

Haworth Cross Roads and Stanbury

Neighbourhood Development Plan

**HABITATS REGULATIONS ASSESSMENT SCREENING
REPORT**

UPDATE MAY 2019

1. Introduction

- 1.1 This update to the Haworth Cross Roads and Stanbury SEA/HRA Screening Report (September 2018) has been produced following changes to habitats regulations through The Conservation of Habitats and Species and Planning (Various Amendments)(England and Wales) Regulations 2018 which came into force on 28 December 2018. The 2018 report already takes account of the European Union Court of Justice Judgement in 'People over Wind' dated 12 April 2018.
- 1.2 In light of the amendments to the Neighbourhood Planning Basic Conditions, subsequent to the Judgement, the Haworth Cross Roads and Stanbury Neighbourhood Plan has been re-screened in order to determine whether it meets the Basic Conditions or breaches the requirements of Chapter 8 of Part 6 of the above Regulations.

2. The Conservation of Habitats and Species and Planning (Various Amendments)(England and Wales) Regulations 2018

- 2.1 These Regulations amend the definition of a basic condition in relation to the examination of neighbourhood development plans. Examiners must now consider whether "The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017" which sets out the requirement for an appropriate assessment of implications before a land use plan is given effect if the plan
 - a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - b) is not directly connected with or necessary to the management of the site (Regulation 105 (1))
- 2.2 The land use plan must only be given effect after the plan making authority has "ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site."
- 2.3 A qualifying body must provide enough information for the competent authority to allow it to assess a neighbourhood plan proposal or to enable it to determine whether an Appropriate Assessment is required through screening.

3. HRA Screening Assessment Update

- 3.1 The HRA Screening process involves an assessment of any plan or project to establish if it is likely to have significant effects on European wildlife sites. The HRA Screening considers if the proposals in the neighbourhood plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC).

3.2 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.

3.3 The initial screening stage of the HRA process determines if there are any likely significant effects¹ (LSEs) possible as a result of the implementation of the plan (or project) and if an appropriate assessment is needed. This stage should provide a description of the plan, identify the Natura 2000 sites which may be affected by the plan and assess the likelihood of significant effects on the identified sites. It is not a detailed assessment of likely effects as this is undertaken through an Appropriate Assessment.

Relevant Natura 2000 sites

3.4 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. The South Pennine Moors Phase 2 SPA/SAC is an international designated site within a 15km radius of the Haworth, Cross Roads and Stanbury Neighbourhood Area boundary.

South Pennine Moors Phase 2 SPA/SAC

3.5 The South Pennine Moors Phase 2 SPA/SAC is the largest area of unenclosed moorland within West Yorkshire and contains the most diverse and extensive examples of upland communities in the county. An area of this European site covers some 50% of the Neighbourhood Area in its western half. Extensive areas of blanket bog occur on the upland plateau and are punctuated by species rich acidic flushes and mires. There are also wet and dry heaths and acid grasslands. Three habitat types which occur on the site are rare enough within Europe to be listed on Annex 1 of the EC Habitats and Species Directive (92/43) EEC and justify the SAC designation. These Communities are typical of and represent the full range of upland vegetation classes found in the South Pennines.

3.6 The mosaic of habitats also supports a moorland breeding bird assemblage which, because of the range of species and number of breeding birds it contains, is of regional, national and European importance. The large numbers of breeding Merlin

¹ LSE can be defined as follows "A likely significant effect (LSE) is any effect that may reasonably be predicted as a consequence of a plan or project that may affect the achievement of conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects." (Source: Natural England)

Falco Columbarius, Golden Plover Pluvialis Apricaria and Twite Carduelis Flavirotris together with the breeding assemblage are of international importance.

Consideration of the likely effects of the neighbourhood plan

3.7 The following questions will help to establish whether an Appropriate Assessment is required for the Haworth Cross Roads and Stanbury Neighbourhood Plan (NP):

a) Is the Haworth Cross Roads and Stanbury NP directly connected with, or necessary to the management of a European site for nature conservation?

3.8 An area of the South Pennine Moors Phase 2 SPA/SAC lies within the Haworth Cross Roads and Stanbury Neighbourhood Area, therefore the NP does relate to the European site, but is not directly connected with the management of the SPA/SAC.

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

3.9 No, the NP does not propose new development or allocate sites for development however it does encourage certain types of development on certain sites and generally in the neighbourhood area. The impact of these will be assessed at the planning application stage. The Plan seeks to shape and guide development that will come forward in the Neighbourhood Area.

3.10 It includes policies covering:

- Built Heritage, Development and Design
- Green Environment
- Community Facilities and Services
- Housing
- Employment and Tourism
- Highways and Travel

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

Bradford Core Strategy

3.11 As part of the assessment of the NP, it is important to consider the adopted Core Strategy and the findings of the HRA work into the Core Strategy.

3.12 Adopted Core Strategy Policy HO1 provides dwelling targets for the plan area. Policy HO2 then states that the dwelling targets set out in Policy HO1 will be met through:

1. Housing completions since April 2004 and
2. Existing commitments with planning permission and
3. Unimplemented but deliverable or developable sites allocated for residential development in the RUDP
4. Safeguarded land sites identified in the RUDP

5. Additional new deliverable and developable sites allocated for housing development within the forthcoming Local Plan Development Plan Documents:

- the Allocations DPD (NB at Issues and Options stage as of mid-2016)
- the Bradford City Centre AAP (NB does not affect NP area)
- the Shipley & Canal Road AAP (NB does not affect NP area) and
- Local Neighbourhood Plans.

