WETHERBY NEIGHBOURHOOD DEVELOPMENT PLAN: BASIC CONDITIONS STATEMENT

1. Legal Requirements

1.1 This Statement has been prepared by Wetherby Town Council to accompany its submission to the local planning authority, Leeds City Council, of the Wetherby Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

1.2 The Neighbourhood Plan has been prepared by Wetherby Town Council a qualifying body, for the Neighbourhood Area covering Wetherby parish, as designated by Leeds City Council on 11th December 2013 and amended 15th November 2016.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends until the end of 2028 and it does not contain policies relating to excluded development in accordance with the Regulations.

1.4 This Statement addresses each of the four ‘basic conditions’ required by the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.
2. Introduction and Background

2.1 Wetherby is situated 12 miles north-east of Leeds, in the undulating limestone upland between Leeds and York, at a key crossing point of the River Wharfe. It is a prosperous rural market town – with strong links to its surrounding agricultural landscape. According to the 2009 update of the 2001 Census, Wetherby has a population of 11,155 living in over 6,300 households and dwellings.

2.2 The neighbourhood planning process, which commenced in May 2012 has developed a coherent vision for the future of the parish:

“Wetherby will be a fair, inclusive and high quality sustainable place to live and work and will strive to maintain and enhance its character as a genuine market town.”

2.3 In addition it has developed policies under the following key strategic themes:

- Provision of new housing
- Work and the economy
- Health, well-being and leisure
- Education
- Environment and sustainability
- Townscape design

2.4 After consultation with the community, a draft Neighbourhood Plan was produced and between January and April 2017 the Regulation 14 (pre-submission) consultation was undertaken. Responses from this consultation have been considered, and some minor changes made to the policies in the plan as a result. It is now ready to be submitted to Leeds City Council, the Local Planning Authority.

3. Conformity with National Planning Policy

3.1 The Neighbourhood Plan (NDP) has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of formulating Neighbourhood Plans.

3.2 Set out in Table 1 below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy
but are not intended to be an exhaustive list of all possible relevant paragraphs.

**Table 1: Conformity of the Wetherby Neighbourhood Plan policies to the NPPF**

<table>
<thead>
<tr>
<th>NDP Policy</th>
<th>NPPF paragraph</th>
<th>Comment on conformity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>H1: Provide an appropriate mix of housing</strong></td>
<td>50</td>
<td>Plan for a mix of housing based on current and future demographic trends and needs of different groups in the community.</td>
</tr>
<tr>
<td><strong>H2: Quality and layout of housing developments</strong></td>
<td>39, 57-61, 63-65</td>
<td>Promote high quality design. Protecting the history and character of the local area.</td>
</tr>
<tr>
<td><strong>WE1: Town centre development</strong></td>
<td>23</td>
<td>Promote a competitive town centre environment.</td>
</tr>
<tr>
<td><strong>WE2: Sustainable tourism</strong></td>
<td>28</td>
<td>Support tourism that benefits businesses in rural areas.</td>
</tr>
<tr>
<td><strong>HWL1: Sport and leisure facilities</strong></td>
<td>28, 73 - 74</td>
<td>Promote the retention and development of local services and sports venues.</td>
</tr>
<tr>
<td><strong>HWL2: Community facilities</strong></td>
<td>28, 73 - 74</td>
<td>Promote the retention and development of local services and community facilities.</td>
</tr>
<tr>
<td><strong>HWL3: Health care facilities</strong></td>
<td>156</td>
<td>Deliver health facilities.</td>
</tr>
<tr>
<td><strong>E1: Wetherby High School Site</strong></td>
<td>72</td>
<td>Support to expand or alter schools.</td>
</tr>
<tr>
<td>NDP Policy</td>
<td>NPPF paragraph</td>
<td>Comment on conformity</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>ENV1: Protection and enhancement of local assets</td>
<td>17, 126, 128, 131-132, 139, 141</td>
<td>Conserve, enhance and sustain heritage assets.</td>
</tr>
<tr>
<td>ENV2: Local Green Spaces</td>
<td>76-78</td>
<td>Protecting Local Green Spaces.</td>
</tr>
<tr>
<td>ENV3: Green corridors</td>
<td>114, 117</td>
<td>Promote the preservation of wildlife corridors and ecological networks and green infrastructure.</td>
</tr>
<tr>
<td>D1: The character of the Conservation Area</td>
<td>-</td>
<td>n/a</td>
</tr>
<tr>
<td>D2: Connectivity of new developments</td>
<td>75</td>
<td>Protect and enhance public rights of way and access.</td>
</tr>
</tbody>
</table>

4. General conformity with the strategic policies of the development plan
4.1 The development plan for Wetherby is the Leeds City Council Core Strategy, adopted in November 2014. The Neighbourhood Plan has been prepared to ensure its general conformity with this and table 2 below sets out how each policy is in general conformity with the adopted strategic policies.

