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

**DRAFT RAWDON NEIGHBOURHOOD
DEVLEOPMENT PLAN**



Contents

Page

1. Introduction	2
2. Legislative background	3
3. Draft Rawdon Neighbourhood Plan overview	5
4. Summary of Environmental Consultation Bodies' Responses	6
5. Strategic Environmental Assessment Screening	7
6. Habitats Regulations Assessment Screening	14
7. Screening conclusions	20

Appendix 1 - Responses from Environmental Assessment Consultation Bodies

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

Appendix 2 – Map Showing South Pennines SPA/SAC, North Pennines SPA/SAC, Rawdon Neighbourhood Area and Natura 2000 Forms

1. Introduction

- 1.1 The purpose of this report is to determine whether the emerging Rawdon Neighbourhood Plan (RNP) requires a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) through a process referred to as SEA and HRA screening.
- 1.2 A Strategic Environmental Assessment is a process for evaluating, at the earliest appropriate stage, the environmental effects of a plan before it is made. The SEA screening determines whether the plan is likely to have significant environmental effects. 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 significant negative 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 RNP before undertaking a SEA and HRA screening exercise and providing conclusions.
- 1.5 Leeds City Council has prepared this screening report on behalf of Rawdon Council which is the qualifying body for the RNP as part of the neighbourhood planning duty to support. Leeds City Council has a responsibility to advise the Parish Council if there is a need for formal SEA/HRA of the draft plan. At independent examination, the neighbourhood plan will be tested to determine whether it meets the Basic Conditions. Two of the Basic Conditions are:
 - Whether the making of the neighbourhood plan is compatible with European Union obligations (this includes the SEA Directive); and
 - Whether the making of the neighbourhood plan will breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.6 For the purposes of this assessment the draft version of the plan which was sent to the Local Authority in March 2020 has been screened. This version of the plan is considered to show a firm vision and policy intent. As a consequence the neighbourhood plan is considered to be at an appropriate stage for the screening exercise to be undertaken.

2. Legislative background

Strategic Environmental Assessment (SEA)

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. The 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal of development plan documents (DPDs), including neighbourhood plans, however there is still a need for a Strategic Environmental Assessment.
- 2.2 The Neighbourhood Planning (Amendment) Regulations 2015 introduced the requirement for an environmental report (prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004), or a statement of reasons why an environment assessment is not required to be submitted to the Local Planning Authority. This is to inform the public and to ensure independent examiners have sufficient information to determine whether a neighbourhood plan is likely to have significant environmental effects.
- 2.3 Regulation 9 of the SEA Regulations 2004 advises that draft neighbourhood plan proposals should be screened (assessed) to determine whether the plan is likely to have significant environmental effects, taking into account the criteria specified in schedule 1 and comments from the environmental consultation bodies. A SEA *may* be required, for example, where the neighbourhood plan allocates sites for development or the neighbourhood area contains sensitive natural or heritage assets that may be affected by proposals in the plan.
- 2.4 Where it is determined that the plan is unlikely to have significant environmental effects, and accordingly, does not require an environmental assessment, the authority is required to prepare a statement for its reasons for the determination. If likely significant environmental effects are identified then an environmental report must be prepared in accordance with paragraphs (2) and (3) of Regulation 12 of the SEA Regulations 2004.

Habitat Regulation Assessment (HRA)

- 2.5 Article 6 (3) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) require that an appropriate assessment of the implications of the plan or project for European sites is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site. A screening is undertaken to determine whether the plan is likely to have a significant effect on a European site and, if so, an appropriate assessment of the implications must be undertaken against the site's conservation objectives.
- 2.6 The judgement of the European Union Court of Justice in 'People Over Wind' dated 12 April 2018 has implications for the HRA screening process. The judgement considered whether it is possible to take account of "measures intended to avoid or reduce the harmful effects of the plan (or project) on the site" i.e. mitigation, at the screening stage. As the Directive is silent on "mitigation", the Court found it is not possible to take mitigation into account at the screening stage. This screening therefore assesses the risk that the TNP

will have a significant effect on a European site by considering the characteristics and specific environmental conditions of the site along with the proposals of the draft Plan; completed mitigation measures and other conservation, preventative and compensatory measures.

