

NOVEMBER 2016

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

DRAFT KIPPAX NEIGHBOURHOOD PLAN



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1. Introduction

- 1.1 The purpose of this report is to determine whether the emerging Kippax Neighbourhood Plan (KNP) requires a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) through a process referred to as SEA/HRA screening.
- 1.2 A Strategic Environmental Assessment is a process for evaluating, at the earliest appropriate stage, the environmental effects of a plan before it is made. The SEA screening determines whether the plan is likely to have significant environmental effects. If likely significant environmental effects are identified, an environmental report must be produced.
- 1.3 A Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. The HRA screening will determine whether significant effects on a European site are likely.
- 1.4 This report explains the legislative background to SEA/HRA screening, provides details of the draft KNP before undertaking a SEA and HRA screening exercise and providing conclusions.
- 1.5 Leeds City Council has prepared this screening report on behalf of Kippax Parish Council who is the qualifying body for the KNP as part of the neighbourhood planning duty to assist. Leeds City Council has a responsibility to advise the Parish Council if there is a need for formal SEA/HRA of the draft plan. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (this includes the SEA Directive).
- 1.6 For the purposes of this assessment the draft version of the plan which was sent to the Local Authority in June 2016 has been screened. This version of the plan is well advanced and is considered to show a firm vision and policy intent therefore it is an appropriate stage for the screening exercise to be undertaken.

2. Legislative background

Strategic Environmental Assessments (SEA)

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

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

- 2.6 Where it is determined that the plan is unlikely to have significant environmental effects, and accordingly, does not require an environmental assessment, the authority is required to prepare a statement for its reasons for the determination. If likely significant environmental effects are identified then an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Habitats Regulations Assessment (HRA)

- 2.7 Habitats Regulations Assessment (HRA) has its origins in European law under the Habitats Directive. This has been translated into UK law via The Conservation of Habitats and Species Regulations 2010.
- 2.8 Article 6 (3) of the EU Habitats Directive and regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) require that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.9 The NPPG advises that it is required to determine whether significant effects on a European site can be ruled on the basis of objective information. If the conclusion of the screening is that the plan is likely to have a significant effect on a European site then an appropriate assessment of the implications of the plan for the site, in view of the site's conservation objectives, must be undertaken. If a plan is one which has been determined to require an appropriate assessment under the Habitats directive then it will normally also require a SEA.

3. Draft Kippax Neighbourhood Plan Overview

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

"In 2028, Kippax will still be a proud independent hill top village, separate from the Leeds conurbation and surrounding settlements such as Garforth, but with much improved public transport connections to both, and to Castleford, Wakefield and York for employment, leisure and major shopping purposes.

Its special characteristics – easy countryside access, green spaces, remaining heritage assets such as The Hermitage and 1,000 year old church – will be intact and much improved. These, together with its thriving cultural and sporting life, typified by its famous brass band and annual 'in bloom' awards will continue to sustain its friendly, village atmosphere.

The village's population will inevitably have grown, but only in proportion to its capacity and without detriment to its special character. The population will remain well-mixed and balanced and include people of all ages who wish to settle here, irrespective of their means.

The High Street will have been transformed into an attractive and thriving shopping centre offering a range of services and facilities. Crime will continue to be low and the village will be more self-sustaining in terms of education and job needs.”

- 3.3 The Neighbourhood Plan does not propose any allocations. However, it includes several policies to help guide development within the area. The neighbourhood plan includes draft policies under the following topic headings: High street regeneration, the green environment, the built environment, housing and business, commerce and employment.
- 3.4 Once made the Neighbourhood Plan will become part of the Leeds Local Plan and the policies within the plan will be used, alongside other adopted Development Plan documents in the determination of planning applications within the Neighbourhood Area.

