

Kippax Neighbourhood Plan (2018 – 2033)

Basic Conditions Statement

August 2018

1. Introduction

2. Basic Conditions

- 2.1 Have appropriate regard to national policies.
- 2.2 Contribute to the achievement of sustainable development
- 2.3 Be in general conformity with the strategic policies contained in the development plan for the area.
- 2.4 Be compatible with EU obligations including human rights

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1. Introduction

1.1 Basic Conditions

This Basic Conditions Statement has been prepared to accompany the Kippax Neighbourhood Development Plan (Neighbourhood Plan) Submission in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that the Kippax Neighbourhood Plan must:

1. Have appropriate regard to national policies and advice contained in guidance issued by the Secretary of State
2. Contribute to the achievement of sustainable development
3. Be in general conformity with the strategic policies contained in the development plan for the area
4. Be compatible with EU obligations including human rights requirements

1.2 Regulatory Requirements

The Kippax Neighbourhood Plan is a Neighbourhood Development Plan as defined by the Localism Act 2011. The Plan contains planning policies which specifically relate to the development and use of land.

The Kippax Neighbourhood Plan has been submitted by Kippax Parish Council which is a qualifying body as defined in the Localism Act 2011.

The plan period of the Kippax Neighbourhood Plan is from 2018 to 2033 and is stated on the submission draft Kippax Neighbourhood Plan.

The Kippax Neighbourhood Plan does not contain policies that relate to 'excluded development'.

1.3 The Neighbourhood Area

The Neighbourhood Plan covers the whole of the parish of Kippax and the Kippax Neighbourhood Area was duly designated by Leeds City Council on 17th September 2012.

The boundary of the Neighbourhood Area is shown below:



Kippax Parish Council submitted the application to designate the Neighbourhood Area in on 15th June 2012. In accordance with part 2 of the Regulations, Leeds City Council, the Local Planning Authority publicised the Neighbourhood Area application over the required consultation period of 6 weeks between 29th June and 10th August and the parish was duly designated as a Neighbourhood Area on 17th September 2012.¹

Kippax Parish Council confirms that the Kippax Neighbourhood Plan only relates to the Parish of Kippax and is the only Neighbourhood Plan in the designated Neighbourhood Area.

¹ <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=39393>

2. Basic Conditions

2.1 Have appropriate regard to national policies and guidance issued by the Secretary of State

The Kippax Neighbourhood Plan must have appropriate regard to national policy and guidance issued by the Secretary of State (notably Planning Practice Guidance). The following section describes how the Plan has regard to the National Planning Policy Framework (NPPF). The Parish Council acknowledges that having regard to the NPPF and guidance issued by the Secretary of State is not the same as “compliance”, used for the purposes of Local Plan examinations.

The NPPF establishes 12 Core Principles and the below section demonstrates how the Kippax Neighbourhood Plan meets its obligation to have regard to these.

Core Planning Principles

The table below lists the 12 Core Planning Principles and demonstrates how the Kippax Neighbourhood Plan meets the Core Planning Principles, where relevant.

NPPF Core Planning Principle	Kippax Planning Policy
Plan Led	The Plan states the vision for Kippax to 2033, and the policies have been developed following extensive community consultation by the Kippax Neighbourhood Plan Steering Group (KNPSG) and their consultant Ruralis. Full details of the consultation undertaken are set out in the Consultation Statement, submitted alongside the Plan. The Plan sets out locally-distinctive planning policies that shape and guide development in the Kippax Neighbourhood Area.
Enhance and improve the places in which people live their lives	The Plan and policies ensure that the quality of Kippax as a place is enhanced supporting the regeneration of Kippax High Street, protecting and enhancing the green environment, promoting good design, and encouraging new housing developments to respond positively to local needs.
Drive and support sustainable economic development	Kippax NP area contains the designated Kippax Lower Order Local Centre. The Plan recognises that high streets all over the country are suffering and plans positively to support the regeneration of the high street. The policies support the diversification of the local business offer, in particular within the local centre. At the same time, the Plan promotes place making, whilst taking account of the needs of the business community. The Plan does not place any restrictions on growth and instead supports the development of new businesses and employment (Policy BCE1 in particular).

