

Strategic Environmental Assessment and Habitats Regulations Assessment: Screening Report

Garforth Neighbourhood Development
Plan Examination Version

October 2022

1. Introduction

- 1.1 The purpose of this report is to determine whether the Garforth Neighbourhood Plan (GNP) 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 and whether a full HRA is required.
- 1.4 This report explains the legislative background to SEA/HRA screening, provides details of the GNP before undertaking a SEA and HRA screening exercise and providing conclusions.
- 1.5 Leeds City Council has prepared this screening report on behalf of the Garforth Neighbourhood Forum, which is the qualifying body for the GNP, as part of the neighbourhood planning duty to support. Leeds City Council has a responsibility to advise the Neighbourhood Forum if there is a need for formal SEA/HRA of the 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 (as amended).
- 1.6 An SEA Screening Assessment was also undertaken in 2020 for a previous version of the Garforth Neighbourhood Plan, however it was considered that given the time that has elapsed, a new SEA/HRA Screening was appropriate.
- 1.7 For the purposes of this assessment the examination version of the plan, which was sent to the Local Authority in October 2022 has been screened.

This version of the plan is considered to show a firm vision and policy intent. Consequently, 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 GNP 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 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. Examination Garforth 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 examination GNP contains a set of locally specific planning policies and guidance for the neighbourhood area.

3.2 The vision of the examination plan is:

In 2033 Garforth will continue to be a great place in which to live, work and play. There will be, as now, a strong sense of community. It will be a place with a distinctive small-town identity.

Our town will be surrounded by protected and accessible countryside.

Our town centre will be vibrant and re-invigorated, encouraging people to become actively involved in a flourishing community. There will continue to be a broad range of retail, leisure and offices; in addition there will be arts and culture as well as residential opportunities. A variety of outdoor events and pop-ups will also add to the stimulating mix.

Away from the centre, the town's commercial and industrial areas will be thriving and offering a wide range of jobs.

There will be access to a range of well designed, sustainable homes that meet the needs of all its people at all stages of life.

At the centre of decision making about our town will be a concern with the health and wellbeing of everyone who lives and works in Garforth.

Given the ongoing global climate emergency, all decisions on development will take into account the need to achieve carbon neutrality in Leeds by the 2030s

3.3 The examination neighbourhood plan does not propose any allocations. However, it includes 49 policies and 24 projects/community actions to help guide development within the area. The neighbourhood plan includes policies under the following topic headings:

- Housing and the Built Environment (HBE)
- Business, Employment and Town Centre (BETC)
- Transport (T)
- Greenspace and The Rural Environment (GSRE)
- Community and Leisure (CL)
- Education and Health (EH)

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 Garforth 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 GNP – Examination Version was sent to the environmental assessment consultation bodies on 2nd September 2022. Natural England and Historic England responded to the consultation. There was no response from the Environment Agency, however the Environment Agency had expressed no objection to a previous version of the Plan. 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 |
|--------------------------------|--|
| <p>Historic England</p> | <p>It clearly is for the Council the local authority to determine whether an EIA should be prepared in connection with this Plan.</p> <p>However, from the information given, Historic England considers that there is the potential for this plan to have impacts, both positive and negative, on the historic environment of the area. The Council may therefore consider it necessary for EIA to be undertaken in connection with the Plan.</p> <p>If it is required, we would expect any EIA to examine the potential impacts upon all designated heritage assets and their settings together with potential impacts on non-designated features of historic or architectural interest and value. These can also be of national importance and make an important contribution to the local distinctiveness of an area and its sense of place. This covers buildings, historic open spaces, historic features and the wider historic landscape including below-ground archaeology.</p> <p>We strongly advise that the Council’s specialist conservation and archaeology advisers are closely involved throughout the preparation of any Environmental Impact Assessment.</p> |