4. Summary of consultee responses (Environmental assessment consultation bodies)

- 4.1 It is a requirement of the SEA screening process to consult the environmental assessment consultation bodies when forming a view on whether a SEA is required. Regulation 4 of the Environmental Assessment of Plans and Programmes Regulations 2004 defines these consultation bodies as Historic England, the Environment Agency and Natural England.
- 4.2 A copy of the draft KNP was sent to the environmental assessment consultation bodies on 30th September 2016. 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:

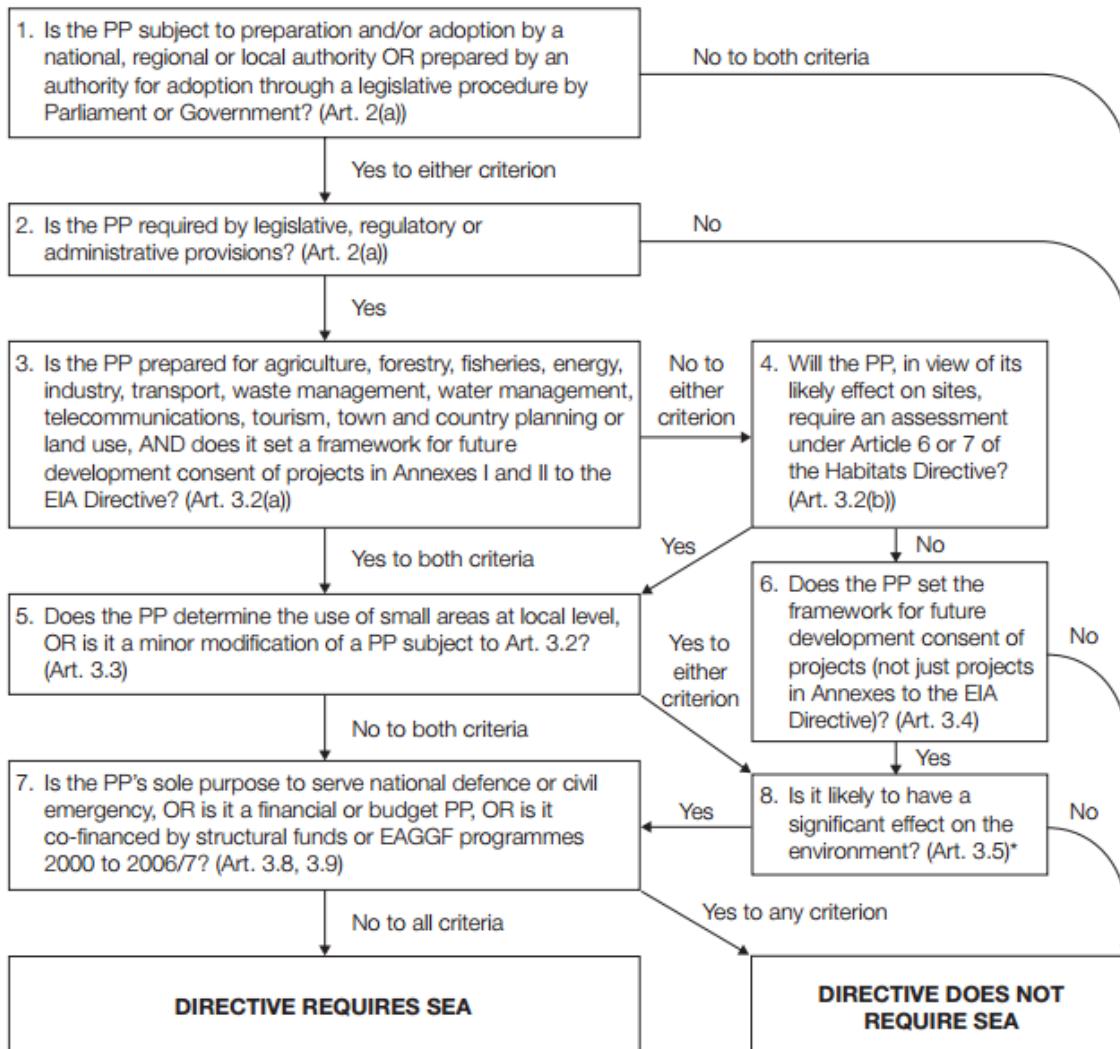
Consultation Body	Summary of comments
Historic England	There is no direct physical impact arising from the policies contained within the draft Neighbourhood Plan. We can now advise that we consider that an SEA will not be required in relation to the Kippax Neighbourhood Plan.
Environment Agency	Having considered the nature of the policies in the Plan, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.
Natural England	There are no European designated sites in close proximity to Kippax therefore the plan would be unlikely to have a significant effect, alone or in combination, on any European site.