	<p>In addition, the Plan is supported by community projects and aspirations, to be delivered by the Parish Council in partnership with key stakeholders. These projects direct the spend of the Community Infrastructure Levy monies to help meet identified local infrastructure needs.</p>
High quality design and standard of amenity	<p>The policies in the High Street Regeneration section of the Plan promote improvements to the amenity of the High Street, in particular focusing improvements around key locations (Policy HS4).</p> <p>The policies in the Built Environment section of the Plan in particular support the achievement of high quality design in new developments and also encourages new developments that affect any non-designated heritage asset to take full account of the asset.</p>
Take account of the different roles and character of different areas	<p>Kippax Neighbourhood Area can be defined as a large village supporting a lower order local centre, surrounded by countryside. The Plan takes account of the different areas within the parish by including policies to support appropriate development in each of these different areas, for example by including a section on the High Street, the Green Environment, and then policies to support development in the built-up areas of the parish.</p> <p>The Plan also recognises the role that Kippax plays in the Settlement Hierarchy and in delivering housing to meet the needs identified and planned for in the Local Plan. The Plan supports development to take full account of local need without compromising the role that the area plays in delivering on the wider growth objectives for the whole of the district.</p>
Support the transition to a low-carbon future	<p>The High Street Regeneration policies seek to diversify the offer of the Local Centre. By doing so, they improve local sustainability and self-sufficiency, and serve to reduce the reliance on the car.</p> <p>Policies BE1e and BE3 protect existing rights of way and encourage accessibility, which again would serve to reduce reliance on the car. Through improvements to the Public Rights of Way network, the Plan supports the transition to a low carbon future.</p>
Conserving and enhancing the natural environment	<p>Policy GE3 (and supporting text) identifies sites that contain important biodiversity and wildlife features. Whilst the Plan acknowledges that 4 such sites are already afforded protection by the Local Plan, Policy GE3 identifies two further sites for protection from development. The Policy also encourages all development to take full account of existing on-site ecological value.</p>

Using brownfield land	The Plan does not allocate any sites for development but the High Street Regeneration policies seek to encourage the re-use of redundant buildings in the Local Centre.
Promoting mixed use developments and encourage multiple benefits from the use of land	The Plan does not allocate any sites for development. The Plan supports the development of the high street and encourages housing development to take account of local needs.
Preserving heritage	Policy BE1 encourages development to be appropriately designed and take full account of listed buildings and non-designated heritage assets in order to protect and enhance local character. Policy BE2 identifies non-designated heritage assets for consideration in the development process and encourages developments to respond positively to their heritage significance and local character.
Sustainable transport	Policy BE3 of the neighbourhood plan supports the enhancement of the Public Rights of Way network in Kippax, and Policy H1 encourages new housing development to provide ready access to the PROW network, local bus stops and other services.
Health, social and cultural wellbeing	The Vision for Kippax to 2033 demonstrates a commitment improving to health, social and cultural well-being in Kippax. The Policies on improving the High Street seek to provide opportunities to improve social and cultural well-being by improving the attractiveness and quality of the High Street, in turn promoting improved social and cultural interaction. The Green Environment policies seek to protect and enhance the Green Environment, combined with Policy BE3 (Public Rights of Way Improvement) promote better access to the countryside and green space in Kippax which contribute to physical and mental health and well-being objectives. The Housing policies encourage new housing developments to take account of local needs and priorities, again improving social well-being by promoting housing development that enables people to live in high-quality but affordable housing. The Neighbourhood Plan, as a whole, seeks to promote health, social, and cultural wellbeing in Kippax.

The following table lists the Kippax Neighbourhood Plan policies and identifies the NPPF paragraphs that they have regard to. This is not exhaustive and only seeks to highlight key aspects of the NPPF.