Table 2: Conformity of Neighbourhood Plan policies with Leeds City Council’s Core Strategy

<table>
<thead>
<tr>
<th>NDP Policy</th>
<th>Leeds City Council’s Core Strategy</th>
<th>Comment on conformity</th>
</tr>
</thead>
<tbody>
<tr>
<td>H1: Provide an appropriate mix of housing</td>
<td>H4</td>
<td>Develop an appropriate mix of housing to meet the needs of the parish.</td>
</tr>
<tr>
<td>NDP Policy</td>
<td>Leeds City Council’s Core Strategy</td>
<td>Comment on conformity</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>H2: Quality and layout of housing developments</td>
<td>P10</td>
<td>Deliver high quality design that reflects local character.</td>
</tr>
<tr>
<td>WE1: Town centre development</td>
<td>Spatial Policy 8</td>
<td>Encouraging and retaining local businesses and converting existing buildings.</td>
</tr>
<tr>
<td>WE2: Sustainable tourism</td>
<td>Spatial Policy 8</td>
<td>Promoting tourism to develop a strong local economy.</td>
</tr>
<tr>
<td>HWL1: Sport and leisure facilities</td>
<td>Spatial Policy 8, P9</td>
<td>Retaining and developing local services and community facilities.</td>
</tr>
<tr>
<td>HWL2: Community facilities</td>
<td>Spatial Policy 8, P9</td>
<td>Retaining and developing local services and community facilities.</td>
</tr>
<tr>
<td>HWL3: Health care facilities</td>
<td>P2</td>
<td>Offer new/additional health care services to meet the needs of the community.</td>
</tr>
<tr>
<td>E1: Wetherby High School Site</td>
<td>P9</td>
<td>Maintain access to local education whilst taking into consideration the impact on the local community.</td>
</tr>
<tr>
<td>ENV1: Protection and enhancement of local assets</td>
<td>P10, P11</td>
<td>New development will protect (or mitigate harm to) local historic assets.</td>
</tr>
<tr>
<td>NDP Policy</td>
<td>Leeds City Council’s Core Strategy</td>
<td>Comment on conformity</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------------------</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>ENV2: Local Green Spaces</td>
<td>Spatial Policy 6, H2, G1, G6</td>
<td>Protect Local Green Spaces from development.</td>
</tr>
<tr>
<td>ENV3: Green corridors</td>
<td>Spatial Policy 6, Spatial Policy 13, G1</td>
<td>Protect green corridors from development. To enhance and improve green corridors.</td>
</tr>
<tr>
<td>D1: The character of the Conservation Area</td>
<td>P11</td>
<td>Development proposals should enhance the historic environment.</td>
</tr>
<tr>
<td>D2: Connectivity of new developments</td>
<td>Spatial Policy 11, T2</td>
<td>Improve public transport connections, improve facilities for pedestrians and cyclists. Ensure adequate access from the highway network to the development.</td>
</tr>
</tbody>
</table>

5. Contribution to Achieving Sustainable Development

5.1 A Sustainability Appraisal 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.

5.2 The strategic objectives of the Neighbourhood Plan have sustainability at their heart. The Plan aims to:

- To further develop a vibrant and prosperous market town by encouraging development that supports a range of good quality jobs, businesses, shops and services that meet the needs of local people and protects and enhances the quality of the local environment.
- To support the provision of a range of housing that meets the needs of the town both in the short and longer term.
- To encourage inclusive access for local people to the range of facilities and services that they need.
- To promote the use of sustainable forms of energy and transport for the benefit of local people.
- To provide new and diverse education, leisure and recreational activities for all ages.
5.3 Table 3 below has assessed the Neighbourhood Plan’s policies in terms of how it will deliver sustainable development with regards to economic, social and environmental aspects. It shows that the Plan’s policies are, in the main, either neutral in effect or will make Wetherby more sustainable.