- 2.7 The ruling necessitated a change to the habitat conservation regulations (The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018) which amended the basic condition. Examiners must now consider whether “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”
- 2.8 On 25 July 2018 the Court of Justice (Second Chamber) ruled in the case of *Grace, Sweetman and the National Planning Appeals Board Ireland* (ECLI:EU:C2018:593). This Judgement relates to Appropriate Assessments and how conclusions should be interpreted which in turn determines whether Article 6(3) or Article 6(4) of the Directive applies. If a screening concludes an Appropriate Assessment is not required, this Judgement is not applicable.

3. Draft Rawdon Neighbourhood Development Plan Overview

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

3.2 The vision of the draft plan is

“Rawdon identifies itself as a Village with a semi-rural, semi-suburban nature. Rawdon is a distinct community within the outer suburbs of the City of Leeds. Rawdon consists of a mixture of residential housing and also encompasses large rural areas as well as business and farming activities which combine to define its unique nature.

Over the Plan period, Rawdon will continue to be a distinctive semi-rural, semi-suburban village, whilst evolving in a way that respects and reflects the views of the community. It will retain its distinctive character of a village, predominantly physically separate from adjacent communities. It will continue to consist of a wide mixture of residential properties alongside large open areas of mixed farming and woodlands which also contain more isolated small pockets of residential property. There will be a range of community facilities, businesses and farms that will prosper within an attractive environment. Current and future generations will enjoy a strong sense of community, a high quality of life, and a flourishing natural environment.”

3.3 The Neighbourhood Plan does not propose any allocations. However, it includes 16 draft policies to help guide development within the area. The neighbourhood plan includes draft policies under the following topic headings: housing, design, environment, the local economy, community facilities, movement and traffic management and Community Infrastructure Levy.

3.4 Once made the Neighbourhood Plan will become part of the Development Plan for Leeds and the policies within the plan will be used, alongside other adopted Development Plan Documents to help determine planning applications within the Neighbourhood Area.

4. Summary of Environmental Assessment Consultation Bodies Responses

- 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 RNP was send to the environmental assessment consultation bodies on 20th April 2020. 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	On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not required.
4.3 Environment Agency	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.
Natural England	We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed Rawdon Neighbourhood Plan.