Neighbourhood Plan Policy	Relevant NPPF Paragraphs	Comment
HS1: Public Realm	Chapter 2: Ensuring the Vitality of Town Centres (para 23)	<p>The Policies in the High Street Regeneration section of the NP seek to:</p> <ul style="list-style-type: none"> • Promote enhancements to the Local Centre helping to promote its role as the “heart” of Kippax • Promote a distinctive sense of place and identity • Promote the achievement of high quality, inclusive design in the development of public space and realm in Kippax • Promote the diversification of and improvements to the retail/service offer in the Local Centre to enhance its vitality and viability • Promote the creation of safe and accessible environments • Promote a local architectural style through locally-distinctive shop frontages • Promoting opportunities for increased social interaction, improved access and use of public spaces in the Local Centre • Encourage the development of the local centre to facilitate the use of shared space, community facilities and other local services to enhance local sustainability
HS2: Shop Frontage Design	Chapter 7: Requiring Good Design (paras 57, 58)	
HS3: Improvement of Shopping and Associated Services	Chapter 8: Promoting Healthy Communities (paras 69, 70)	
HS4: Development of Key Locations		
GE1: Local Green Spaces	Chapter 8: Promoting Healthy Communities (paras 73, 76 – 78)	<p>The Policies in the Green Environment section of the NP seek to:</p> <ul style="list-style-type: none"> • Promote access to high quality open spaces • Identify Local Green Spaces for protection (assessment against LGS

GE2: Green Corridors	Chapter 11: Conserving and Enhancing the Natural Environment (paras 109, 117, 118)	<p>criteria is provided in the NP Appendices)</p> <ul style="list-style-type: none"> • Enhancing the natural environment by identifying green corridors • Identifying networks of biodiversity and green infrastructure for enhancement and protection • Minimise impacts on biodiversity by identifying components of local ecological networks and green corridors • Encouraging new developments to maximise opportunities for onsite biodiversity measures
GE3: Enhancement of Local Biodiversity		
BE1: Design of the Built Environment	<p>Chapter 7: Requiring Good Design (paras 56, 57, 61)</p> <p>Chapter 8: Promoting Healthy Communities (paras 73, 75)</p> <p>Chapter 12: Conserving and Enhancing the Historic Environment (paras 126, 128, 129, 141)</p>	<p>The Policies in the Built Environment section of the NP seek to:</p> <ul style="list-style-type: none"> • Promote the achievement of high quality and inclusive design • Establish realistic expectations for the quality of the development of Kippax through contributions to local character, due regard to scale of the built environment, planting schemes and locally-distinctive features of the built environment • Encourage access to existing connections and the development of new connections • Improve access to open spaces • Protect and enhance public rights of way networks • Identify those aspects of the historic environment for consideration and enhancement • Encourage the integration of heritage assets in development proposals
BE2: Identification of Non-Designated Heritage Assets		
BE3: Public Rights of Way Improvement		
H1: New Housing Development	Chapter 6: Delivering a Wide Choice of High	The Policies in the Housing section of the NP seek to:

H2: Housing Type and Mix	Quality Homes (paras 50, 54, 55)	<ul style="list-style-type: none"> • Encourage developments to include a mix of housing to reflect current and future needs • Identify the size, type and tenure to be encouraged in Kippax • Encourage the provision of affordable housing on site • Encourage sustainable modes of transport and accessibility • Encourage development to reflect established parking standards
H3: Affordable Housing	Chapter 4: Promoting Sustainable Transport (para 34, 39)	
BCE1: New Business and Employment Development	<p>Chapter 1: Building a Strong, Competitive Economy (paras 20, 21)</p> <p>Chapter 3: Supporting a Prosperous Rural Economy (para 28)</p>	<p>The Business, Commerce and Employment Policy of the NP seeks to:</p> <ul style="list-style-type: none"> • Encourage new employment development to support Kippax's economic growth • Plan positively for business sector • Supporting economic growth in Kippax (a village)

2.2 Contribute to the achievement of sustainable development.

The Kippax Neighbourhood Plan must contribute to the achievement of sustainable development. Sustainable development is defined as having three dimensions which give rise to the planning system performing a number of roles (NPPF Paragraph 7).

These are:

- An economic role - contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure
- A social role – supporting strong, vibrant and health communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.
- An environmental role – contributing to protecting and enhancing our natural built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

A Sustainability Appraisal of the Neighbourhood Plan has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development. The tables in 2.1 above give an explanation of how the Kippax Neighbourhood Plan has regard to the Core Planning Principles and specific paragraphs of the NPPF which, in turn, demonstrate how the Neighbourhood Plan contributes to the achievement of sustainable development as defined by the NPPF.