Table 3: Assessment of sustainability of Neighbourhood Plan policies

<table>
<thead>
<tr>
<th>NDP Policy</th>
<th>Economic factors</th>
<th>Social factors</th>
<th>Environmental factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>H1: Provide an appropriate mix of housing</td>
<td>**</td>
<td>**</td>
<td>-</td>
</tr>
<tr>
<td>H2: Quality and layout of housing developments</td>
<td>*</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>WE1: Town centre development</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>WE2: Sustainable tourism</td>
<td>**</td>
<td>**</td>
<td>*</td>
</tr>
<tr>
<td>HWL1: Sport and leisure facilities</td>
<td>*</td>
<td>**</td>
<td>-</td>
</tr>
<tr>
<td>HWL2: Community facilities</td>
<td>*</td>
<td>**</td>
<td>*</td>
</tr>
<tr>
<td>HWL3: Health care facilities</td>
<td>*</td>
<td>**</td>
<td>-</td>
</tr>
<tr>
<td>E1: Wetherby High School Site</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>ENV1: Protection and enhancement of local assets</td>
<td>*</td>
<td>**</td>
<td>*</td>
</tr>
<tr>
<td>ENV2: Local Green Spaces</td>
<td>-</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>ENV3: Green corridors</td>
<td>-</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>D1: The character of the Conservation Area</td>
<td>-</td>
<td>*</td>
<td>**</td>
</tr>
<tr>
<td>NDP Policy</td>
<td>Economic factors</td>
<td>Social factors</td>
<td>Environmental factors</td>
</tr>
<tr>
<td>------------</td>
<td>------------------</td>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>D2: Connectivity of new developments</td>
<td>*</td>
<td>**</td>
<td>**</td>
</tr>
</tbody>
</table>

Assessment of policies ** very positive  * positive  - neutral  x negative  xx very negative

6. Compatibility with EU Obligations and legislation

6.1 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.

6.2 A screening opinion has been received from Leeds District Council, see appendix 1 below.

6.3 The Neighbourhood Area is not in close proximity to any European designated nature sites so does not require an appropriate assessment under the EU Habitats Regulations.
APPENDIX 1 – LEEDS CITY COUNCIL SCREENING OPINION FOR STRATEGIC ENVIRONMENTAL ASSESSMENT

JANUARY 2017

STRATEGIC ENVIRONMENTAL ASSESSMENT & HABITATS REGULATIONS ASSESSMENT: SCREENING REPORT

DRAFT WETHERBY NEIGHBOURHOOD PLAN
Contents

1. Introduction 2
2. Legislative background 2
3. Draft Wetherby Neighbourhood Plan overview 4
4. Summary of consultee responses (Environmental Assessment Consultation Bodies) 5
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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 Wetherby Neighbourhood Plan (WNP) 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 ANP before undertaking a SEA and HRA screening exercise and providing conclusions.

1.5 Leeds City Council has prepared this screening report on behalf of Wetherby Town Council who are the qualifying body for the WNP 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 December 2015 has been screened. This version of the plan is considered to show a firm vision and policy intent. As a consequence the neighbourhood plan is considered to be at an appropriate stage for the screening exercise to be undertaken.

2. Legislative background

**Strategic Environmental 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 environmental 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.
2.5 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)**

2.6 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.

2.7 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.

2.8 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 Wetherby 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 WNP contains a set of locally specific planning policies and guidance for the Neighbourhood Area.

3.2 The vision of the draft plan is

“**Wetherby will be a fair, inclusive and high quality sustainable place to live and work and will strive to maintain and enhance its character as a genuine market town**”

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: provision of Housing, Work and the economy, Health, well-being and leisure, Education, Environment and sustainability and Townscape design.
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 WNP was send to the environmental assessment consultation bodies on 7th December 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:

<table>
<thead>
<tr>
<th>Consultation Body</th>
<th>Summary of comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic England</td>
<td>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 Wetherby Neighbourhood Plan.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>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.</td>
</tr>
<tr>
<td>Natural England</td>
<td>.... 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.</td>
</tr>
</tbody>
</table>
5. **SEA Screening Assessment**

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

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

5.2 Table 1 (below), helps to apply the Directive by running the draft plan through the questions outlined within Figure 1:
**Table 1 – Application of the SEA Directive**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Y/N</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>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))</td>
<td>Y</td>
<td>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.</td>
</tr>
<tr>
<td>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</td>
<td>Y</td>
<td>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.</td>
</tr>
<tr>
<td>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))</td>
<td>N</td>
<td>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 Wetherby 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 WNP would be the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.</td>
</tr>
<tr>
<td>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))</td>
<td>N</td>
<td>See screening assessment for HRA in following section of this report.</td>
</tr>
<tr>
<td>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)</td>
<td>Y</td>
<td>Once made the WNP 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</td>
</tr>
<tr>
<td>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)</td>
<td>Y</td>
<td>The Neighbourhood Plan will provide a framework for future development consent of projects in the area. GO TO STEP 8</td>
</tr>
<tr>
<td>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</td>
<td>N</td>
<td>N/A</td>
</tr>
</tbody>
</table>
5.3 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below in Figure 2.

**FIGURE 2: CRITERIA FOR DETERMINING LIKELY SIGNIFICANT EFFECTS**

1. **The characteristics of plans and programmes, having regard, in particular, to**
   - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
   - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
   - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
   - environmental problems relevant to the plan or programme,
   - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).

