

ILKLEY NEIGHBOURHOOD DEVELOPMENT PLAN

Strategic Environmental Assessment
and
Habitat Regulations Assessment

Screening Report

Version 3

November 2020

Kirkwells

The Planning People

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1.0 Introduction

- 1.1 Strategic Environmental Assessment (SEA) is a systematic and comprehensive process for evaluating the environmental effects of a plan or programme in order to ensure that the environmental implications of decisions are considered before any such decisions are made. The need for the environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC, known as the SEA Directive.
- 1.2 Under this Directive, Neighbourhood Plans may require SEA, but this is very much dependent upon the content of the Plan. For plans which "determine the use of small areas at local level" or are "minor modifications" to existing plans, the Directive only requires SEA where they are likely to have significant environmental effects. The expressions "small area" and "local level" are not defined in the Directive and must be interpreted in relation to the nature and scope of a particular plan. Screening is needed to determine whether such plans are likely to have significant environmental effects.
- 1.3 Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans and to be used in a screening exercise. The findings of the exercise must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening, made available to the public.
- 1.4 This Screening Report has been produced to assess whether the contents of the Regulation 16 Submission Draft Ilkley Neighbourhood Plan to be published in early 2021 requires a Strategic Environmental Assessment in accordance with the Directive. It also seeks to determine whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). An HRA is required when it is deemed likely that there will be significant adverse effects on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. This is an update of version 2 of the Screening Report prepared in October 2019.

2.0 Legislative Background

Strategic Environmental Assessment

- 2.1 The SEA Directive was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)¹. Detailed guidance on these regulations can be found in the Government publication, A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005)².
- 2.2 The Planning and Compulsory Purchase Act 2004 requires local authorities to produce Sustainability Appraisals (SAs) for all Development Plan Documents in order to meet the requirement of the SEA Directive and it is considered best practice to incorporate the requirements of this Directive into a Sustainability Appraisal (National Planning Policy Framework, paragraph 165). As a neighbourhood plan is not a Development Plan Document, it does not legally require a Sustainability Appraisal. However, there are instances where a SEA would need to be undertaken in order to meet the requirements of the SEA Regulations, for example, where:
- A neighbourhood plan allocates sites for development
 - The neighbourhood area contains sensitive natural or heritage assets that may be affected by the policies and proposals in the plan
 - The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.
- 2.3 Consequently, to establish whether the neighbourhood plan might give rise to significant environmental effects, it is necessary to screen the plan (see Section 5).

Habitats Regulations Assessment.

- 2.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate

¹ http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practic_alguidesea.pdf

Assessment. In relation to this, paragraph 1 sets out a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraph 4 indicates that a qualifying body which submits a proposal for a neighbourhood plan must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an assessment is required.

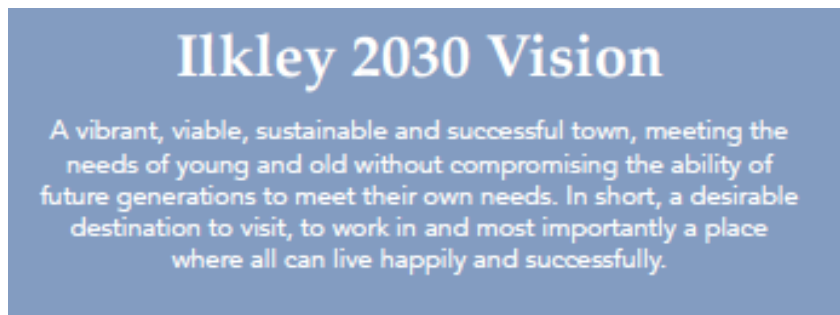
- 2.5 The legislation requires that, where there is a risk of a significant effect on a European site, either individually or in combination with other plans or projects then the plan should progress from HRA screening to an Appropriate Assessment.

People over Wind

- 2.6 A judgment has been handed down by the European Court, Case C-232/17 *People Over Wind and Peter Sweetman versus Coillte Teoranta*, henceforth “People Over Wind”. This concerns how screenings such as this take into account any impact on protected European sites. The southern half of the neighbourhood area is within the South Pennine Moors Special Protection Area/Special Area of Conservation (Figure 3).
- 2.7 This judgment has ruled that “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on the site”.