The planning policies of the Neighbourhood Plan have been considered against the 3 sustainability dimensions mentioned above. The results are illustrated in the following table:

Neighbourhood Plan Policy	Economic	Environmental	Social	Comment
HS1: Public Realm	**	*	**	Improving the public realm contributes to a sense of place and improves the vitality of the local centre. This can help to boost the local economy as the local centre would be more attractive and welcoming. The

				policy seeks to promote opportunities for increased social interaction.
HS2: Shop Frontage Design	**	*	**	Improving shop frontages can contribute to the attractiveness and offer of the Local Centre, encouraging increased footfall and boosting the local economy. Social sustainability is promoted by an increased sense of place and local identity.
HS3: Improvement of Shopping and Associated Services	**	**	**	Improving the offer of the Local Centre would contribute to the local economy by diversification. This diversification would reduce the need to travel further afield if local services are in place, reducing trip generation. Social sustainability is improved by a sense of improvements to Kippax as a local centre and a distinct local identity.
HS4: Development of Key Locations	**	*	**	New retailing and service provision would contribute to the vitality of the local centre. Improving pedestrianised access would facilitate further social interaction and improvements to the street scene would contribute to an improved sense of place.
GE1: Local Green Spaces	0	**	**	The protection of Local Green Spaces will contribute to environmental sustainability. Local Green Spaces provide opportunities for play, recreation and social interaction.
GE2: Green Corridors	0	**	**	The protection of green corridors will contribute to environmental sustainability through protection of natural assets. Local Green Spaces provide opportunities for play, recreation and social

				interaction as well as improving access to the countryside.
GE3: Enhancement of Local Biodiversity	0	**	0	Enhancing local biodiversity sites will contribute to environmental sustainability through protection of natural assets and local biodiversity.
BE1: Design of the Built Environment	*	*	**	High quality design can add economic value to new developments. The policy encourages planting schemes and pedestrian accessibility which reduce the reliance on motor vehicles. Well-designed developments contribute to physical and mental well-being.
BE2: Identification of Non-Designated Heritage Assets	0	**	*	The policy encourages the enhancement and maintenance of the historic environment, the historic environment contributes to local distinctiveness and sense of place.
BE3: Public Rights of Way Improvement	0	**	**	The protection and enhancement of the public rights of way network and improvements to the network improve environmental sustainability by encouraging non-motorised/active travel. Improved access to the countryside and open spaces promotes social interaction and helps to improve physical and mental well-being.
H1: New Housing Development	0	*	*	The policy encourages housing development to meet local needs, improving social sustainability through housing provision being appropriate to the population. It also encourages ready accessibility to local services and public transport connections, reducing

				the demand for private vehicular traffic.
H2: Housing Type and Mix	0	0	**	Developments with appropriate housing mix can help to facilitate improved social interactions and build a sense of community.
H3: Affordable Housing	0	0	**	Affordable housing provision on site contributes to the development of mixed communities and helps to provide opportunities for social inclusion.
BCE1: New Business and Employment Development	**	*	**	Increased employment opportunities contribute to the economic sustainability of Kippax by providing an increase in jobs, at the same time minimising harm to residential amenity and noise/traffic impacts. Access to local employment opportunities contributes to environmental sustainability (reducing the need for travel) and social sustainability through providing an increased sense of place.

Score indicator: -2 = very negative, -1 = negative, 0 = neutral, 1 = positive, 2 = very positive.
A higher score means a more positive impact.

2.3 Be in general conformity with the strategic policies contained in the development plan for the area.

The Kippax Neighbourhood Plan must demonstrate that it is in general conformity with the strategic planning policies contained within the Development Plan for Leeds City Council. These strategies are contained within the Core Strategy adopted in November 2014.