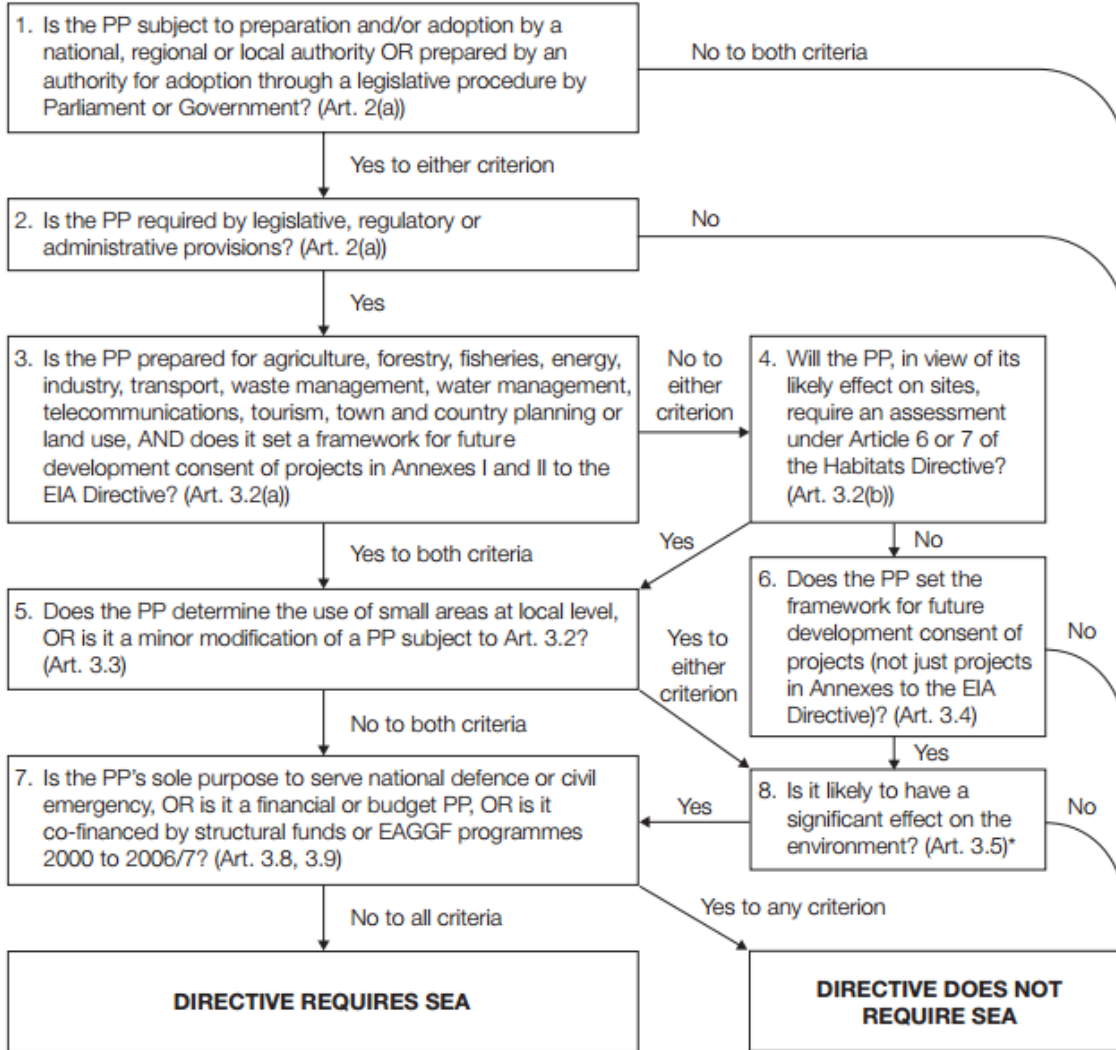
These consultation responses will be used to help determine whether the plan is likely to have significant environmental effects and have informed the conclusions of this screening report.

5. SEA Screening Assessment

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

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

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 but they are not required by legislative, regulatory or administrative purposes to produce a neighbourhood plan. This plan, however, if adopted, would form part of the statutory development plan, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	The draft plan is being prepared for 'town and country planning and land use...' (Article 3(2)) and, once adopted, will be part of the planning policy framework determining future development within the Thorner Neighbourhood Area. Developments that fall within Annex I are 'excluded' developments for Neighbourhood Plans as set out in Section 61(k) of the Town and Country Planning Act 1990 (as amended). It is not anticipated that the TNP would be the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	See screening assessment for HRA in following section of this report.
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	Once made the RNP will be part of the land use framework for the area and will help to determine the use of small areas at a local level. The draft plan seeks to designate and protect local green spaces, protect the local natural and built environment and encourage design that respects and reflects the local character. GO TO STEP 8
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The RNP will provide a framework for the consent of any future development projects in the neighbourhood area. GO TO STEP 8
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds	N	The RNP do not deal with these issues

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)	N	See section below and conclusions.

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

FIGURE 2: CRITERIA FOR DETERMINING LIKELY SIGNIFICANT EFFECTS

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 Strategic Policies of the development 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 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 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 more 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. The NP is required to be in general conformity with the strategic policies of the Development 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, the NRWDPD and the SAP.</i>

	<i>Notably the NP does not propose more development than set out in the Local Plan 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 Rawdon 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 Rawdon Neighbourhood Plan Draft Policies

Housing

- 5.5 Policy R1 of the draft plan seeks to encourage new housing developments to take account of local needs in terms of size, type and tenure, to ensure that new developments take account of size and accessibility standards set out in the Core Strategy and that developments of more than 50 new dwellings include provision for sheltered accommodation. The policy will shape new housing developments that come forward in the area (either through allocation within the local plan or as windfall development). It is not considered this will give rise to any significant environmental effect directly as a result of this policy, rather the policy seeks to ensure that development comes forward to meet the needs of Rawdon.

