

Roecliffe and Westwick
Neighbourhood Plan 2019-2032
Submission Draft December 2019

Strategic Environmental Assessment
and Habitat Regulations Assessment
Screening Report

January 2020



Harrogate
BOROUGH COUNCIL

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Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report

1 Introduction

- 1.1** This screening report is used to determine whether or not the contents of the Submission Draft Roecliffe and Westwick Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. These require an SEA to be undertaken on any land use plan or programme 'which sets the framework for future development consent of projects'.
- 1.2** However, there are exceptions to this requirement for plans 'which determine the use of a small area at local level' or which only propose 'minor modifications to a plan', if it is determined that the plan is unlikely to have significant environmental effects.
- 1.3** To assess whether an SEA is required a screening process must be undertaken based on a standard set of criteria. This must be subject to consultation with Historic England, the Environment Agency and Natural England.
- 1.4** This report will also screen to determine whether the Neighbourhood Plan requires an appropriate assessment in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 105 of the Conservation of Habitats and Species Regulations 2017. An appropriate assessment is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites or 'Habitats Sites') as a result of the implementation of a plan/project.
- 1.5** The conclusion of this assessment is that the Plan is unlikely to have a significant effect on the environment so an SEA is not required. It is also unlikely to have a significant effect on any Natura 2000 sites so should not be subject to an appropriate assessment.

The Roecliffe and Westwick Neighbourhood Plan

- 1.6** The designated body with responsibility for the Roecliffe and Westwick Neighbourhood Plan is Roecliffe and Westwick Parish Council. The submission draft of the Plan has been prepared following considerable community engagement.
- 1.7** The Plan aims to preserve and enhance the distinct character of Roecliffe and Westwick. It includes the following objectives:
- To ensure sensitive development that protects and enriches the landscape and built setting throughout the Neighbourhood Area.
 - To ensure that any housing development is tailored to the future needs of Roecliffe & Westwick residents.
 - To protect the landscape generally including agricultural land, woodland, wildlife habitats, the historic sites and particularly the key views into and out of the Conservation Area.
 - To protect the valuable green spaces within Roecliffe & Westwick.
 - To improve the existing footpath network by creating new footpaths and cycle ways to extend connectivity and improve access to the surrounding rural countryside.
 - To ensure all the 'village assets' are protected.
 - To support and strengthen the small number of local businesses and assist those working from home.
 - To support residents on an ongoing basis in the delivery and monitoring of the Plan.
 - To seek on-going improvements to highways and develop a safer route for pedestrians passing through Roecliffe.
- 1.8** The Plan does not allocate sites for housing or other uses, but contains policies relating to:

1 Introduction

- Design and development
- Community Involvement
- Key Views
- Small Scale Housing Development
- Highways
- Car Parking
- Maintaining Village Facilities and Services
- Non-designated Heritage Assets
- Foothpaths, cycleways and bridleways
- Local Green Space
- Green Infrastructure
- Local Business Support
- Broadband Connectivity
- Bar Lane Industrial Estate

Strategic Environmental Assessment (SEA) Screening 2

2 Strategic Environmental Assessment (SEA) Screening

Introduction to SEA Screening

- 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 objective of SEA is 'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans.... with a view to promoting sustainable development' EU Directive 2001/42/EC (Article 1).
- 2.3** Although there is no definitive guidance stating that a neighbourhood plan will require an SEA, local authorities are legally obliged to advise plan producers as to whether an SEA is required.
- 2.4** To ascertain if SEA is required, a "screening" exercise has been undertaken by Harrogate Borough Council to evaluate the proposals of the Plan against the criteria set out in the SEA Directive. This criterion is set out in the SEA Directive and can be found in Table 1.
- 2.5** Should the screening report reach the conclusion that that Plan will have a significant impact on the environment; a full SEA should be undertaken.
- 2.6** If the conclusion is that a full SEA is not required, any significant variations or additions to the Plan will also be subject to further screening.
- 2.7** Sustainability Appraisal, incorporating SEA, has been undertaken as part of the emerging Harrogate Local Plan 2014-2035 (at examination as at January 2020, please see www.harrogate.gov.uk/localplanexamination for further information) and has been taken into account whilst undertaking this screening assessment.