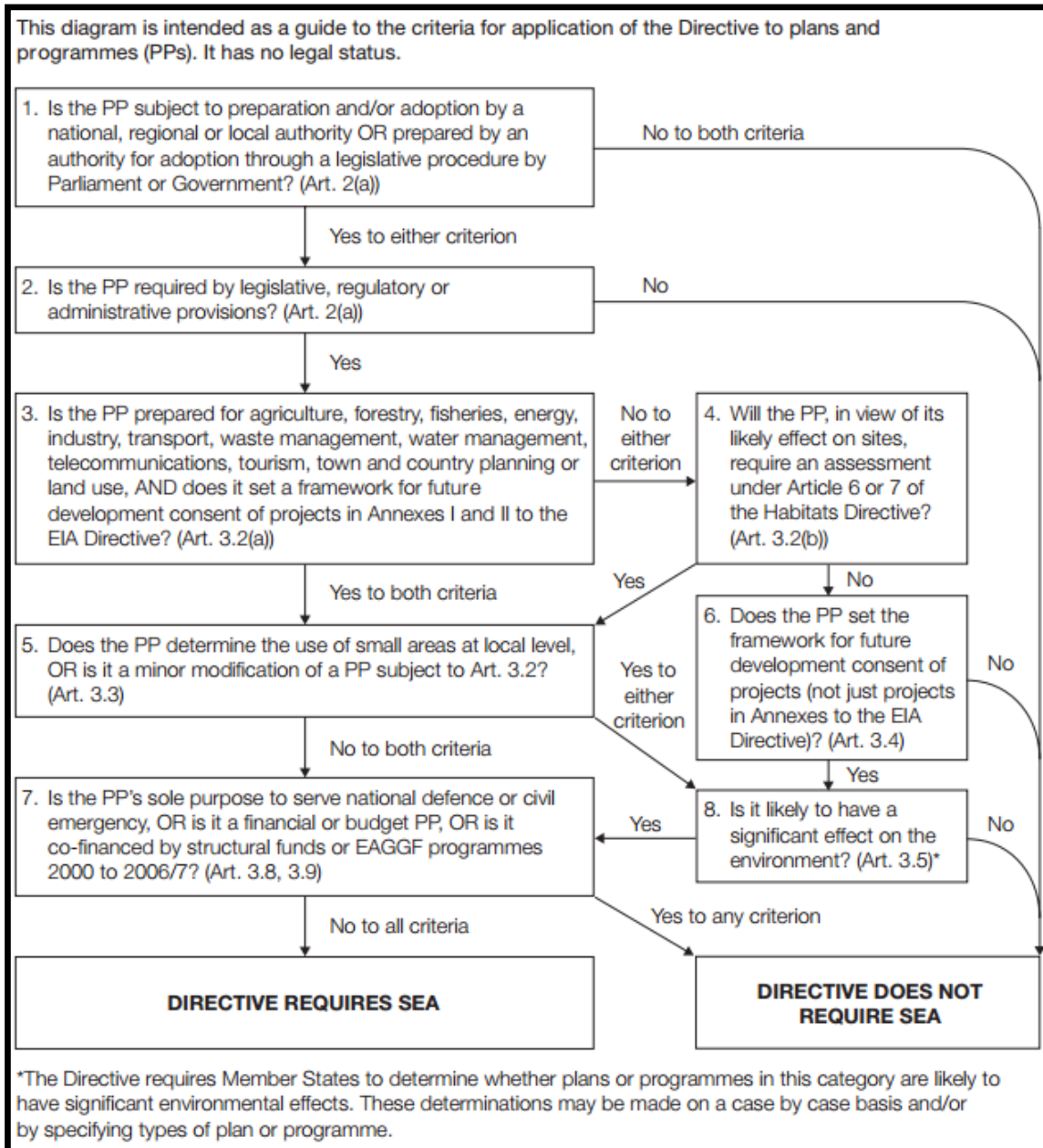
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|---------------------------|--|
| Environment Agency | No Response |
| Natural England | <p>It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not 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 plan...</p> <p>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.</p> <p>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.</p> <p>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.</p> |