Design

- 5.6 Policy R2 seeks to ensure that the design of new developments take account of the special characteristics of Rawdon. Development is encouraged to respect the different character areas and accessibility to local services, minimise the adverse impacts on traffic, maintain

visual and physical connectivity through the use of materials, respect local amenity spaces, respect traditional shop frontages and to minimise crime. It is likely that any effect resulting from this policy will be positive and small scale given that development is encouraged to respect and enhance the historic character of Rawdon.

Environment

- 5.7 Policy R3 lends support to proposals that improve and enhance local biodiversity in Rawdon and seeks to secure wildlife enhancements. Policy R4 identifies potential local green spaces in Rawdon for designation. Policies R5 and R5a – d seek to shape the design of new developments within Rawdon’s designated Conservation Areas to ensure that they protect the special historic character of the areas. Policy R6 seeks to ensure that new developments are designed and sited to protect and enhance historic assets in Rawdon and the distinctive development patterns in the area. These policies are likely to have small-scale positive impacts on the natural and historic environment in Rawdon by seeking to protect and enhance local biodiversity and historic character.

The Local Economy

- 5.8 Policy R7 supports the expansion of existing businesses and the development of new small-scale employment and service-related businesses subject whilst seeking to minimise the impact of traffic and parking stress and protect residential amenity. It also supports new office provision within the proximity of the local centre and encourages new housing within the vicinity of the local centre to provide enhanced parking facilities. Policy R8 protects existing employment land and facilities in Rawdon. Whilst the policies are supportive of new office/service development, they does not allocate a specific site for this type of development and therefore the effects of this policy are likely to be small-scale and local.

Community Facilities

- 5.9 Policy R9 identifies community facilities and services in Rawdon for protection through the neighbourhood plan. It supports the retention of the facilities in a community-based use and identifies conditions that should be satisfied before a change of use can take place. This policy is unlikely to give rise to any significant environmental effects. Policy R10 supports the extension of existing schools in Rawdon whilst seeking to minimise the impact of any expansion on local traffic and parking issues. Any effects arising from this policy are likely to be local and small-scale.

Movement and Traffic Management

- 5.10 Policy R11 seeks to minimise the adverse impact of new development on parking and access issues in Rawdon through additional parking provision, traffic mitigation and the

protection of pedestrian and cycle routes. This policy seeks to minimise the harmful impacts of traffic in Rawdon and therefore is likely to have a minor positive effect on the local environment.

Community Infrastructure Levy

- 5.11 Policy R12 identifies priorities for future Community Infrastructure Levy spending within the neighbourhood area. The policy is not directly associated to the delivery of these projects and is therefore unlikely to give rise to any significant environmental effects.

SEA Screening Conclusions

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

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

Relevant Natura 2000 sites

- 6.7 As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included within a HRA. The South Pennine Moors Phase 2 SPA/SAC is situated approximately 6km away from the boundary of the Rawdon Neighbourhood Area at its nearest point. The North Pennine Moors SPA/SAC is approximately 10km away from the boundary of the Rawdon Neighbourhood Area at its nearest points. Although it is generally accepted that any policies, proposals or programmes more than 7km from SPA/SAC are not likely to have significant effects on the designation, this HRA screening will also take into consideration the potential impact of the Rawdon NP in respect of the North Pennine Moors SPA/SAC.

South Pennine Moors SPA/SAC

- 6.8 The South Pennine Moors Phase 2 SPA/SAC is the largest area of unenclosed moorland within West Yorkshire and contains the most diverse and extensive examples of upland communities in the county. An area of this European site covers a small part of north-west Leeds known as Hawksworth Moor. Extensive areas of blanket bog occur on the upland plateau and are punctuated by species rich acidic flushes and mires. There are also wet and dry heaths and acid grasslands. Three habitat types which occur on the site are rare enough within Europe to be listed on Annex 1 of the EC Habitats and Species Directive (92/43) EEC and justify the SAC designation. These communities are typical of and represent the full range of upland vegetation classes found in the South Pennines.
- 6.9 This mosaic of habitats also supports a moorland breeding bird assemblage which, because of the range of species and number of breeding birds it contains, is of regional, national and European importance. The large numbers of breeding Merlin *Falco columbarius*, Golden Plover *Pluvialis apricaria* and Twite *Carduelis flavirostris* together with the breeding assemblage are of international importance and justify the SPA designation.