5. SEA Screening Assessment

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

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

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



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

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

Table 1 – Application of the SEA Directive

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood Plans are made by a ‘qualifying body’ (Parish/Town Council or designated Neighbourhood Forum) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. A neighbourhood plan is subject to an examination and referendum. If it receives 50% or more ‘yes’ votes at referendum, it will be ‘made’ by Leeds City Council as the Local Planning Authority.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to be able to produce a neighbourhood plan however communities are not required by legislative, regulatory or administrative purposes to produce a neighbourhood plan. This plan however if adopted would form part of the statutory development plan, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	The draft plan is being prepared for town and country planning and land use and once adopted and will be part of the planning policy framework determining future development within the Kippax Neighbourhood Area. Developments that fall within Annex I are ‘excluded’ development for Neighbourhood Plans (as set out in Section 61(k) of the Town and Country Planning Act 1990 (as amended). It is not anticipated that the KNP 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 KNP will be part of the land use framework for the area and will help to determine the use of small areas at a local level. The draft plan seeks to allocate several areas as Local Green Spaces. GO TO STEP 8
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The Neighbourhood Plan will provide a framework for future development consent of projects in the area. GO TO STEP 8
7. Is the PP’s sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by	N/A	N/A

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

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

FIGURE 2: CRITERIA FOR DETERMINING LIKELY SIGNIFICANT EFFECTS

1. The characteristics of plans and programmes, having regard, in particular, to
<ul style="list-style-type: none"> ▪ <i>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,</i> ▪ <i>the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,</i> ▪ <i>the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</i> ▪ <i>environmental problems relevant to the plan or programme,</i> ▪ <i>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).</i>
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
<ul style="list-style-type: none"> ▪ <i>the probability, duration, frequency and reversibility of the effects,</i> ▪ <i>the cumulative nature of the effects,</i> ▪ <i>the transboundary nature of the effects,</i> ▪ <i>the risks to human health or the environment (e.g. due to accidents),</i> ▪ <i>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</i> ▪ <i>the value and vulnerability of the area likely to be affected due to:</i> <ul style="list-style-type: none"> ○ <i>special natural characteristics or cultural heritage,</i> ○ <i>exceeded environmental quality standards or limit values,</i> ○ <i>intensive land-use,</i> ▪ <i>the effects on areas or landscapes which have a recognised national, Community or international protection status.</i>

5.4 An assessment of the likely significant effects resulting from the Neighbourhood Plan has been carried out in Table 2:

Table 2 – Assessment of likely significant effects

Criteria	Comments
1. The characteristics of plans and programmes, having regard, in particular, to	
The degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<i>The NP will set a policy framework for the determination of planning applications for future development projects. Once made the NP will form part of the Leeds Local Plan.</i>
The degree to which the NP influences other plans and programmes including those in a hierarchy	<i>The NP must be in general conformity with the Leeds Local Plan and national planning policy. It does not influence other plans.</i>
The relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>The achievement of sustainable development in one of the basic conditions that the NP must meet. The draft plan includes themes and policies regarding the environment 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 Leeds Local Plan. It is not considered that the NP introduces significant additional effects over and above those already considered in the SA/SEA for the Core Strategy and the NRWDPD. Notably the NP does not propose more development than the Core Strategy 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 Kippax 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 Kippax Neighbourhood Plan Policies

High Street regeneration

- 5.5 This section provides for the regeneration of High Street, Kippax's retail centre. A consultation exercise has been undertaken which has identified that the High Street is of major concern to the residents and businesses within the area. A number of policies have been identified to improve the appearance and vitality of the High Street, Policy HS1 seeks to add and improve street furniture and lighting and also bring back redundant buildings and spaces into use. The Plan also seeks to encourage good shop front design to encourage the retention of existing and new tenants to the High Street. Policy HS2 seeks to identify criteria for new shop fronts or alterations to existing ones which promote well designed, traditional style shop fronts, including security features and fascia signage. The Plan also promotes new commercial activity within the plan area encouraging new shop uses (A1 to A3) subject to the criteria outlined in the policy. These policies are likely to have positive impacts on the environment of the High Street and to help overcome the concerns raised in relation to the shopping area.