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

5. SEA Screening Assessment

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

Figure 1: Application of the SEA Directive to Plans and Programmes



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

Table 1 – Application of the SEA Directive

| Stage | Y/N | Reason |
|--|-----|---|
| <p>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))</p> | Y | <p>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.</p> |
| <p>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p> | N | <p>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.</p> |
| <p>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))</p> | N | <p>The plan has been 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 Garforth 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 GNP would be the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.</p> |
| <p>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))</p> | N | <p>See screening assessment for HRA in following section of this report.</p> |
| <p>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)</p> | Y | <p>Once made the GNP 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 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.</p> <p>GO TO STEP 8</p> |
| <p>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)</p> | Y | <p>The GNP will provide a framework for the consent of any future development projects in the neighbourhood area.</p> <p>GO TO STEP 8</p> |

| | | |
|--|---|---|
| 7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9) | N | The GNP does not deal with these issues |
| 8. Is it likely to have a significant effect on the environment? (Art. 3.5) | N | See section below and conclusions. |

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

FIGURE 2: CRITERIA FOR DETERMINING LIKELY SIGNIFICANT EFFECTS

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 Development Plan.</i> |
| The degree to which the NP influences other plans and programmes including those in a hierarchy | <i>The NP must be in general conformity with 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 is one of the basic conditions that the NP must meet. The plan includes themes and policies regarding the environment and sustainability and overall it aims to support the long term economic, social and environmental sustainability of Garforth.</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</i> |

| | |
|---|--|
| | <i>SA/SEA for the Core Strategy, the NRWDPD and the SAP. 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 Garforth 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 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 Garforth Neighbourhood Plan Policies

Housing and the Built Environment (HBE)

- 5.5 This section contains 16 policies to shape new housing developments, influence the design of new developments, minimise the impact of localised flooding, improve environmental sustainability, and identify important heritage characteristics in Garforth that should be considered within the planning process.
- 5.6 Housing policies have been introduced to address the current balance housing mix within the town and encourage more affordable housing. Overall, the GNP does not allocate any sites and the policies are not considered to result in any significant negative environmental effects.
- 5.7 Flooding and flood prevention remain great concerns within the Garforth Community and this section contains 3 policies regarding the use of water and efficient drainage systems in new development, and where appropriate, the discharge of surface water into the Lyn Dyke catchment. These requirements

should mean that new development should at the very least not exacerbate existing flooding problems.

- 5.8 A number of policies regarding design principles have been introduced to ensure neighbourhood walkability, complete and compact neighbourhoods and connectivity with safe and efficient infrastructure, which should all minimise the impact new development has on the wider area. 'Character areas' have been introduced, with guiding principles including a number of positive steps including the use of permeable surfaces to reduce flood risk, retention and enhancement of green spaces and opportunities for increased tree planting. Specific design guidance has been made within the GNP for the Site Allocations Plan site on Selby Road stating that a new green corridor should be provided to link up to the Linesway, which will be a positive addition for green infrastructure and biodiversity.
- 5.9 A list of potential non-designated heritage assets have been identified within the plan as making a positive contribution to the character of Garforth and these will need to be taken into consideration when new development takes place.
- 5.10 Environmental sustainability is a priority of the GNP, with policy aims of the plan including maximising energy efficiency, future proofing new homes and employment development, and encouraging cycling and electric vehicle infrastructure, which will enhance local environmental sustainability and minimise the impact of new development, as well as supporting the Council's wider environmental aims in light of the declared Climate Change Emergency.

Business, Employment and the Town Centre (BETC)

- 5.11 This section contains 9 policies which cover business and employment development, Garforth Town Centre, and town centre parking. The Plan supports and encourages the growth of jobs, with the aim of increasing the number of Garforth residents working within the area, rather than travelling outside the area for work, in order to decrease pollution and traffic congestion. A list of existing employment sites is being protected by policy BETC1, and policy BETC2 supports new employment development on brownfield sites, provided they can demonstrate sufficient infrastructure capacity and a commitment to active travel. These policies should promote employment and growth within the area whilst striving to minimise any negative impacts.
- 5.12 Surveys have been undertaken which have identified that Garforth Town Centre is important to the community and of concern to the residents and businesses within the area is that it could follow the decline of other high streets in the country. Policy BETC4 supports the mix of retail/non-retail as set out in the Core Strategy, to

support a varied mix of shops and amenities, and limit the number of hot food takeaways. A number of other policies have been identified to improve the pedestrian accessibility of Main Street, the appearance and vitality of the town centre, support for C3 residential dwellings above shops and some guiding principles for the regeneration of Town End as a gateway into the town centre. These policies are likely to have positive impacts on the environment of Garforth Town Centre and to help overcome the concerns raised in relation to the future of the shopping area.