SEA Screening Assessment

- 2.8** The table below sets out the criteria by which the site allocation in the Plan should be judged, as outlined in Article 3.5 of the SEA Directive and considers the effects.

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
1 (a) 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	No	The Plan sets a framework for developments within the neighbourhood area but does not allocate specific sites for development. It will also need to be in general conformity with the Harrogate District Local Plan, which has been subject to SEA.
1 (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The Plan must be in general conformity with the Harrogate District Local Plan and have regard to national policies. It must also be compatible with EU law and the ECHR obligations. It is not considered to have a particular influence on any plans other than the planning application that will dictate the development of the allocation.

2 Strategic Environmental Assessment (SEA) Screening

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	<p>The Roecliffe and Westwick Neighbourhood Plan seeks to have a positive impact on local environmental assets with an emphasis on the protection and enhancement of the public realm, green spaces and historic buildings.</p> <p>The achievement of sustainable development is one of the basic conditions to be met by the NP and is at the heart of the plan's vision and objectives.</p>
1 (d) environmental problems relevant to the plan or programme	No	<p>It is not considered that there are any particular environmental problems relevant to the plan. The proposed aims and objectives for the Plan are not expected to have a negative environmental impact. The Plan seeks to protect the natural and historic environment of Roecliffe and Westwick Parish.</p>
1 (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	<p>This criterion is unlikely to be directly relevant in regard to the Neighbourhood Plan.</p>
2 (a) the probability, duration, frequency and reversibility of the effects;	No	<p>The Plan provides a framework for guiding development but does not specifically allocate land for 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.</p>
2 (b) the cumulative nature of the effects;	No	<p>The Neighbourhood Plan does not allocate sites for development but provides a framework for guiding development. There are unlikely to be significant impacts on the local environment. The effects of the NP need to be considered alongside the Harrogate District Local Plan which it is required to be in general conformity with. It is not considered that the NP introduces additional effects over and above those already considered in the SA for the Harrogate District Local Plan as it does not propose additional development.</p>
2 (c) the transboundary nature of the effects;	No	<p>The Neighbourhood Plan does not allocate any land and the policies within are unlikely to have an impact beyond the Neighbourhood Area boundary.</p>
2 (d) the risks to human health or the environment (for example, due to accidents);	No	<p>No obvious risks have been identified.</p>
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	<p>The NP is concerned with development within the Roecliffe and Westwick Neighbourhood Area. The potential for environmental impacts are likely to be limited, minimal and local.</p>

Strategic Environmental Assessment (SEA) Screening 2

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
<p>2 (f) the value and vulnerability of the area likely to be affected due to—</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use</p>	No	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 of the character of the area. The NP does not allocate sites, as such there are unlikely to be any intensive land-use concerns.
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	No	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 seeks to protect some local green spaces and Green Infrastructure.

Table 2.1 Environmental impact screening assessment

3 Habitat Regulations Assessment (HRA) Screening

3 Habitat Regulations Assessment (HRA) Screening

Introduction to HRA Screening

- 3.1** Alongside the SEA screening process there is a need to assess whether the Neighbourhood Plan would have an adverse impact upon internationally designated wildlife sites, as required by the European Habitats Directive.
- 3.2** The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of European wildlife sites. The assessment must determine whether the plans would adversely affect, or are likely to affect, the integrity of a site(s) in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.
- 3.3** The HRA process is generally divided into three stages. The initial stage of the HRA process is called the screening stage and determines if there are any likely significant effects or risk of significant effects possible as a result of the implementation of the plan. If there are significant effects the plan will need to undertake an Appropriate Assessment. The screening process should provide a description of the plan and an identification of the European sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
- 3.4** On 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment which ruled that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a European site at the screening stage. Therefore, if a likely significant effect is identified at the screening stage of a habitats assessment, an 'Appropriate Assessment' must be undertaken.