North Pennine Moors SPA/SAC

- 6.10 The North Pennine Moors extend across Cumbria, Durham, North Yorkshire and Northumberland, containing much of the upland heathland of northern England and dominated by heather communities. At higher altitudes and to the wetter west and north, there is extensive areas of blanket bog which also supports heather and hare's-tail cottongrass. The area also contains wet heaths and calcium-rich fens, supporting yellow marsh saxifrage, bryophytes, sedges and herbs. Acidic rock outcrops and screes are well-scattered and support a range of lichens and bryophytes, such as *Racomitrium lanuginosum*.
- 6.11 There are examples of acidic oak woodland in sheltered valleys e.g. Birk Gill Wood (East Nidderdale SSSI) which support rich bryophyte and lichen communities under a canopy

of sessile oak, birch and rowan. Mixtures of heather, bilberry and moss carpets can be found on boulder strewn slopes whilst Swaledale contains one major stand of juniper (*Juniperus communis*) scrub. Important areas of calcareous grassland, montane acid grassland and grasslands on soils rich in heavy metals, such as old lead mines, can also be found.

- 6.12 The area supports breeding populations of three birds of prey (Hen Harrier (*Circus cyaneus*), Merlin (*Falco columbarius*) and Peregrine (*Falco peregrinus*)) and one wading bird (Golden Plover (*Pluvialis apricaria*)) in numbers of European ornithological significance.

Assessment of the likely effect of the neighbourhood plan

- 6.13 The following questions will help to establish whether an Appropriate Assessment is required for the emerging RNP:

a) Is the RNP directly connected with, or necessary to the management of a European site for nature conservation?

- 6.14 Neither the South Pennine Moors SPA/SAC or the North Pennine Moors SPA/SAC fall within the Rawdon Neighbourhood Area, therefore the neighbourhood plan does not relate nor is directly connected with the management of the SPAs/SACs. The policies in the Rawdon Neighbourhood Plan can only apply within the Rawdon Neighbourhood Area, not outside.

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

- 6.15 No, the Rawdon NP does not propose new development or allocate sites for development however it does support certain types of development and sets out criteria to shape development, the impact of which will be determined at planning application stage. The neighbourhood plan seeks to shape and guide development that will come forward in the Rawdon Neighbourhood Area.

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

- 6.16 In order to consider the in combination effect, it is necessary to consider the HRA implications for other Leeds Development Plan documents, namely the Leeds Site Allocations Plan. The HRA Screening for the Rawdon NP is sequential to the appropriate assessment of the SAP, as the policies within the NP are over and above those set out in the SAP.

Leeds Site Allocations Plan

- 6.17 The Leeds Site Allocations Plan was adopted in July 2019. During the Examination in Public for the Site Allocations Plan, a [HRA Screening & Appropriate Assessment](#) was prepared for the draft plan. Para 4.6 of the HRA Screening & Appropriate Assessment

considers the likelihood of significant effects on the South Pennine Moors SPA and SAC. It states:

*“The Screening Stage (has identified **the prospect for** the following LSEs in relation to the South Pennine Moors (Phase 2) SPA and SAC and following recent case-law these **may** not be screened out and will need to be considered further by way of an Appropriate Assessment:*

- *Impacts on qualifying bird species and breeding bird assemblage*
 - *Recreational impacts through 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*
- *Impacts on qualifying habitats*
 - *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.”*