- 5.13 Parking issues in the town centre were one of the main problems identified by residents and businesses surveyed. Policy BETC9 states that the provision of new public car parking at Town End will be supported, which should improve congestion and also help the vitality of the town centre.

Transport (T)

- 5.14 This section contains 2 policies to support active travel measures within Garforth. The policies encourage new housing and employment development to prioritise active travel measures such as walking and cycling. Schemes should demonstrate how active travel principles have been integrated within the scheme and should seek to improve connectivity to the public rights of way network. These policies are likely to have small-scale, localised positive impacts on the environment in Garforth by improving the options for non-motorised forms of travel, therefore enhancing local environmental sustainability.

Green Space and the Rural Environment (GSRE)

- 5.15 This section contains 14 policies that seek to maintain, improve, and increase the provision of green spaces within Garforth to promote healthy lifestyles; to protect and maintain access to the green infrastructure around Garforth; to protect and enhance the rural environment, landscape, and the habitats network around Garforth. These policies are likely to have small-scale, localised positive impacts on the environment in Garforth by improving the green environment, biodiversity, and tree cover, as well as supporting the Council's wider environmental aims in line with the declared Climate Change Emergency.

Community and Leisure (CL)

- 5.16 This section contains 3 policies that seek to protect existing community facilities and support the provision of extra facilities in Garforth.

Education and Health (EH)

- 5.17 This section contains 5 policies covering education / school development and healthcare provision. Sufficient and high-quality school provision is a priority for

the residents of Garforth and concern has been expressed over the burden of new housing on the existing facilities. Policies EH1 and EH2 support the expansion of existing schools and the development of new schools, subject to detailed planning consideration and key guiding principles. An increase in pre-school provision is also supported through policy EH3.

- 5.18 Policies EH4 and EH5 safeguard a number of existing healthcare sites for that continued use and also support the provision of new healthcare facilities within accessible locations in the town. This section ensures that sufficient provision of education and healthcare is provided for all residents within the GNP area, and where possible it can be accessed sustainably.

SEA Screening Conclusions

- 5.19 In conclusion, as a result of the assessment carried out in Table 2 above and the more detailed consideration of the policies, it is considered that it is unlikely that any significant environmental effects will arise as a result of the Garforth 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.
- 5.20 Notably, the neighbourhood plan does not propose any allocations. The neighbourhood plan's policies seek to guide development within the Neighbourhood Area and shape identified sites within the Site Allocations Plan (SAP) 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 and SAP. 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 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

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 (as amended)

authority has “ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site.”

Relevant Natura 2000 sites

- 6.7 As a general ‘rule of thumb’ it is identified that sites with pathways of 10-15km of the plan/project boundary should be included within an HRA. There are no such sites within 15km of the Garforth Neighbourhood Area. Kirk Deighton Special Area of Conservation (SAC) is the closest international designated site which is protected because of the presence of Great Crested Newts (*Triturus Cristatus*) which breed in a large pond set in a depression in grazed pasture. The site is approximately 20km away from the northern boundary of the Garforth Neighbourhood Area.
- 6.8 The Kirk Deighton SAC is approximately 4ha in size and is located to the north of Wetherby within the administrative area of Harrogate Borough (North Yorkshire). The site lies about 500m north of the northern boundary of the Leeds City Council administrative boundary. The SAC is situated approximately 20km away from the Garforth Neighbourhood Area at its nearest point. It is therefore unlikely that any policies or proposals in the plan will have an effect on Kirk Deighton SAC. A location plan and the Natura 2000 data form are attached in Appendix 2.
- 6.9 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 and have a limited distance of movement of normally up to 500m.