The green environment

- 5.6 The Plan sets out policies to protect and enhance the abundance of green space enjoyed by the community. Policy GE1 identifies 27 areas of local green spaces where development should not be permitted other than in very special circumstances. Should any development be permitted, equivalent or superior green space or the funding of an alternative community facility will be

provided. This policy supports the retention of local green space and will have a positive impact on the environment. Identified local green corridors are protected under Policy GE2 which seeks to discourage development of such areas. The retention and protection of the local green corridors will have a positive effect on the environment.

- 5.7 The Plan also identifies local wildlife sites that shall be protected from development under Policy GE3. Two specific sites are identified where development that will adversely affect their nature conservation value should be resisted. These policies are designed to protect the local environment and to help ensure positive impacts on the environment.

The built environment

- 5.8 The Plan contains a number of policies related to development within the area which aim to maintain the village's heritage by enhancing the built environment. The emphasis is on high quality design that relates appropriately to its location paying particular attention to criteria within Policy BE1. The area has a number of heritage assets and any proposals for development should consider the potential for harm or loss of these assets. The Plan values greatly existing footpaths, footways, cycle routes and bridleways therefore Policy BE3 seeks to support any development that will retain or improve these networks. These policies will help to minimise potential negative impacts of development on the built environment of Kippax and maximise the retention and improvement of the valued assets and streetscene.

Housing

- 5.9 The Plan does not specifically identify any site for housing, however it does encourage and support new housing development on sites up to 3ha in size within the built up area subject to the criteria within policy H1. The criteria identified within this policy relate to the housing requirements of the local area, the highway network, the impact of any proposed development and issues in relation to local services. It is considered that these criteria will minimise any negative impacts on the environment. Policy H2 seeks to encourage a range of housing types on sites not identified in the Site Allocations Plan and of more than 10 units. Support is also given to the provision of affordable housing in Policy H3 which contains specific criteria dependent on the number of units within the development. Overall the KNPP does not allocate any sites and the policies are not considered to result in any significant negative environmental effects.

Business, Commerce and Employment

- 5.10 The Plan supports and encourages the growth of jobs that are appropriate to the parish. Support is given to new businesses that will provide new employment opportunities but not impact on nearby residents (Policy BCE1). This policy promotes employment and growth within the area whilst striving to minimise any negative impacts.

SEA Screening Conclusions

- 5.11 In conclusion, as a result of the assessment carried out in Table 2 above and the more detailed consideration of the draft policies, it is considered that it is unlikely that any significant environmental effects will arise as a result of the Kippax Neighbourhood Plan. Consequently, the assessment within Table 1 concludes (subject to HRA screening outcome), that an SEA is not required when judged against the application of the SEA Directive criteria.
- 5.12 Notably, the draft neighbourhood plan does not propose any allocations. No sensitive natural or heritage assets will be significantly affected by proposals within the plan. The neighbourhood plan's policies seek to guide development within the Neighbourhood Area and are required to be in general conformity with those within the Local Plan. It is unlikely that there will be any significant additional environmental effects that have not already been considered and dealt with through a SEA/SA of the Local Plan. Finally, none of the environmental consultation bodies raised any concerns regarding any likely significant environmental effects.

6. HRA Screening Assessment

- 6.1 The HRA involves an assessment of any plan or project to establish if it has potential implications for European wildlife sites. The HRA will consider if the proposals in the neighbourhood plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:
- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
 - Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC).
- 6.2 In addition to SPA and SAC sites Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of Government Policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as Natura 2000 sites.
- 6.3 The initial screening stage of the HRA process determines if there are any likely significant effects possible as a result of the implementation of the plan and if an appropriate assessment is needed. This stage should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.