Neighbourhood Plan Policy	Local Strategic Policy (Leeds Core Strategy 2014)	Comment on General Conformity
HS1: Public Realm	P3 Acceptable Uses In and On the Edge of Local Centres; P10 Design	The policy seeks to enhance the vitality of the Local Centre by promoting the appropriate use of buildings and improvements to public spaces and the public realm. The policy encourages improvements to the public realm which would help to improve the streetscape in the Local Centre. The policy encourages improvements to the public realm which would help to improve the streetscape.
HS2: Shop Frontage Design	P10 Design; P11 Conservation	The policy encourages the sympathetic enhancement and restoration of traditional shop frontages in Kippax which help to create a sense of place and improve / enhance visual amenity. The policy also recognises the importance of traditional shop frontages and their contribution to local character and the significance of the historic environment.
HS3: Improvement of Shopping and Associated Services	P3 Acceptable Uses In and On the Edge of Local Centres; P9 Community Facilities and Other Services	The policy seeks to enhance the vitality of the Local Centre by encouraging diversification, supporting more A1 uses, supporting efficient use of the buildings with temporary uses. The policy recognises the role that the Local Centre has on the health of the Kippax community.
HS4: Development of Key Locations	P3 Acceptable Uses In and On the Edge of Local Centres; P9 Community	The policy seeks to enhance the vitality of the Local Centre by encouraging improved pedestrian accessibility and supporting new retail and service provision in the Local Centre. The policy recognises the role that

	Facilities and Other Services; P10 Design	the Local Centre has on the health of the Kippax community. The policy encourages improvements to the public realm which would help to improve the streetscape in the Local Centre.
GE1: Local Green Spaces	G1 Enhancing and Extending Green Infrastructure; G6 Protection and Redevelopment of Existing Green Space	The policies identifies Local Green Spaces for designation which will extend green infrastructure in the Kippax area.
GE2: Green Corridors	G1 Enhancing and Extending Green Infrastructure	The policy identifies green corridors that will extend green infrastructure in the Kippax area.
GE3: Enhancement of Local Biodiversity	G1 Enhancing and Extending Green Infrastructure; G8 Protection of Important Species and Habitats; G9 Biodiversity Improvements	The policy identifies local natural habitats for protection and enhancement.
BE1: Design of the Built Environment	P10 Design	The policy identifies locally-distinctive design criteria that contribute to a sense of place and will help development proposals to reflect local character.
BE2: Identification of Non-Designated Heritage Assets	P11 Conservation	The policy identifies non-designated heritage assets for consideration in the development process and encourages their enhancement.
BE3: Public Rights of Way Improvement	G1 Enhancing and Extending Green Infrastructure	The policy supports the protection and enhancement of the Public Rights of Way Network.
H1: New Housing Development	H2 New Housing Development on Non Allocated Sites; H4 Housing Mix	The policy supports new housing developments to take account of local needs and take account of the capacity of local service and transport infrastructure. The policy encourages new developments to take account of local needs.

H2: Housing Type and Mix	H4 Housing Mix; H8 Housing for Independent Living	The policy encourages housing development to take account of local housing needs, in particular housing to meet the needs of elderly people.
H3: Affordable Housing	H5 Affordable Housing	The policy encourages the implementation of Core Strategy Policy H5 and welcomes additional contributions wherever possible.
BCE1: New Business and Employment Development	EC1 General Employment Land; EC3 Safeguarding Existing Employment Land and Industrial Areas	The policy supports business and employment growth where this does not cause harm to residential amenity and adversely impact on noise or traffic.

2.4 Be compatible with EU obligations including human rights.

Compatibility with European Union Obligations Environmental Impact and Habitat Regulations

The Kippax NP has been subjected to a screening by Leeds City Council in consultation with the statutory bodies to determine whether the NP requires a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC and associated Environment Assessment of Plans and Programmes Regulations 2004. The screening opinion also determined whether the Kippax NP requires a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The SEA HRA Screening Report (November 2016) is available at Appendix 1.

SEA&HRA Screening conclusions

Page 12 of the Screening Report states:

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.

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.

Page 14 of the Screening Report states:

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.

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'.

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)).

Page 14: Screening Conclusions states:

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.

Human Rights

The Neighbourhood Plan must show that it is fully compatible with the European Convention on Human Rights.

The Vision for Kippax to 2033 is:

"In 2033, 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 educational and job needs."

The Vision for Kippax reflects the community's desire to improve the connectivity of Kippax whilst also developing in such a way that reflects the locally-distinctive history of the village. It seeks to promote opportunities for residents to continue to enjoy those elements of the Neighbourhood Area that are valued in terms of cultural and leisure provision as well as

provide opportunities for new residents to join the community and enable those already living in Kippax to remain in housing to suit their needs. The Neighbourhood Plan has been developed through active and committed consultation with the local community and reflects the views and wishes of the community.