3.0 Ilkley Neighbourhood Development Plan

- 3.1 The purpose of the Ilkley Neighbourhood Development Plan is to provide a set of statutory planning policies to guide development within the Neighbourhood Area over the period to 2030, and has been prepared by a steering group on behalf of the qualifying body, Ilkley Town Council. The Neighbourhood Area is shown in Figure 1.
- 3.2 The Vision for the Ilkley Neighbourhood Plan is:



- 3.3 The NDP has set out nine objectives to help achieve this Vision:

Objective 1 - Sustainable Residential Development

The INDP will support residential developments that are well related to the existing built environment and conserve the natural environment, are of high quality and move to zero carbon design.

Objective 2 - Services and Facilities

The INDP will create an attractive and usable public realm, retain existing services and support the establishment of new accessible local services and community enterprises, which meet the needs of the whole community and visitors.

Objective 3 – Cultural Landscape

The INDP will seek to conserve and enhance the built landscape, particularly the Conservation Areas of Ilkley, Ben Rhydding and Middleton. Likewise, the natural landscape of Ilkley Moor, the green spaces which perforate the Town, the Becks and River Wharfe and the existing Green Belt which surrounds it; will all be protected to the maximum possible extent.

The INDP will seek to maximise improvements to energy efficiency and support the development of community and privately-led decentralised renewable and low carbon sources of energy

Objective 4 - Biodiversity and Ecology

The INDP will value and nurture the area's wildlife habitats and conserve and enhance biodiversity, through the protection and maintenance of all blue and green infrastructure assets, including moorland, woodland, grassland, hedgerows and watercourses.

Objective 5 - Traffic and Transport

The INDP will seek to reduce reliance on private car use by supporting the development and usage of multi-modal transport assets, whilst creating an attractive and usable public realm for pedestrians and cyclists. Where private vehicle use is necessary encouraging use and switching to low and zero emissions vehicles e.g. through the provision of electric charging points.

Objective 6 - Sustainable Access

The INDP will seek to increase the number and quality of walking and cycling routes within the town to facilitate safe access to integrated public transport, schools, shops, workplaces and services. The INDP will support sustainable travel plans and the wider introduction of 20 mph zones and traffic calming measures where needed around the town.

Objective 7 - Leisure and Tourism

The INDP will support, protect and enhance the range of cultural, leisure, sporting and landscape assets available to the community and to visitors.