2. **Characteristics of the effects and of the area likely to be affected, having regard, in particular, to**
   - the probability, duration, frequency and reversibility of the effects,
   - the cumulative nature of the effects,
   - the transboundary nature of the effects,
   - the risks to human health or the environment (e.g. due to accidents),
   - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
   - the value and vulnerability of the area likely to be affected due to:
     - special natural characteristics or cultural heritage,
     - exceeded environmental quality standards or limit values,
     - intensive land-use,
     - the effects on areas or landscapes which have a recognised national, Community or international protection status.

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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. The characteristics of plans and programmes, having regard, in particular, to</strong></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td>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.</td>
</tr>
<tr>
<td>The degree to which the NP influences other plans and programmes including those in a hierarchy</td>
<td>The NP must be in general conformity with the Leeds Local Plan and national planning policy. It does not influence other plans.</td>
</tr>
<tr>
<td>The relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development</td>
<td>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.</td>
</tr>
<tr>
<td>Environmental problems relevant to the NP</td>
<td>It is not considered that there are any particular environmental problems relevant to the plan.</td>
</tr>
<tr>
<td>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)</td>
<td>This criterion is unlikely to be directly relevant in regard to the NP.</td>
</tr>
<tr>
<td><strong>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</strong></td>
<td></td>
</tr>
<tr>
<td>The probability, duration, frequency and reversibility of the effects</td>
<td>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.</td>
</tr>
<tr>
<td>The cumulative nature of the effects</td>
<td>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’s/SEA’s for the Core Strategy, the NRWDPD and the emerging Site Allocations Plan. Notably the NP does not propose more development than the Core Strategy for the area.</td>
</tr>
<tr>
<td>The transboundary nature of the effects</td>
<td>The proposals within the NP are unlikely to have a significant impact beyond the Neighbourhood Area boundary.</td>
</tr>
</tbody>
</table>
Wetherby NP: SEA & HRA Screening Report

Assessment of Wetherby Neighbourhood Plan Policies

Provision of New Housing

5.5 Leeds City Councils Core strategy has classified Wetherby as a major settlement and therefore a focus for new housing provision. Although not allocating any sites for housing development, the WNP supports new housing provision through two policies which aim to help provide a range of housing that meets the needs of the town both in the short and longer term. Policy H1 seeks to identify the types of housing mix in proposals of 10 units or more which will support the specific needs of the Wetherby residents, including the provision of affordable housing. Proposals for new housing should demonstrate a high quality of design and layout that reflects the character of Wetherby, including adequate off street parking, the creation of a sense of place and measures to encourage sustainable living (Policy H2). Whilst providing for development, these policies seek to protect and enhance the character and sustainability of the WNP area which will minimise any negative effects of development on the environment and maximise potential positive impacts.

Work and the Economy

5.6 Wetherby is a prosperous market town and has many thriving businesses. The plan sets out policies to support the thriving town centre and to help provide new employment opportunities. Policy WE1 seeks to discourage any loss of local shopping facilities through development and supports the provision of new office space where the proposal is in keeping with the
surrounding area. It also encourages bringing open space above existing retail units back into use within the town centre. Policy WE2 encourages enhanced sustainable tourism in Wetherby town centre through proposals that fit well with the town and its immediate surroundings. These policies are considered to have scope to have a positive impact on the local environment as they seek to protect the individuality of the area and minimise negative impacts of development e.g. traffic.

**Health, Well-being and Leisure**

5.7 These policies are designed to provide opportunities for residents to live healthy lifestyles and to maintain a vibrant community. Policy HWL1 supports proposals that improve accessible sports and leisure facilities within the plan area though they should consider a number of criteria including being in keeping with local character, minimal harmful impacts on the amenity of residents and no significant impacts on the environment or the local road network. 20 community facilities are identified within the plan area. Policy HWL2 supports new or improved community facilities, again subject to specific criteria similar to Policy HWL1. Policy HWL3 considers health care facilities and supports new or additional facilities that respond to the needs of the residents of Wetherby. These facilities should reduce the need to make additional journeys out of town and any proposal should provide adequate parking facilities. Overall, this section aims to protect existing facilities and encourage the provision of new to improve the health and well-being of the community. New development will inevitably have some negative impacts on the local environment however the provision of the policies provide a framework to minimise any negative impacts and maximise positive effects.

**Education**

5.8 Policy E1 encourages the re-development of the Wetherby High School site to create an outstanding facility subject to specific criteria. Such relatively large scale re-development will impact on the neighbouring environment whilst building is under way however the site already functions as a high school so additional long term environmental effects are likely to be minimal.

