Team

BRAHAM NEIGHBOURHOOD PLAN

Thank you for consulting the Environment Agency regarding the above mentioned proposed Area Allocation for a Neighbourhood Plan. We have reviewed the information submitted and we wish to make the following comments

Strategic Environmental Assessment

We note that the City 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.

We have no further comments to make in this instance.

Neighbourhood Plan

We have no objections to the proposed neighbourhood plan we are pleased to see protection of wildlife and Biodiversity in policies, NE1 – Local Green Spaces and NE2 Nature areas and Biodiversity.

There is a small amount of flood risk (zone 2 & 3) within the area we advise that any new development are not placed within this area.

Should you require any additional information, or wish to discuss these matters further, please contact me on the number below.

Yours sincerely

Ms CLAIRE DENNISON
Sustainable Places - Planning Advisor

Direct dial 02030256425
Direct e-mail claire.dennison@environment-agency.gov.uk

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..



Historic England

YORKSHIRE

Mr. Chris Sanderson,
Forward Planning & Implementation,
Leeds City Council,
Thoresby House,
2 Rossington Street,
LS2 8HD

Our ref: PL00105751
Your ref:

Telephone 01904 601 879
Mobile 0755 719 0988

20 June 2017

Dear Mr. Sanderson,
Bramham Neighbourhood Plan
Strategic Environmental Assessment Screen Opinion

We write in response to your e-mail of Wednesday 31 May 2017, seeking a Screening Opinion for the Bramham 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 Bramham Neighbourhood Plan.

The Draft Neighbourhood Plan indicates that within the plan area there is a wide range and number of designated cultural heritage assets, including 8 grade I & 2 II* listed buildings, the most important of which is Bramham Park, 29 grade II listed buildings, Bramham Park Grade I registered Historic Park, as well as the Bramham Conservation Area. 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 considers 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.

We should like to stress that this opinion is based on the information available in the Bramham Neighbourhood Development Plan V4 March 2017 document attached to your e-mail.



Historic England, 37 Tanner Row, York YO1 6WP
Telephone 01904 60 1948 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

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



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.

We would appreciate it if you forwarded a copy of this letter to Bramham Town Council and/or their consultants.

Thank you in anticipation.

Yours sincerely



Craig Broadwith
Historic Places Adviser
E-mail: Craig.Broadwith@HistoricEngland.org.uk



Historic England, 37 Tanner Row, York YO1 6WP
Telephone 01904 60 1948 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Date: 21 June 2017
Our ref: 217179



Chris Sanderson
Leeds City Council
Leonardo Building
2 Rossington Street,
LEEDS LS2 8HD

Chris.Sanderson@leeds.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business
Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Chris Sanderson

Screening consultation: Bramham Neighbourhood Plan Strategic Environmental Assessment
Screening opinion request

Location: Bramham Neighbourhood Plan Area, Leeds

Thank you for your consultation on the above dated 31 May 2017 which was received by Natural England on the same date.

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.

Screening Request: Strategic Environmental Assessment

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), that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidanceⁱ. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

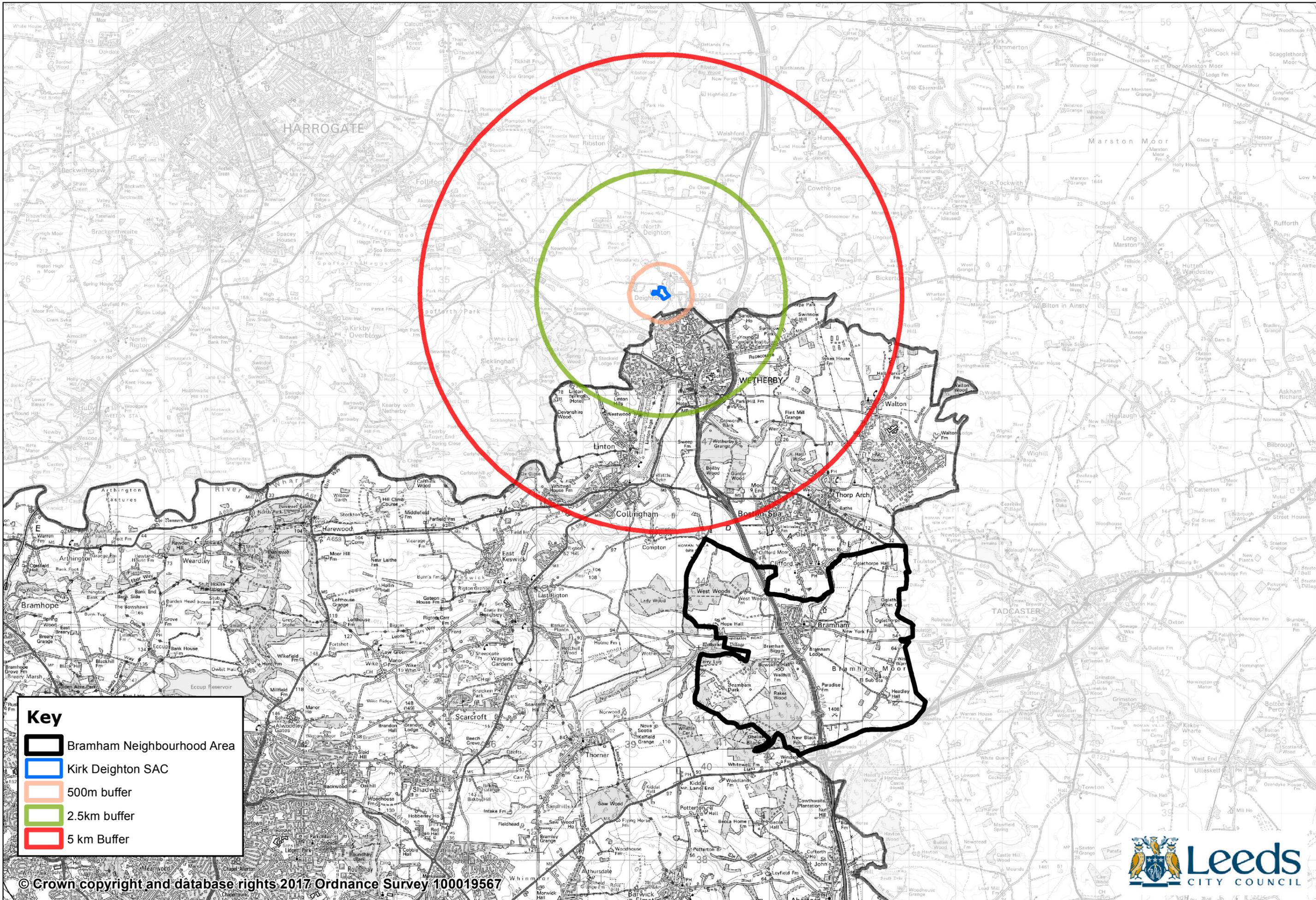
We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

APPENDIX 2

MAP OF KIRK DEIGHTON SPECIAL AREA OF CONSERVATION AND NATURA 2000 DATA FORM



Key

-  Bramham Neighbourhood Area
-  Kirk Deighton SAC
-  500m buffer
-  2.5km buffer
-  5 km Buffer

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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"/>							
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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. Screes. 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