Objective 8 - Sustainable Economic Development

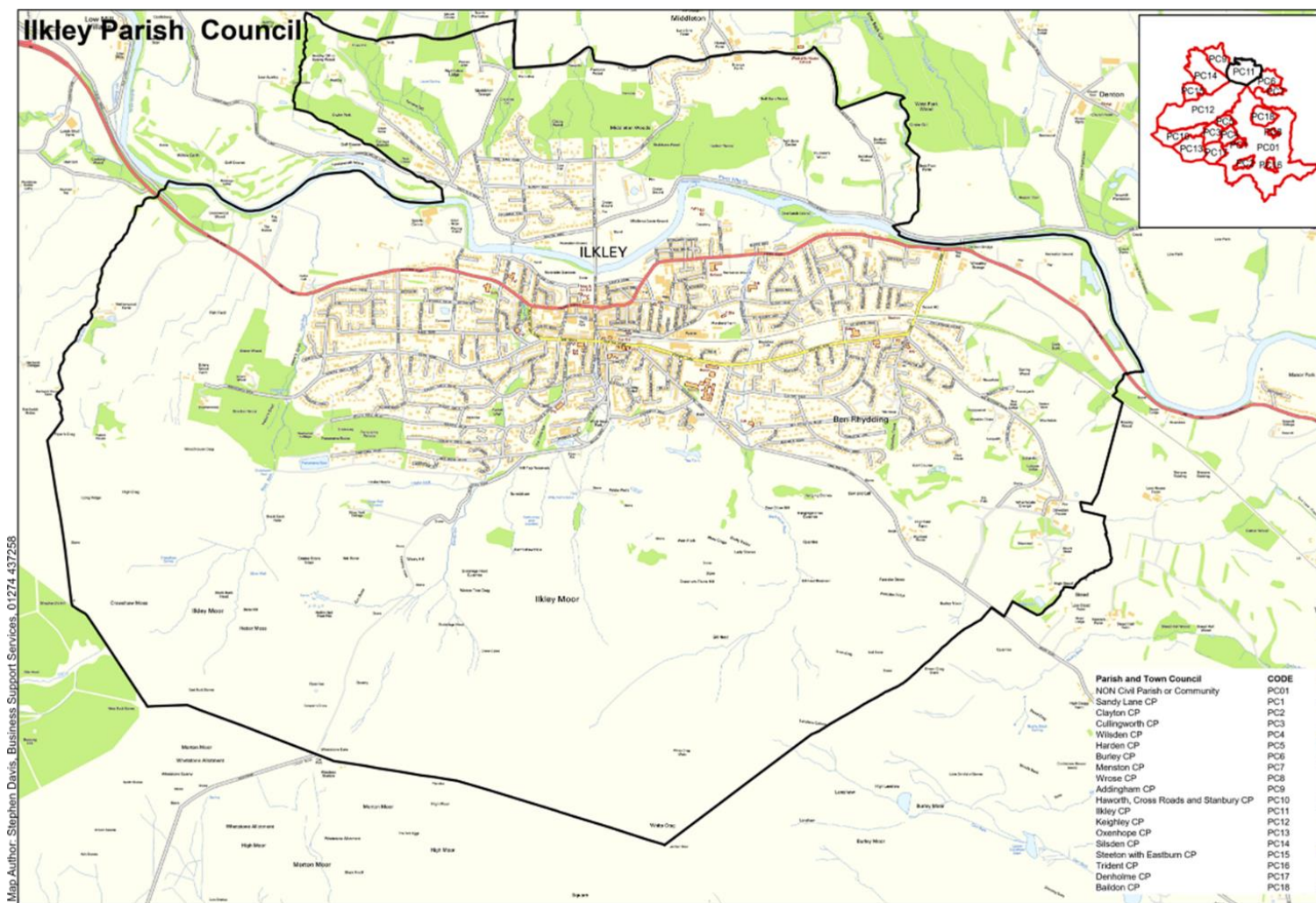
The INDP will promote increased economic activity by encouraging development proposals for small-scale enterprises in sustainable locations.

Objective 9 - Social Inclusion

The INDP will recognise the differing needs of all demographic and social groups in the Town, address the challenges of an ageing population, foster a sense of community, and promote well-being.

- 3.4 In order to deliver these objectives, the Plan contains 21 planning policies: these are either development management or protective policies (e.g. local green spaces, community facilities). The Regulation 16 Draft Plan does not include land allocations for housing or employment.
- 3.5 It is a requirement of the Localism Act 2011 that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Ilkley is within the City of Bradford Metropolitan District and must therefore be in general conformity with the 'saved' policies of the Bradford Replacement Unitary Development Plan 2005 and the policies of the Bradford Local Plan Core Strategy ("Core Strategy"). These plans have been subject to full Sustainability Appraisals which included SEA assessments and the Core Strategy has also been assessed for its impact in terms of the Habitats Regulations. These previously completed Assessments have been taken into account in undertaking this screening assessment of the Regulation 16 Submission Draft of the Ilkley Neighbourhood Development Plan.

Figure 1. Designated Ilkley Neighbourhood Area (Source: CBMDC, 2014)