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. This is evidence through the Vision, the objectives and the policies that are proposed in the Plan.

The community consultation and engagement undertaken during the Plan preparation process was inclusive and provided opportunities for all of the community to participate through the various methods that were used to consult and engage, as well as the ways in which the Parish Council undertook consultation with particular groups within the community, for example with younger people.

The Plan put forward by the Parish Council presents opportunities for further involvement, participation and engagement with all different aspects of the community through the delivery of projects and ensuring the implementation of the Plan.

3. Conclusions

This Basic Conditions Statement has introduced each of the Basic Conditions that the Kippax Neighbourhood Plan must meet in order for the Plan to be considered legally-compliant, and therefore proceed to a Referendum. The Parish Council has proposed a Plan that embodies the principles of the Basic Conditions, reflected in this document.

The Parish Council consider that the Kippax Neighbourhood Plan plans positively for the sustainable development of Kippax, responding to local needs and reflecting the views of the local community. The Policies proposed, when implemented, will enhance the sustainability of Kippax for future generations.

It has been evidenced that the proposed policies are in general conformity with those strategic policies in the development plan (Leeds Core Strategy) and that the Plan has appropriate regard to national policy and guidance issued by the Secretary of State. The Plan meets and is compatible with European Union Obligations including human rights. The Plan meets the Basic Conditions.

NOVEMBER 2016

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

DRAFT KIPPAX NEIGHBOURHOOD PLAN



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Appendix 1 - Responses from Environmental Assessment Consultation Bodies

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

Appendix 2 – Map of Kirk Deighton Special Area of Conservation and Natura 2000 data form

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:

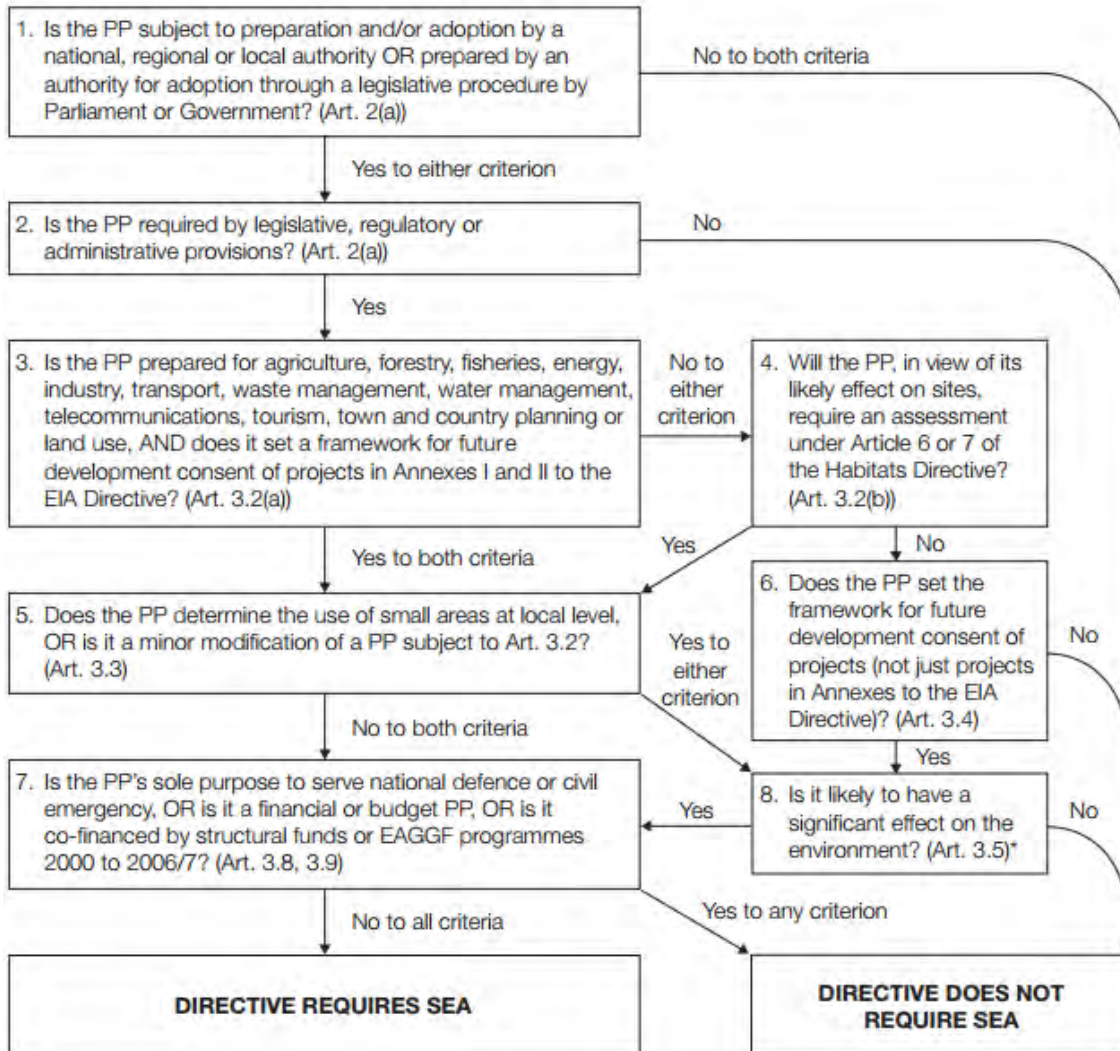
Consultation Body	Summary of comments
Historic England	There is no direct physical impact arising from the policies contained within the draft Neighbourhood Plan. We can now advise that we consider that an SEA will not be required in relation to the Kippax Neighbourhood Plan.
Environment Agency	Having 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