6.18 An Appropriate Assessment was therefore undertaken and the following facts are noted:

- The current Main Modifications promote the deletion of 4 proposed housing allocations which will reduce the number of allocated units within the 7km zone of influence for potential recreational disturbance from 1213 to 627 units.
- The application of Core Strategy Policy H4 (Housing Mix) to the 11 allocated sites will ensure a variety of housing types to meet identified needs and therefore a range of demographic profiles of the new residents. It can therefore be assumed that a proportion of these new residents will not generate additional visitor trips to the South Pennine Moors Phase 2 SPA/SAC.
- The Core Strategy Policies G1, G2, G3, G4, G6 G8 and G9, provide a comprehensive framework to protect and enhance Green Space, Green Infrastructure and Biodiversity across the District, with green space policies going further to require new provision from development. These help to ensure the networks of green spaces and green infrastructure are maintained and enhanced for the benefit of local communities, providing opportunities for recreation.

6.19 The Appropriate Assessment therefore concluded that the above existing measures would reduce, to an acceptable level, the number of recreational visits to the South Pennine Moors Phase 2 SPA/SAC arising from the SAP. Indeed, Natural England agreed with this conclusion in their response dated 20th August 2015 which, it should be noted, was prior to the reduction in housing allocations now proposed by the Major Modifications to the SAP. It is therefore safe to conclude this reduction will decrease recreational visits and impacts further and that the SAP will not result in any adverse impacts on the Site Integrity of the South Pennine Moors Phase 2 SPA/SAC alone or in combination.

- 6.20 The Appropriate Assessment also considers the likelihood of significant effects on the North Pennine Moors SPA and SAC (Appendix 2 of the Screening & Appropriate Assessment) and concludes that significant effects are unlikely to arise as 1) there is over 5km between the European site and any proposed allocations; and 2) the existing road infrastructure in the direction of SPA /SAC from any proposed allocations is poor.
- 6.21 It is confirmed also that this HRA Screening and subsequent Appropriate Assessment has been undertaken with due regard to the judgment of the Court of Justice of the European Union (CJEU) C-323/17 dated 12 April 2018 in People over Wind, Peter Sweetman v Coillite Teoranta

Harrogate District Local Plan (Adopted March 2020)

- 6.22 Harrogate BC revisited the HRA of the Submission Draft Harrogate Local Plan following the ruling by the Court of Justice of the European Union to ensure that no mitigation was included in the screening process. Consequently, an [Appropriate Assessment](#) was required and undertaken. The assessment considered the significant effects of three elements of the draft Local Plan – Growth Strategy, Draft Development Policies and Draft Allocations - under the following issues.
- Loss of land
 - Urban disturbance
 - Recreational pressure
 - Water quantity and quality
 - Pollution levels
- 6.23 The Appropriate Assessment considers the South Pennine Moors Phase 2 SAC/SPA primarily in relation to recreational pressure and the North Pennine Moors SPA/SAC in relation to habitat loss, recreational pressure, pollution and urban disturbance. After detailed consideration, it concludes that, due to certain policies in the Local Plan, the policies alone or in-combination with other projects or plans will not have a significant impact on these two European Sites.

HRA Screening Conclusions

- 6.24 It is considered that none of the policies in the RNP are likely to have a significant effect on the South Pennine Moors SPA/SAC or the North Pennine Moors SPA/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 is set out in the Local Plan (which has been subject to HRA Appropriate Assessment). 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.

- 6.25 Furthermore, Natural England in their consultation response have confirmed that there unlikely to be significant effects from the proposed neighbourhood plan.
- 6.26 It is therefore considered that the RNP is not likely to cause any significant effect on the South Pennine Moors SPA/SAC or the North Pennine Moors SPA/SAC either alone or in combination with any other plans or projects. 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 RNP. The assessments have concluded that the Rawdon 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 neither an SEA nor HRA are 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 RNP. 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 as appropriate.

APPENDIX 1

RESPONSES FROM ENVIRONMENTAL ASSESSMENT CONSULTATION BODIES

APPENDIX 2

**MAP OF SOUTH PENNINE MOORS SPA/SAC,
NORTH PENNINE MOORS SPA/SAC, RAWDON
NEIGHBOURHOOD AREA AND NATURA 2000
FORM**