3.13 The appropriate assessment took into account the broad spatial strategy of the Core Strategy when identifying impacts. Specifically, it took into account (see page 37 of the AA of the Core Strategy):

At least 42,100 dwellings and 135ha of employment land between 2013 and 2030;

The Regional City of Bradford (with Shipley and Lower Baildon) being the prime focus for a wide range of developments, with the principal towns of Ilkley, Keighley and Bingley being the main local focus for housing, shopping, leisure, education, health and cultural activities and facilities. The Local Growth Centres of Burley in Wharfedale, Menston, Queensbury, Silsden, Steeton with Eastburn and Thornton are identified as making a significant contribution to meeting the district's needs for housing, employment and supporting community facilities, with a range of local service centres providing for smaller scale developments;

Growth areas including Bradford City Centre and the Shipley & Canal Road Corridor, an urban extension (at Holme Wood), local green belt deletions and a focus on previously developed land;

A wide variety of infrastructure, ancillary and supporting development to achieve regeneration and build sustainable communities; and

A zoned approach to managing and mitigating the effects of development around the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC

3.14 The appropriate assessment did not include a detailed assessment of the:

- *Unimplemented but deliverable or developable sites allocated for residential development in the RUDP*
- *Safeguarded land sites identified in the RUDP*

but it did assume the spatial distribution of development which included the delivery of the RUDP sites. This spatial distribution is illustrated below:

Table 5.1: Spatial distribution of residential development

Spatial distribution of residential development			
Regional City of Bradford			
Bradford City Centre	3500	Shipley & Canal Road	3100
Shipley	750	SE Bradford	6000
NE Bradford	4400	SW Bradford	5500
NW Bradford	4500	-	-
Principal Towns			
Keighley	4500	Bingley	1400
Ilkley	1000	-	-
Local Growth Centres			
Burley in Wharfedale	700	Steeton w/ Eastburn	700
Menston	600	Silsden	1200
Queensbury	1000	Thornton	700
Local Service Centres			
Addingham	200	Baildon	350
Cottingley	200	Cullingworth	350
Denholme	350	East Morton	100
Harden	100	Haworth	400
Oakworth	200	Oxenhope	100
Wilsden	200	-	-

- 3.15 A further key Core Strategy policy which is of direct relevance to the NP is Policy SC8:

Strategic Core Policy (SC8): Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence

In this Policy:

- Zone A is land up to 400m from the South Pennine Moors Special Protection Area (“SPA”) and South Pennine Moors Special Area of Conservation (“SAC”) boundary;
- Zone B is land up to 2.5km from the SPA and SAC boundary; and
- Zone C is land up to 7km from the SPA and SAC boundary.

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all Zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC.

In conducting the above assessment the following approach will apply:

- *In Zone A no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA or SAC.*
- *In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.*

- *In Zone C, in respect of residential developments that result in a net increase of one or more dwellings, it will be considered how recreational pressure on the SPA or SAC, that such development might cause, will be effectively mitigated. The mitigation may be:*

(i) such that the developer elects to offer, either on-site and / or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace and/or other appropriate measures; or

(ii) in the form of a financial contribution from the developer to:

1. The provision of additional natural greenspace and appropriate facilities to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace.

2. The implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors.

3. A programme of habitat management and manipulation and subsequent monitoring and review of measures.

To mitigate impacts on the SPA and SAC due to the increase in population, an SPD will set out a mechanism for the calculation of the financial contributions, by reference to development types, the level of predicted recreational impact on the SPA or SAC, and the measures upon which such contributions will be spent.

- 3.16 Policy EN2: Biodiversity and Geodiversity of the Core Strategy would also be applicable to all development proposals coming forward in the plan area. This includes the requirement:

The North and South Pennine Moors SPAs and SACs

A. Any development that would be likely to have a significant effect on a European Site either alone or in combination with other plans or projects will be subject to assessment under the Habitat Regulations at project application stage. If it cannot be ascertained that there will be no adverse effects on site integrity then the project will have to be refused unless the derogation tests of Article 6(4) Habitats Directive can be met.

- 3.17 As such, the conclusion from the Appropriate Assessment is that, taking into account the range of avoidance and mitigation measures incorporated into the strategic plan, the Core Strategy will not result in adverse effects on the ecological integrity of the South Pennine Moors SAC or South Pennine Moors Phase 2 SPA. In combination effects from other projects and plans in the area can therefore be ruled out.

Haworth Cross Roads and Stanbury Neighbourhood Plan

- 3.18 The Haworth Cross Roads and Stanbury NP does not propose any development sites however it does encourage certain types of development on certain sites and generally in the neighbourhood area. The impact of these will be assessed at the planning application stage. It also contains policies that will help to shape new development within the area. Overall there are no identified likely significant effects of this Plan therefore no mitigation measures nor Appropriate Assessment are

required. The policies within the plan are required to be in general conformity with those of the development plan and the Council considers that the NP meets this Basic Condition. The neighbourhood plan does not promote a greater amount of development than the Local Plan

4 HRA Screening Update Conclusion

- 4.1 It is considered that none of the policies in the Haworth Cross Roads and Stanbury NP are likely to have a significant effect on the South Pennine Moors SPA/SAC, and therefore the NP does not give rise to, or include, any mitigation measures. Bearing in mind the conclusions of the HRA of the Bradford Core Strategy, it is concluded that there are no LSEs in combination with other plans or projects.
- 4.2 The Council has considered the Bradford HRA Assessment and the contents of the NP and it is satisfied that measures intended to avoid or reduce the harmful effects of the plan have not been relied on in order to screen out the neighbourhood plan under the Conservation of Habitats and Species Regulations 2017 and that the draft plan meets the revised Basic Condition.