**Environment and Sustainability**

5.9 Wetherby contains a number of Listed Buildings and a Conservation Area and the plan also identifies a number of non-designated heritage assets inside and outside the Conservation Area. Policy ENV1 seeks to protect and enhance 11 local heritage assets by ensuring that the effects of any development proposals on these assets are fully considered. Policy ENV2 designates 19 areas of local greenspace and resists development proposals that would adversely impact these spaces. The plan identifies two local green corridors and gives them protection for development which would sever, block or prejudice their operation as multifunctional resources of wildlife, amenity, recreational and water management through Policy ENV3. The environment and sustainability policies seek to protect important heritage assets, green space and green corridors.
from damaging development and, as such, they will help to limit potential negative environmental effects and encourage positive impacts on the environment.

**Design**

5.10 Wetherby Town Centre was designated a conservation area in 1971 and subsequently modified in 1981 and 2010. The plan aims to protect its character through seeking development that positively preserves and enhances this special area (Policy D1). Policy D2 encourages good connections between new developments and the town centre and countryside, including routes for pedestrians and cyclists, public transport and connections with the rest of the town and surrounding countryside. These policies aim to protect the valuable character of the conservation area and to ensure development has good pedestrian, cycling and public transport links which will help to minimise any negative environmental effects of development and will facilitate positive effects.

**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 Wetherby 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 also 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. Kirk Deighton Special Area of Conservation (SAC) is the only international designated site within a 15km radius of the Wetherby Area boundary.

6.5 The Kirk Deighton SAC is approximately 4ha in size and is located to the north of Wetherby within the administrative area of Harrogate Borough (North Yorkshire). The site lies just less than 500m north of the northern boundary of the Leeds City Council administrative boundary and therefore less 500m from the Wetherby Neighbourhood Area at its nearest point. A location plan and the Natura 2000 data form are attached in Appendix 2.

6.6 The primary reason for the protection of this site is the presence of Great Crested Newts (Triturus Cristatus) which breed in a large pond set in a depression in grazed pasture. This main breeding pond has a water level that fluctuates widely, sometimes leading to pond desiccation. As a result, there is relatively little aquatic vegetation but egg-laying occurs and recruitment is successful intermittently; however, a large population is present, demonstrating this species’ ability to thrive in temporary pond sites. Newts range across an area comprising pasture with old hedgerows. Great Crested Newts have a limited distance of movement of normally up to 500m therefore, as part of the Wetherby Neighbourhood Area lies within 500m of the SAC, the policies and proposals in the draft plan could have significant effects on the site and the newts. The potential effects are considered in detail in para 6.17 with additional ‘in combination’ assessment in paras 6.7 – 6.16.
HRA Screening Determinations for higher level planning policy documents

Leeds Core Strategy (2014)

6.7 The potential effects of the provisions of the Publication Draft Core Strategy on Kirk Deighton SAC were assessed through a Screening Determination (Feb 2012). It was concluded that whilst policies promoting housing and economic growth could result in transport growth and increased industrial emissions, there was no risk of a likely significant effect which could not be mitigated by applying the LDF. Furthermore the West Yorkshire Local Transport Plan promotes a low carbon, sustainable transport system. Natural England agreed with this conclusion and that an Appropriate Assessment was not required in a letter dated 16th February 2012. A further screening was undertaken on the pre-submission changes in December 2012. As the neighbourhood plan is in general conformity with the strategic policies of the Core Strategy, it broadly complies with the HRA assessment of the Core Strategy.

Leeds Site Allocations Plan

6.8 A HRA screening determination has been undertaken considering the potential effect of those sites proposed for development and protection as greenspace on the relevant SACs and SPAs. All sites within 2.5km of Kirk Deighton were assessed as to whether they could potentially have an impact even though it is acknowledged that the distance for movement of great crested newts is normally up to 500m. This larger buffer was to reflect the threat to the habitat of the Great Crested Newt from increased acid and nitrogen deposition from transport growth. The HRA screening undertaken in September 2015 identified habitat fragmentation, water abstraction, increased acid & nitrogen deposition from transport as potential likely significant effects (LSE). Overall no LSE were identified but a series of precautionary Avoidance Measures are identified.

6.9 Great Crested Newt movements between Kirk Deighton and the nearest proposed housing site were investigated, however West Yorkshire Ecology and North and East Yorkshire Ecological Data Centre data did not show any records of Great Crested Newts between Kirk Deighton SAC and Spofforth Hill, not least because there are road barriers between the two sites. It was therefore concluded that none of the site allocations within the 2.5km buffer are likely to have any significant impact on movements of Great Crested Newts. It was also considered that the policies of the LTP3, NRW LP and Core Strategy are capable of achieving a shift to more sustainable transport modes, combined with a reduction in travel (per capita) and mitigation for air quality impacts. The neighbourhood plan does not propose to allocate any land for development therefore it is unlikely to have any significant impact on the SAC.