Relevant Natura 2000 sites

- 6.4 As a general ‘rule of thumb’ it is identified that sites with pathways of 10-15km of the plan/project boundary should be included within a HRA. There are no such sites within 15km of the Kippax 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. However this site is approximately 20km away from the northern boundary of the Kippax Neighbourhood Area therefore it is unlikely that any policies or proposals in the draft plan will have an effect on Kirk Deighton SAC. A location plan and the Natura 2000 data form are attached in Appendix 2.

Assessment of the likely effect of the neighbourhood plan

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

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

No European site for nature conservation lies within the Kippax Neighbourhood Area, therefore the KNP does not relate nor is directly connected with the management of any such site.

- b) **Does the KNP propose new development or allocate sites for development?**

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

- c) **Are there any other projects or plans that together with the KNP could impact on the integrity of a European site, the ‘in combination’ impact?**

There are a number of plans which could impact “in combination” on the integrity of a European site, such as the Leeds Core Strategy, Leeds Natural Resources and Waste DPD, emerging Leeds Site Allocations Plan, Harrogate Core Strategy, emerging Harrogate Local Plan and North Yorkshire Minerals and Waste DPD. These documents have been subject to their own HRA screening each of which concluded that the particular document is unlikely to impact on the integrity of the Kirk Deighton SAC site. The KNP does not propose any development sites, rather the policies will help to shape new development within the area and primarily minimise any negative effect. The policies within the Plan are required to be in general conformity with those of the Local Plan (inc Biodiversity policies) which has been subject to HRA assessment. The neighbourhood plan does not promote a greater amount of development than the Local Plan. Overall it is considered that the Plan is unlikely to have an ‘in combination’ impact.

HRA Screening Conclusions

- 6.6 It is considered that none of the policies in the KNP are likely to have a significant effect on the Kirk Deighton SAC, whether alone or in combination with other projects and programmes. The Plan does not specifically allocate land for development and does not promote more land for development than the Local Plan. Furthermore, the policies within the plan are required to be in general conformity with those of the Local Plan (inc Biodiversity policies) which has been subject to HRA assessment.
- 6.7 Kirk Deighton SAC is protected due to the presence of Great Crested Newts which have a limited distance of movement of normally up to 500m. None of the Kippax Neighbourhood Area lies within 500m of the site. Furthermore, Natural England have stated within their consultation response that 'there are no European designated sites in close proximity to Kippax, therefore the plan would be unlikely to have a significant effect, alone or in combination, on any European site'.
- 6.8 It is therefore considered that the KNP is not likely to cause a significant effect on Kirk Deighton SAC or on any other European site. Consequently the draft plan is not considered to require further assessment under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

7. Screening Conclusions

- 7.1 A SEA and HRA screening exercise has been undertaken for the emerging KNP. The assessments have concluded that the neighbourhood plan is unlikely to give rise to any significant environmental effects or have significant effects on a European site. These conclusions are supported by comments from the environmental consultation bodies. Accordingly it is considered that an SEA or HRA assessment is not required for the draft neighbourhood plan.

APPENDIX 1

RESPONSES FROM ENVIRONMENTAL ASSESSMENT CONSULTATION BODIES

Leeds City Council
Department of Planning
The Leonardo Building
Rossington Street
Leeds
West Yorkshire
LS2 8HD

Our ref: RA/2006/100689/OR-
39/PO1-L01
Your ref:
Date: 07 November 2016

Dear Heather Suggate

SEA/HRA screening of draft Kippax Neighbourhood Plan

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

Strategic Environmental Assessment

We note that the City Council has a responsibility to advise the Parish Council if there is a need for formal Strategic Environmental Assessment of the draft Neighbourhood Plan. You are seeking our views in order to inform the Council's decision on this matter.

We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies in the Plan, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.

Should you require any further information or clarification, please contact me on the details below.