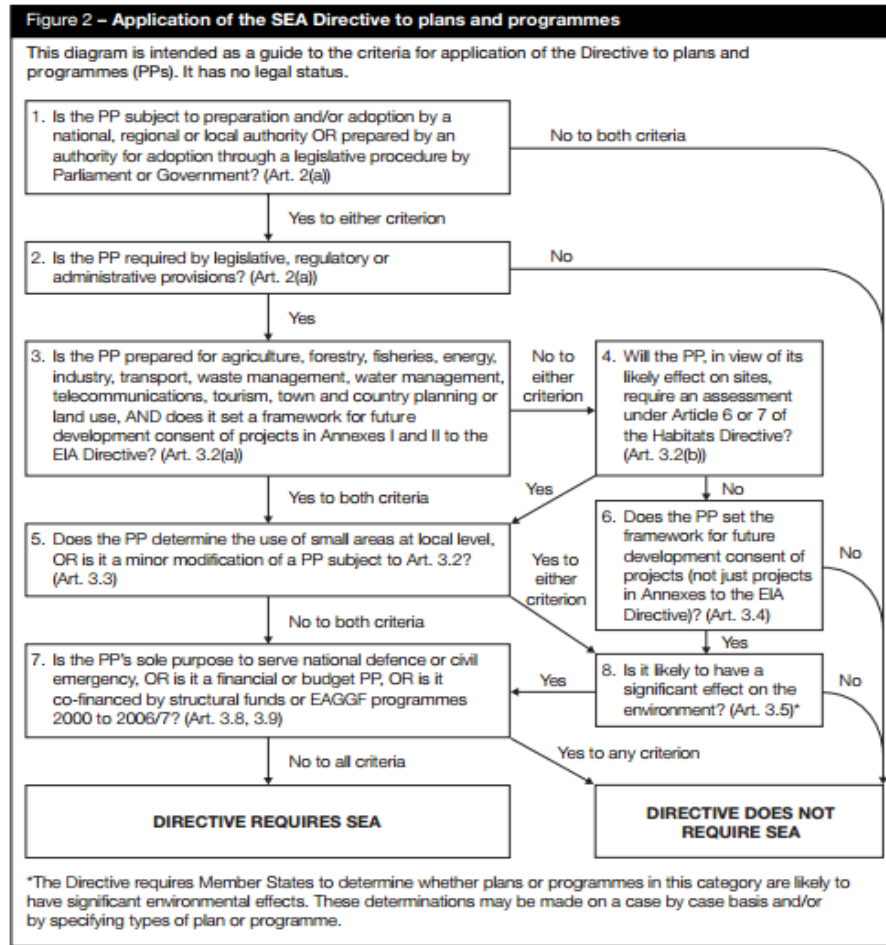
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4.0 Screening Process

4.1 It is the purpose of this report to assess whether the policies and proposals in the Regulation 16 Submission Draft Ilkley Neighbourhood Development Plan (INDP) are likely to have 'significant environmental effects'. This screening assessment has been undertaken in two parts:

- The first part assesses whether the neighbourhood plan requires SEA in accordance with the flow chart set out in Figure 2
- The second part considers whether the neighbourhood plan is likely to have a significant effect on the environment, using criteria set out in Schedule 1 of the EU SEA Directive and the Environmental Assessment of Plans and Programme Regulations 2004 (see section 2)

4.2 Government guidance, as set out in 'A Practical Guide to the Strategic Environmental Assessment Directive', identifies the following approach to be taken in determining whether SEA is required:



4.3 This process has been followed and the findings are set out in the table below:

Table 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Ilkley, is the Town Council. NDPs are subject to independent examination and referendum. If the INDP receives 50% or more 'yes' votes at referendum, it will

Stage	Y/N	Reason
		be 'made' by the local planning authority City of Bradford MDC.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The preparation of a Neighbourhood Development Plan is optional. However, once 'made', the INDP will form part of the statutory development plan for the area and will be used in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required.
3. Is the Plan 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? (Article 3.2(a))	Y	The INDP has been prepared for the purposes of town and country and land use planning and sets out a framework for future development in Ilkley. Once 'made', it would form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which may fall under Annex I and II of the EIA directive.
4. Will the Plan, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	N	The INDP sets out a set of development management and protective policies to shape future development in the town (see section 6 of this screening)
5. Does the Plan determine the use of small areas at local OR is it a minor modification of a PP subject to Article 3.2? (Article 3.3)	Y	The INDP sets out a set of development management and protective policies to shape future development in the town.
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? Article 3.4)	Y	A neighbourhood plan forms part of the development plan for the area and will be used in the assessment of

Stage	Y/N	Reason
		planning applications. It, therefore, sets the framework for future developments at a local level.
7. Is the Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9)	N	Not applicable
8. Is it likely to have a significant effect on the environment? (Article 3.5)	?	A neighbourhood plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals in the Plan. An individual screening assessment of the Neighbourhood Plan is required (see section 5)

5.0 Screening Assessment

- 5.1 The results of the preceding assessment indicate that, depending upon the content of a neighbourhood plan, a Strategic Environmental Assessment may be required. For this reason, neighbourhood plans should be assessed individually in order to determine their likely significant effects on the environment.
- 5.2 The criteria for determining the likely significant effects referred to in Article 3 (5) of Directive 2001/42/EC are set out in Annex II of the SEA Directive and Schedule 1 of the Regulations. The proposals within individual Neighbourhood Plans will need to be assessed against these criteria:
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 trans-boundary 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 national 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.