Assessment of the likely effect of the neighbourhood plan

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

The Kirk Deighton SAC does not lie within the Garforth Neighbourhood Area, therefore the Garforth NP does not relate to nor is it directly connected with the management of the SAC. The Kirk Deighton SAC is not within the administrative boundary of the Leeds Metropolitan District. The policies in the Garforth NP can only apply within the designated Neighbourhood Area, not outside.

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

No, the Garforth NP does not propose new development or allocate sites for development however it does support certain types of development and sets out policies which seek to shape and guide development that will come forward in the Garforth Neighbourhood Area.

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

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 Garforth 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

6.11 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. Since this time, further addendums have been prepared for the SAP remittal process, however these do not relate to Garforth and therefore the 2019 HRA Screening and Appropriate Assessment remain applicable.

6.12 In order to consider the "in combination" effect of the GNP and other plans and programmes, it is appropriate to refer to the Screening & Appropriate Assessment of the SAP which assesses the in combination effect of the Site Allocations Plan with other plans and projects.

6.13 Para 4.2 of the SAP Screening & Appropriate Assessment of the SAP states:

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

6.14 Para 4.5 states:

Advice from Natural England dated 24th August 2016 stated that the distance normally considered for acid and nitrogen deposition is 200 metres, and that specifically in the case of Kirk Deighton SAC because allocations are to the east of the SAC emissions will normally go in the opposite direction (from predominantly westerly UK winds). Therefore consideration is only required of roads within 200m of European Sites that are expected to experience an increase in traffic. Appendix 11 shows the nearest road that is likely to receive any increase in traffic being 382.5 metres away.

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

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

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

Harrogate District Local Plan (Adopted 04 March 2020)

- 6.18 Harrogate BC revisited the HRA of the Draft Local Plan following the ruling by the Court of Justice of the European Union to ensure that no mitigation was included in the screening process. Consequently, an Appropriate Assessment was undertaken which considered the significant effects of three elements of the draft Local Plan – Growth Strategy, Draft Development Policies and Draft Allocations - under the following issues:
- Loss of land
 - Urban disturbance
 - Recreational pressure
 - Water quantity and quality
 - Pollution levels
- 6.19 For all but one of the above issues the assessment concluded that, due to certain policies in the draft Local Plan, the policies alone or in-combination with other projects or plans would not have a significant impact on European Sites. It does, however, identify that there could be an impact on the air quality at Kirk Deighton therefore further air dispersion modelling (December 2018) was undertaken to understand the impact of the increase in traffic on the SAC. This showed that there would not be a significant increase, therefore the emerging Local Plan would not have significant air quality impacts on the Kirk Deighton SAC / SSSI, and that mitigation measures are not required. Natural England were satisfied with the Appropriate Assessment (August 2018) and the further modelling.

HRA Screening Conclusions

- 6.20 The GNP does not propose any development sites, and the policies proposed will shape new development within the area in a way that will reduce the likelihood of

significant environmental effects. There are no likely significant effects on the Kirk Deighton SAC identified as a result of the neighbourhood plan due to distance from Garforth Neighbourhood Area therefore no mitigation measures are required. The 'in combination' effect is properly addressed through the Council's conclusions in the Site Allocations Plan HRA Screening and Harrogate Borough Council's revised Appropriate Assessment (August 2018).

- 6.21 The policies within the plan are required to be in general conformity with those of the Local Plan (incl. Biodiversity policies) which has been subject to HRA assessment, and the Council considers that the GNP meets this basic condition.
- 6.9 Furthermore, Natural England in their consultation response have confirmed that there unlikely to be significant effects from the proposed neighbourhood plan.
- 6.10 The Council has considered the European Court Judgement, the HRA Screenings and Assessments of the Leeds SAP and the Harrogate Local Plan and has not relied on measures intended to avoid or reduce the harmful effects of the plan in order to screen out the neighbourhood plan under the Conservation of Habitats and Species Regulations 2018. An Appropriate Assessment is not required therefore the Court of Justice (Second Chamber) judgement in the case of Grace, Sweetman and the National Planning Appeals Board Ireland (ECLI:EU:C2018:593) is not applicable.