European Site(s) of relevance to the Roecliffe and Westwick Neighbourhood Plan

- 3.5** There is no pre-defined guidance that dictates the physical scope of a HRA of a Neighbourhood Plan. This screening has therefore considered the [HRA](#) of the emerging Local Plan and the sites identified therein.
- There are no European sites within the Neighbourhood Area.
 - There are no European sites within a 10km radius
 - The nearest European site is the North Pennine Moors SAC/SPA which is approx. 16km to the east
 - The River Ure runs through the Neighbourhood Area and lies to the north of Roecliffe village. The river forms a known 'pathway' to the Humber Estuary SAC/ SPA/ Ramsar Site and therefore impacts of the proposed plan upon this should be considered.

HRA Screening Assessment

- 3.6** The features of interest, the conservation objectives and the potential impact pathways for the European sites identified above are presented within the HRA of the emerging Local Plan. The same impact pathways have been considered for this screening assessment and are summarised below:

Habitat Regulations Assessment (HRA) Screening 3

Potential Impact Pathway	Screening for impacts
Land taken by development inside and outside European site	Some species will travel beyond the boundary of a European site for feeding. The plan area lies 16km from the closest part of the North Pennine Moors and will therefore not have an impact on foraging or feeding.
Urban edge disturbance	The Neighbourhood Plan does not propose new development or allocate sites for development and in any case there are no European sites within 400m of the neighbourhood plan area and therefore there will be no impact.
Recreational pressure and disturbance	The plan contains a policy (D1: Footpaths, Cycleways and Bridleways) which states that development proposals should seek to improve access to footpaths and bridleways and facilitate new circular walks and safer alternatives to existing where possible. Given the distance from the nearest European site, it is unlikely that improved access to PROWs in the neighbourhood area would increase recreational pressure and disturbance on any European site. Safer and more accessible local footpath options could potentially reduce recreational pressure and disturbance on the North Pennine Moors.
Water quantity and quality	The plan does not allocate sites for development or advocate additional development beyond that proposed in the Local Plan. It is therefore unlikely to impact on water quality or quantity due to surface water water run-off. No schemes are proposed that would require diversion or water abstraction.
Changes in pollution levels	The plan does not allocate sites for development or advocate additional development beyond that proposed in the Local Plan therefore it is unlikely to result increase vehicle usage or agricultural activity which may result in changed pollution levels.

Table 3.1 HRA Screening Assessment

3.7 The screening above shows that the Roecliffe and Neighbourhood Plan is not likely to have a significant impact on any European site.

4 In Combination Effects

4 In Combination Effects

- 4.1** It is necessary to understand whether the Plan is likely to have significant effects in-combination with other relevant plan or programmes. The Neighbourhood Plan does not identify sites or encourage development beyond that which has been outlined in the draft Local Plan (which has been subject to HRA). The Neighbourhood Plan provides criteria based policies to help guide development that might come forward in accordance with the draft Local Plan.
- 4.2** It is concluded that there are not likely to be that significant effects to the European designated sites as a result of in combination effects between the Local Plan and Neighbourhood Plan at this stage.

Consultation with Statutory Bodies 5

5 Consultation with Statutory Bodies

- 5.1** The screening exercises and proposed outcome was sent to the three statutory consultees designated in the Regulations (Historic England, Environment Agency and Natural England) with the Regulation 13 Pre-submission draft Roecliffe and Westwick Neighbourhood Plan to elicit their views on the findings between 1st May and 7th June.
- 5.2** Historic England wrote to the Council on the 7th June with its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of their area of concern, cultural heritage. They concluded that no SEA was required. No responses were received from the Environment Agency or Natural England.
- 5.3** The Submission Plan does not make any substantive changes which affect the screening exercise or conclusion.

6 Conclusion

6 Conclusion

- 6.1** The Roecliffe and Westwick Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d)), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan or emerging Local Plan (both subject to HRA).
- 6.2** It is not considered necessary for an appropriate assessment to be undertaken for the Roecliffe and Westwick Neighbourhood Plan.