5.3 The 21 policies set out in the Regulation 16 Submission Draft Ilkley Neighbourhood Development Plan have been used to undertake this screening assessment. If the conclusion of the screening exercise is that a SEA is not required, any major changes to the existing policies or introduction of new ones at Submission Draft stage should be subject to a further screening assessment to ensure that significant effects are not likely.

5.4 Table 2 sets out the assessment of policies in the Regulation 16 Submission Draft Ilkley Neighbourhood Plan in relation to the criteria outlined earlier:

Table 2: Assessment of the Likelihood of Significant Effects on the Environment

Criteria for determining the likely significance of effects	Is the Ilkley NDP likely to have a significant environmental effect?	Justification for Screening Assessment
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.	No	The INDP sets a local policy framework for development proposals in the neighbourhood area. The INDP supports the implementation of policies in the adopted Bradford Replacement Unitary Development Plan which have already been subject to SEA as part of the Sustainability Appraisal. The INDP is also in general conformity with the

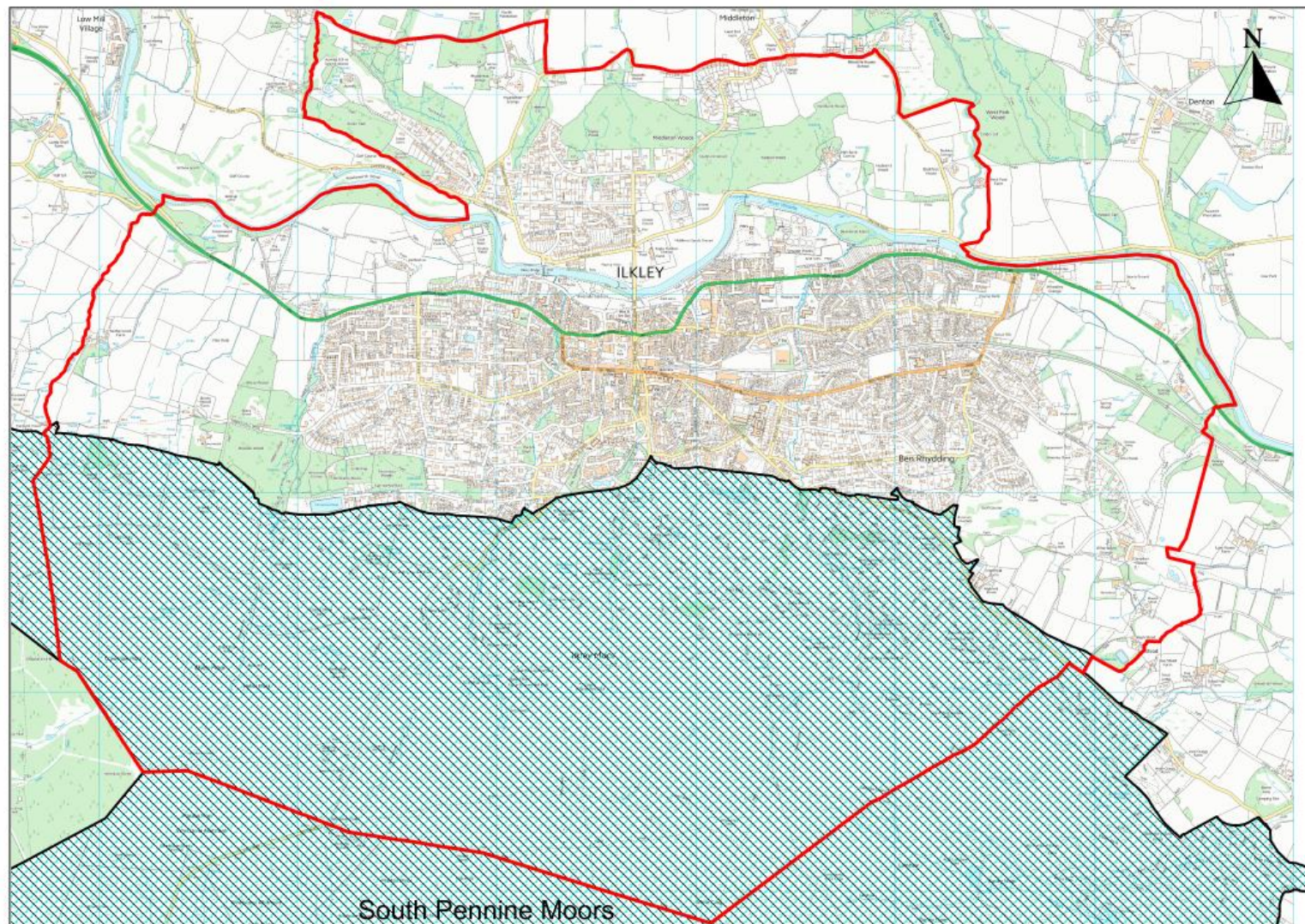
Criteria for determining the likely significance of effects	Is the Ilkley NDP likely to have a significant environmental effect?	Justification for Screening Assessment
		<p>Bradford Core Strategy which again has been subject to Sustainability Appraisal.</p> <p>The INDP does not allocate sites for development.</p>
<p>The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>No</p>	<p>The INDP must be in conformity with the strategic planning policies for the City of Bradford Metropolitan District. The INDP, therefore, supports the implementation of higher tier policies at the neighbourhood (town) level and, as such, is not considered to have a significant influence on other plans and programmes, but will act to support more localised implementation.</p>
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>No</p>	<p>The INDP contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the INDP protect assets of local environmental value and provide locally distinct planning policies to protect them. The INDP identifies areas for designation as local green space and seeks to protect heritage assets, green corridors, landscape character and biodiversity. The likelihood of significant effects on the environment is, therefore, minimised.</p>
<p>Environmental problems relevant to the plan or programme.</p>	<p>No</p>	<p>Because the INDP does not propose development through land allocations environmental impacts are likely to be small. Environmental concerns relevant to the area include drainage and flooding issues and the threat of</p>