Leeds Natural Resources and Waste Development Plan Document
6.10 A HRA screening determination was done to determine whether the NRWDPD required an Appropriate Assessment under the Habitats Regulations (Conservation of Habitats and Species Regulations 2010, SI no. 2010/490). It was identified that only 2 policies gave rise to the potential for direct or indirect impacts on SAC or SPA, however they would not affect the Kirk Deighton SAC as they related firstly to the development of wind power and the potential impact on flight patterns of birds and secondly to possible sites for waste facilities in the Aire Valley, over 10km from Kirk Deighton, particularly as great crested newts and their habitats are not particularly sensitive to air pollution. Natural England agreed that the policies of the NWRDPD are not likely to have a significant effect on any SAC or SPA. The WNP do not address the issue of natural resources and waste therefore only the NRWDPD will be applicable to any such proposals in the Wetherby area.

6.11 As Kirk Deighton SAC lies within Harrogate District Council, plans prepared for that area must be considered:

**Harrogate Local Plan: Issues and Options Consultation Habitats Regulations Assessment July 2015**

6.12 This assessment was informed by the HRA produced for the Draft Sites and Policies Development Plan Document in May 2013 which was withdrawn from examination in May 2014. The 2013 assessment concluded that there was no need to carry out an Appropriate Assessment as it was not considered that any of the draft sites or policies proposed in the draft Sites and Policies DPD singularly or in combination with other sites or plans would have any significant effects on the Natura 2000 sites considered. The July 2015 assessment considered that the Great Crested Newts utilise the terrestrial habitat outside the SAC and that policies that require land in-take in areas within 500m of the SAC boundary could have an impact. Furthermore, policies that would increase the concentrations and deposition of air pollutants above a critical level or that would impact on water quality or quantity could also have a potential impact. Consultation on the Draft Harrogate District Local Plan started on 11th November 2016.

**Harrogate Core Strategy 2009**

6.13 The Harrogate Core Strategy was formally assessed under Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Flora and Fauna. It was not found that any of the policies within it required an Appropriate Assessment to be done, however following consultation with Natural England, some policies did raise issues which were subsequently addressed.

**North Yorkshire Minerals and Waste DPD**

6.14 The Issues and Options draft of the plan was screened and the findings were set out in Habitat Regulations Assessment Likely Significant Effects Report (Feb 2014). It assessed various options
and highlighted whether an appropriate assessment may be necessary if particular options were to be carried forward to Preferred Option stage. Most options were not likely to have significant effects, it was anticipated that these could be avoided by using caveats. Consultation on the Preferred Options was undertaken Nov 2015 – Jan 2016. The HRA concluded that the majority of policies are likely to have no negative effect on a European site though four preferred policies were identified as having uncertain impacts. However, this uncertainty could be removed by adding wording to the policy stating that any development would need to be in line with the development policies in the plan. Further assessment of the sites at Ruddings Farm is required to assess whether likely significant effects on Kirk Deighton would result from the policies and may be policy changes would be necessary to ensure no significant effects.

**Harrogate Local Biodiversity Action Plan 2012**

6.15 North Yorkshire County Council and Harrogate Borough Council have led the Harrogate BAP initiative, with support and funding from Natural England. This attempts to draw together all the information known on habitats and species and concentrates on priority species and habitats. Individual Action Plans have been prepared for 15 habitats. The aim is to achieve conservation through targets based upon protection, enhancement and re-creation. A small number of Species Action Plans have also been prepared including one for Great Crested Newts. The BAP will contribute to the care of special habitats and the species associated with them.

6.16 Overall, it was determined that these higher order plans would not significantly affect any SAC or SPA, including Kirk Deighton SAC. Where plans were at an early stage of preparation it was considered that mitigation measures could address any potential effects.

**Assessment of the likely effect of the neighbourhood plan**

6.17 The following questions will help to establish whether an Appropriate Assessment is required for the emerging WNP:

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

The Kirk Deighton SAC does not lie within the Wetherby Neighbourhood Area therefore the WNP does not relate nor is directly connected with the management of the SAC.

**b) Does the WNP 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 WNP could impact on the integrity of a European site, the 'in combination' impact?