7. Overall Screening Conclusions

- 7.1 A SEA and HRA screening exercise has been undertaken for the Garforth Neighbourhood Plan. The assessments have concluded that the Garforth Neighbourhood Plan is unlikely to give rise to any significant environmental effects or have significant effects on a European site therefore the GNP is screened out under the Conservation of Habitat and Species Regulations 2018.
- 7.2 These conclusions are supported by comments from the environmental consultation bodies and internal consultation within the Council. Accordingly, it is considered that neither an SEA nor HRA are required for the examination neighbourhood plan.

APPENDIX 1

RESPONSES FROM ENVIRONMENTAL ASSESSMENT CONSULTATION BODIES



|

Ms ~~Kwame~~ Steadman
Leeds City Council

Our ref:
P000789882
Your ref:

Telephone
Fax

23 September 2022



Dear ~~Kwame~~,

Screening Request – Garforth Neighbourhood Plan

Thank you for your email of 02/09/22 consulting Historic England about the screening of the Garforth Neighbourhood Plan for EIA.

It clearly is for the Council the local authority to determine whether an EIA should be prepared in connection with this Plan.

However, from the information given, Historic England considers that there is the potential for this plan to have impacts, both positive and negative, on the historic environment of the area. The Council may therefore consider it necessary for EIA to be undertaken in connection with the Plan.

If it is required, we would expect any EIA to examine the potential impacts upon all designated heritage assets and their settings together with potential impacts on non-designated features of historic or architectural interest and value. These can also be of national importance and make an important contribution to the local distinctiveness of an area and its sense of place. This covers buildings, historic open spaces, historic features and the wider historic landscape including below-ground archaeology.

We strongly advise that the Council's specialist conservation and archaeology advisers are closely involved throughout the preparation of any Environmental Impact Assessment.

Given their local expertise, and the absence of higher-grade heritage assets that fall within Historic England's statutory remit, we consider that they are best placed to advise on any EIA: local historic environment issues and priorities, (including access to data held in the Historic Environment Record); how the Plan and its policies can be tailored to best enhance the sense of place of Garforth, and to minimise potential adverse impacts on the historic environment; the nature and design of any



Historic England, 37 Tanner Row, York YO1 6WP
Telephone 01904 60 4345 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.





required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

If you have any queries about the above or would like to discuss anything further, please do not hesitate to contact me.



Mike Collins
Team Leader – Development Advice, [North East](#) and Yorkshire
mike.collins@historicengland.org.uk



Historic England, 37 Tanner Row, York YO1 6WP
Telephone 01904 60 4040 www.historicengland.org.uk

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



Date: 14 September 2022
Our ref: 405777
Your ref: Garforth Neighbourhood Plan SEA HRA Consultation



Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Kwame.Steadman@leeds.gov.uk

BY EMAIL ONLY

Dear Sir or Madam,

Garforth Neighbourhood Plan SEA HRA Consultation

Thank you for your consultation on the above dated 02 September 2022 which was received by Natural England on 02 September 2022

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 (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 plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). 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.