Criteria for determining the likely significance of effects	Is the Ilkley NDP likely to have a significant environmental effect?	Justification for Screening Assessment
		future development to the Green Belt and surrounding countryside. These, and other existing environmental problems, have informed the objectives of the INDP and, therefore, may be addressed through the implementation of the Plan's policies
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).	No	The INDP must be in conformity with strategic planning policy for the area. Strategic policy has had regard to European Community legislation on the environment. Consequently, the policies of the INDP are not considered to be relevant to the implementation of EC legislation. Waste is a prescribed matter for NDPs.
The probability, duration, frequency and reversibility of the effects.	No	Some development will take place over the Plan period meaning that some environmental change will take place. However, the INDP does not allocate sites for such development and the INDP policies, in particular, those relating to design and the protection of landscape and local built heritage, biodiversity, green corridors and green spaces are designed to ensure that any new development will be sustainable, and any environmental impacts minimised.
The cumulative nature of the effects.	No	The INDP's policies are unlikely to have significant cumulative impacts on the local environment
The trans-boundary nature of the effects	No	The policies in the INDP are unlikely to have significant environmental impacts on neighbouring areas. There may be some positive impacts on adjoining areas through, for example, the

Criteria for determining the likely significance of effects	Is the Ilkley NDP likely to have a significant environmental effect?	Justification for Screening Assessment
		protection of the local landscape and green corridors.
The risks to human health or the environment (e.g. due to accidents).	No	No significant risks to human health or the environment as a result of the INDP's policies have been identified. In fact, the INDP is likely to improve human health by improving access to green spaces, sport and recreation facilities, community facilities and the wider countryside.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The INDP is concerned with development within the neighbourhood area. The geographical area covered by the Plan is 1,907 hectares and it had a population of 14,809 (2011 Census). The potential for environmental impacts could be significant on an area of this size, and with the known designations could be significant but are limited in extent due to the policies in the INDP.
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.	No	The neighbourhood plan area has a high quality natural and built heritage. Its natural heritage assets include the South Pennine Moors Special Protection Area and South Pennine Moor Special Area of Conservation (Figure 3). There are 152 entries on the National Heritage List for England in the neighbourhood plan area (December 2020). There are also three Conservation Areas, Ben Rhydding, Ilkley and Middleton. The INDP is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage.