The aforementioned section regarding HRA Screening Determinations for higher level planning policy documents (para’s 6.7-6.16), confirms that other projects and plans that relate to the Kirk Deighton SAC site are unlikely to impact on the integrity of the European site. The WNP 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**

6.18 It is considered that none of the policies in the WNP 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.

6.19 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. Natural England has stated that, on the basis of the information supplied and in context of the criteria set out in schedule 1 of the Environmental Assessment regulations (Annex II of “SEA” Directive), it considers the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

6.20 It is therefore considered that the WNP is not likely to cause a significant effect 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 WNP. The assessments have concluded that the draft Wetherby 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 environmental consultation bodies. Accordingly it is considered that neither an SEA nor an HRA of the draft Wetherby Neighbourhood Plan are required.
7.2 It is important to note that this screening opinion is based on a draft version of the WNP. Consequently if the content of the neighbourhood plan should materially change then the SEA/HRA screening process will need to be re-assessed and updated.
APPENDIX 1

RESPONSES FROM ENVIRONMENTAL ASSESSMENT CONSULTATION BODIES
Dear Sir/madam

Wetherby Neighbourhood Plan

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

**Housing**

Policy H1 could be tied in with Environment policy ENV3 in relating that no development built in Flood Zone 2/3

Development proposals that increase flood risk elsewhere will not be supported. If the proposed development impedes the flow and/or storage of flood water from Sand beck or the River Wharf then it will increase flood risk elsewhere. The same applies if surface water management proposals are not sustainable.

New development proposals should be encouraged to contribute either financially or through physical works to reduce the flood risk to the wider village. This would require a clear understanding of what the flood risk reduction strategy is. This should be reflected in this section/policy.

**Community Facilities**

HWL2 – suggests to improve local environment, we support this and would be pleased to offer any advice/support.

**Environment**

We support the policy ENV3 which protects the River Warf and Ing’s from development

**Groundwater – SPZ’s**

Protecting surface and groundwater from potentially polluting development and activity.

Sources of groundwater supply within and adjacent to the planed area will be protected using the Source Protection Zones (SPZ’s) identified by the Environment Agency. As laid out in Environment Agency’s Groundwater Protection: Principles and Practice, within SPZ1, we will normally object in principal to certain types of development: There is an area of SPZ 1 within the plan.

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..
Within Source Protection Zones 2 and 3, a risk based approach will be applied to the consideration of development proposals with the exception of development involving sub-water table storage; deep soakaway; underground storage of hazardous substances; sewage, trade and storm effluent, or other contaminated discharges to ground. These will not be permitted unless it can be demonstrated that they are necessary, are the only option available, and where adequate safeguards against possible contamination can be agreed.

Within Source Protection Zones developers will be expected to provide full details of the proposed construction of new buildings and construction techniques, including foundation design as part of their proposals.

**WFD**
The Environment Agency measures and reports on the condition of rivers and streams conditions, through the European Water Framework Directive or 'WFD' for short. Under WFD rivers are assessed in terms of water quality, ecology and their physical nature (such weirs or culverts). We measure various parameters of the river to see if they meet or fail the relevant WFD standard.

Although the Waterbodies in this area have a status of good it might be useful to all policies to keep it at this level.

More information can be found at [airiverstrust.org.uk](http://airiverstrust.org.uk/) & [http://ww.ywt.org.uk/tags/aire-rivers-trust-0](http://ww.ywt.org.uk/tags/aire-rivers-trust-0)

**Planning for Climate**
The National Planning Practice Guidance refers planners, developers and advisors to the Environment Agency guidance on considering climate change in Flood Risk Assessments (FRAs). This guidance was updated in February 2016 and is available on [Gov.uk](http://Gov.uk)

Climate change is something you may wish to look at and see how this will affect the area in the future.

**Flood Risk**
There is no flood Risk policy’s within the draft plan. As the River Wharfe and Sands Beck run within the boundary of the plan area, which has this and surrounding area in FZ3, we suggest some policies are put in place.

**Historic Landfill**
There is an historic landfill (within the boundary area. A CD was sent to the Local Authority which contained information on containing historic landfill data which has all the information we held on the historic landfill sites. As such, we suggest you contact the local Authority for information on these.

**You could also help your community save money** through sustainable construction. Neighbourhood planning is an opportunity for communities to encouraging efficient water and waste management systems in new buildings, and use locally sourced wood fuel for heating. You could also help to promote the use of sustainable materials in construction, and encourage energy efficiency measures for new builds. These measures will reduce the cost of construction for developers and help to reduce utility bills for those using the building. This will also help the environment by reducing emissions and improving air quality.
Should you require any additional information, or wish to discuss these matters further, please contact me on the number below.

Yours sincerely

Ms CLAIRE DENNISON
Sustainable Places - Planning Advisor

Direct dial 02030256425
Direct fax
Direct e-mail claire.dennison@environment-agency.gov.uk
12 January 2017

Dear Mr. Sanderson,

Wetherby Neighbourhood Plan
Strategic Environmental Assessment Screen Opinion

We write in response to your e-mail of Friday 7 December 2016, seeking a Screening Opinion for the Wetherby 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 Wetherby 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 6 grade I & II* listed buildings, 162 grade II listed buildings, 5 Scheduled Monuments as well as 8 Conservation Areas. 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 December 2015 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 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 Wetherby Town Council and/or their consultants.