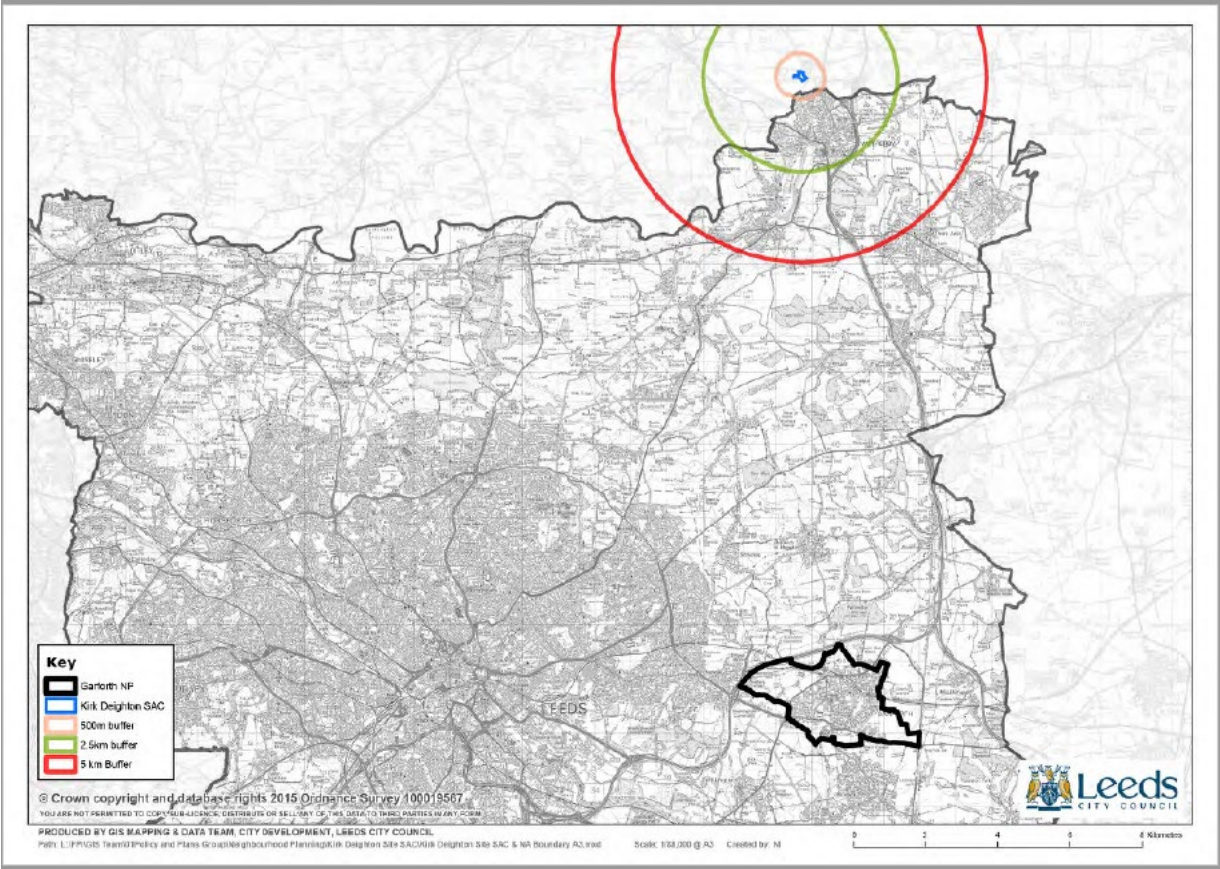
For any queries relating to the specific advice in this letter only please contact Julian Clarke. on 0300 060 3900. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Julian Clarke
Consultations Team

APPENDIX 2

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



NATURA 2000 STANDARD DATA FORM

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

1. Site identification:1.1 Type 1.2 Site code 1.3 Compilation date 1.4 Update

1.5 Relationship with other Natura 2000 sites

| | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

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
 Macronesia
 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 | Population | | | | Site assessment | | | |
|---------------------------|------------|-----------|--------|-------|-----------------|--------------|-----------|--------|
| | Resident | Migratory | | | Population | Conservation | Isolation | Global |
| | | Breed | Winter | Stage | | | | |
| <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. Phrygana | |
| Dry grassland. Steppes | |
| Humid grassland. Mesophile grassland | |
| Alpine and sub-alpine grassland | |
| Improved grassland | 95.0 |
| Other arable land | |
| Broad-leaved deciduous woodland | |
| Coniferous woodland | |
| Evergreen woodland | |
| Mixed woodland | |
| Non-forest areas cultivated with woody plants (including orchards, groves, vineyards, dehesas) | 2.0 |
| Inland rocks. Scree. Sands. Permanent snow and ice | |
| Other land (including towns, villages, roads, waste places, mines, industrial sites) | |
| Total habitat cover | 100% |

4.1 Other site characteristics

| |
|---|
| Soil & geology: Clay, Neutral Geomorphology & landscape: Lowland |
|---|

4.2 Quality and importance

| |
|---|
| <i>Triturus cristatus</i> <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

| |
|--|
| 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. |
|--|

UK SAC data form

5. Site protection status and relation with CORINE biotopes:

5.1 Designation types at national and regional level

| Code | % cover |
|------------------|---------|
| UK04 (SSSI/ASST) | 100.0 |