Yours sincerely

Rachel Jones
Sustainable Places – Planning Specialist

Direct dial 02030256701
Direct e-mail rachele.jones@environment-agency.gov.uk



Historic England

YORKSHIRE

Ms. Heather Suggate,
Forward Planning & Implementation,
Leeds City Council,
Thoresby House,
2 Rossington Street,
LS2 8HD

Our ref: PL00047042
Your ref:
Telephone 01904 601 879
Mobile 0755 719 0988

07 November 2016

Dear Ms. Suggate,
Kippax Neighbourhood Plan
Strategic Environmental Assessment Screen Opinion

We write in response to your e-mail of Monday 04 November 2016, seeking a Screening Opinion for the Kippax Neighbourhood Plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it likely to have a significant effect on the environment?" in respect to our area of concern, cultural heritage. Our comments are based on the information supplied with the draft Kippax Neighbourhood Plan.

The Draft Neighbourhood Plan indicates that within the plan area there is a wide range and number of designated cultural heritage assets, including 7 sites which are grade I or II* listed buildings, 1 Scheduled Monument, 30 grade II listed buildings, as well as Ledston Hall & Park grade II* registered historic park, which contains 2 buildings or structures on the Heritage At Risk Register 2016. There are also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

We should like to stress that this opinion is based on the information available in the May 2016 Pre-Submission Draft Neighbourhood Plan. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object



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

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



to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

We would be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Historic England strongly advises that the conservation and archaeological staff of the Leeds City Council and the West Yorkshire Archaeological Advisory Service are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

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

Thank you in anticipation.

Yours sincerely


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



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

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



Date: 16 November 2016
Our ref: 199781



Chris Sanderson
Principal Compliance Officer
Leeds City Council
Chris.Sanderson@leeds.gov.uk

BY EMAIL ONLY

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

T 0300 060 3900

Dear Chris

Draft policies of the Kippax Neighbourhood Plan

Thank you for your consultation on the above dated 26 October, which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (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 SEA Directive 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; or
- 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.

Habitat Regulation Assessment

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not be assessed and/or included in the Habitats Regulations Assessment for the local plan.

Natural England is satisfied that this neighbourhood plan does not require a Habitat Regulation Assessment. We consider that the current policies and Habitat Regulation Assessment in the adopted Leeds Core Strategy adequately address any potential in-combination effects.

For any queries relating to the specific advice in this letter only please contact Elisa Neame on 02082-256-852. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer.

We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Elisa Neame
Yorkshire & Northern Lincolnshire Area Team

APPENDIX 2

MAP OF KIRK DEIGHTON SPECIAL AREA OF CONSERVATION AND NATURA 2000 DATA 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 1.6 Respondent(s) 1.7 Site name **1.8 Site indication and designation classification dates**

date site proposed as eligible as SCI	200107
date confirmed as SCI	200412
date site classified as SPA	
date site designated as SAC	200504

2. Site location:**2.1 Site centre location**

longitude	latitude
01 23 47 W	53 56 43 N

2.2 Site area (ha) 2.3 Site length (km) **2.5 Administrative region**

NUTS code	Region name	% cover
UK22	North Yorkshire	100.00%

2.6 Biogeographic region

Alpine



Atlantic



Boreal



Continental



Macaronesia



Mediterranean

3. Ecological information:**3.1 Annex I habitats****Habitat types present on the site and the site assessment for them:**

Annex I habitat	% cover	Representativity	Relative surface	Conservation status	Global assessment

3.2 Annex II species

Species name	Resident	Population			Site assessment			
		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. Phygrana	
Dry grassland. Steppes	
Humid grassland. Mesophile grassland	
Alpine and sub-alpine grassland	
Improved grassland	95.0
Other arable land	
Broad-leaved deciduous woodland	
Coniferous woodland	
Evergreen woodland	
Mixed woodland	
Non-forest areas cultivated with woody plants (including orchards, groves, vineyards, dehesas)	2.0
Inland rocks. 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

Triturus cristatus

- 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.

5. Site protection status and relation with CORINE biotopes:

5.1 Designation types at national and regional level

Code	% cover
UK04 (SSSI/ASSI)	100.0