<p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <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> <p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</p> <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>
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- 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

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
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Cont/d..



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



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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.

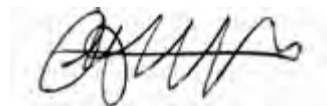
We would be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

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



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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
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BY EMAIL ONLY

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 been 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



Key

-  Kippax Parish
-  Kirk Deighton SAC
-  500m buffer
-  2.5km buffer
-  5 km Buffer

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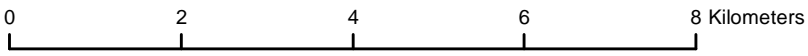
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PRODUCED BY GIS MAPPING & DATA TEAM, CITY DEVELOPMENT, LEEDS CITY COUNCIL

Path: L:\CGM\GIS Projects\Neighbourhood Planning Progress\Kippax Parish\Kirk Deighton Site SAC & Kippax NA Boundary boundary A3.mxd

Scale: 1/88,000 @ A3 Created by: NI



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

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1.6 Respondent(s)

1.7 Site name

1.8 Site indication and designation classification dates

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

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

longitude	latitude
01 23 47 W	53 56 43 N

2.2 Site area (ha) **2.3 Site length (km)**

2.5 Administrative region

NUTS code	Region name	% cover
UK22	North Yorkshire	100.00%

2.6 Biogeographic region
☐
Alpine

☒
Atlantic

☐
Boreal

☐
Continental

☐
Macaronesia

☐
Mediterranean
3. Ecological information:**3.1 Annex I habitats**

Habitat types present on the site and the site assessment for them:

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

3.2 Annex II species

Species name	Resident	Population			Site assessment			
		Breed	Winter	Stage	Population	Conservation	Isolation	Global
<i>Triturus cristatus</i>	Common	-	-	-	C	C	C	B

4. Site description

4.1 General site character

Habitat classes	% cover
Marine areas. Sea inlets	
Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins)	
Salt marshes. Salt pastures. Salt steppes	
Coastal sand dunes. Sand beaches. Machair	
Shingle. Sea cliffs. Islets	
Inland water bodies (standing water, running water)	3.0
Bogs. Marshes. Water fringed vegetation. Fens	
Heath. Scrub. Maquis and garrigue. Phygrana	
Dry grassland. Steppes	
Humid grassland. Mesophile grassland	
Alpine and sub-alpine grassland	
Improved grassland	95.0
Other arable land	
Broad-leaved deciduous woodland	
Coniferous woodland	
Evergreen woodland	
Mixed woodland	
Non-forest areas cultivated with woody plants (including orchards, groves, vineyards, dehesas)	2.0
Inland rocks. 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