Thank you in anticipation. Yours sincerely

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

Wetherby Neighbourhood Development Plan 2017 – 2028: Pre-submission consultation draft

Thank you for your consultation on the above dated 07/12/2016.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

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.

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.

**General comments**
Natural England does not have any specific comments on this draft neighbourhood plan. However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For clarification of any points in this letter, please contact Elisa Neame on 02082-256-852. For any further consultations on your plan, please contact: 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
Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources
The Magic website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones).

Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](http://www.nbn-nfbr.org.uk/nfbr.php).

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](http://webarchive.nationalarchives.gov.uk/20140711133551/http:/www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsspeciesimportance.aspx). Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making).

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can’t find them online.

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the Magic website and also from the LandIS website, which contains more information about obtaining soil data.

Natural environment issues to consider
The National Planning Policy Framework sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance sets out supporting guidance. Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

1. Landscape
Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate

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sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

2. Wildlife habitats
Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed here⁹), such as Sites of Special Scientific Interest or Ancient woodland¹⁰. If there are likely to be any adverse impacts you’ll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

3. Priority and protected species
You’ll also want to consider whether any proposals might affect priority species (listed here¹¹) or protected species. To help you do this, Natural England has produced advice here¹² to help understand the impact of particular developments on protected species.

4. Best and Most Versatile Agricultural Land
Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication Agricultural Land Classification: protecting the best and most versatile agricultural land¹³.

Improving your natural environment
Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.

¹²https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals
¹³http://publications.naturalengland.org.uk/publication/35012
• Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
• Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).
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 B
   1.2 Site code UK0030178
   1.3 Compilation date 200107
   1.4 Update
   1.5 Relationship with other Natura 2000 sites
   1.6 Respondent(s) International Designations, JNCC, Peterborough
   1.7 Site name Kirk Deighton
   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
   2.2 Site area (ha) 4.03
   2.3 Site length (km)

25 Administrative region

<table>
<thead>
<tr>
<th>NUTS code</th>
<th>Region name</th>
<th>% cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK22</td>
<td>North Yorkshire</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

26 Biogeographic region

X 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:
3.2 Annex II species

<table>
<thead>
<tr>
<th>Species name</th>
<th>Resident Breed</th>
<th>Winter Stage</th>
<th>Migratory Breed</th>
<th>Population</th>
<th>Conservation</th>
<th>Isolation</th>
<th>Global</th>
</tr>
</thead>
<tbody>
<tr>
<td>Triturus cristatus</td>
<td>Common</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>B</td>
</tr>
</tbody>
</table>

4. Site description

4.1 General site character

<table>
<thead>
<tr>
<th>Habitat classes</th>
<th>% cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine areas. Sea inlets</td>
<td></td>
</tr>
<tr>
<td>Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins)</td>
<td></td>
</tr>
<tr>
<td>Salt marshes. Salt pastures. Salt steppes</td>
<td></td>
</tr>
<tr>
<td>Coastal sand dunes. Sand beaches. Machair</td>
<td></td>
</tr>
<tr>
<td>Shingle. Sea cliffs. Islets</td>
<td></td>
</tr>
<tr>
<td>Inland water bodies (standing water, running water)</td>
<td>3.0</td>
</tr>
<tr>
<td>Bogs. Marshes. Water fringed vegetation. Fens</td>
<td></td>
</tr>
<tr>
<td>Heath. Scrub. Maquis and garrigue. Phygrana</td>
<td></td>
</tr>
<tr>
<td>Dry grassland. Steppes</td>
<td></td>
</tr>
<tr>
<td>Humid grassland. Mesophile grassland</td>
<td></td>
</tr>
<tr>
<td>Alpine and sub-alpine grassland</td>
<td></td>
</tr>
<tr>
<td>Improved grassland</td>
<td>95.0</td>
</tr>
<tr>
<td>Other arable land</td>
<td></td>
</tr>
<tr>
<td>Broad-leaved deciduous woodland</td>
<td></td>
</tr>
<tr>
<td>Coniferous woodland</td>
<td></td>
</tr>
<tr>
<td>Evergreen woodland</td>
<td></td>
</tr>
<tr>
<td>Mixed woodland</td>
<td></td>
</tr>
<tr>
<td>Non-forest areas cultivated with woody plants (including orchards, groves, vineyards, dehesas)</td>
<td>2.0</td>
</tr>
<tr>
<td>Inland rocks. Scree. Sands. Permanent snow and ice</td>
<td></td>
</tr>
<tr>
<td>Other land (including towns, villages, roads, waste places, mines, industrial sites)</td>
<td></td>
</tr>
<tr>
<td>Total habitat cover</td>
<td>100%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Code</th>
<th>% cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK04 (SSSI/ASSI)</td>
<td>100.0</td>
</tr>
</tbody>
</table>