- 5.5 On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the INDP will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA.
- 5.6 The main reasons for this conclusion are:
- The INDP supports the implementation of policies in the adopted Bradford Replacement Unitary Development Plan and Bradford Core Strategy Local Plan which have already been subject to SEA through the Sustainability Appraisals and assessed as having no significant environmental effects.
 - The INDP is a lower tier plan in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes
 - The Plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic
 - Through its policies, the INDP seeks to avoid or minimise negative environmental effects on a range of natural and built environment assets and resources

Figure 3. South Pennine Moors Special Protection Area/Special Area of Conservation (© Crown copyright [and database rights] OS 100055940 on behalf of Ilkley Town Council 1000057229.)



6.0 HRA Screening

- 6.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of Natura 2000 wildlife sites. This assessment must determine whether a plan would adversely affect, or is likely to affect, the integrity of a site(s) in terms of its nature conservation objectives.
- 6.2 Under Criterion 8 of Table 1: Assessing the Need for SEA, it was concluded that the Neighbourhood Plan may have an impact upon internationally designated sites and as such an assessment is required on each iteration of the INDP.
- 6.3 The HRA process is generally divided into three stages. The initial stage of the process is the screening stage and determines if there are any likely significant effects or risk of significant effects possible as a result of the implementation of the plan. If there are significant effects the plan will need to undertake an Appropriate Assessment. The screening process should provide a description of the plan (see earlier) and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
- 6.4 Part of the following Natura 2000 site lies partly within Ilkley neighbourhood plan area.

South Pennine Moors Phase 2 Special Protection Area (SPA)

- 6.5 The South Pennine Moors were designated as SPA in two phases in 1996 and 1997 and were further extended in 2000. It covers extensive expanses of semi-natural moorland habitat including upland heath and blanket mire.
- 6.6 As a Special Protection Area (SPA) and Special Area of Conservation (SAC), the South Pennine Moors are protected under the European Habitats Directive and the European Birds Directive because they contain habitat types which are rare or threatened, and due to the importance of the breeding bird population in the European context. Under its SPA designation the qualifying species are the merlin and golden plover and an assemblage of characteristic moorland and moorland-fringe species including the common sandpiper, dunlin, twite, snipe, curlew, wheatear, whinchat, redshank, ring ouzel and lapwing.
- 6.7 Both merlin and golden plover feed upon farmland or in-by-land on the edge of the moors that is outside of the SPA boundary. This is considered important to the long term conservation of the SPA population of these birds.

South Pennine Moors Special Area of Conservation (SAC)

- 6.8 The South Pennine Moors SAC was selected for its representation of three Annex 1 habitat types (European dry heaths, blanket bogs, and old sessile oak woodlands) while a further two were subsequently identified as being present as qualifying features within the SAC (Northern Atlantic wet heaths, and Transition mires and quaking bogs).
- 6.9 The Bradford Local Plan Core Strategy (“Core Strategy”) was subject to Habitats Regulations Assessment.
- 6.10 In terms of the Special Protection Area, this Assessment concluded that the recreational impacts and urban edge effects from housing proposed in the Core Strategy risks reducing Annex 1 and migratory bird populations, habitat viability and range within the South Pennine Moors Phase 2 SPA. The release of greenfield sites for development (of any type) could result in a loss of supporting habitat for SPA birds, particularly within around 2.5km of the SPA boundary. The INDP does not put forward sites for housing or other development.
- 6.11 However, it is considered that the Core Strategy establishes a reasonable and pragmatic strategic approach to reducing the risk of adverse effects in Policy SC8, which enables the HRA to demonstrate that adverse effects are capable of being avoided and/or mitigated. Work to continue towards implementing these measures will be undertaken during preparation of Bradford’s Site Allocations Development Plan Document to ensure that:
- (a) Delivery and funding mechanisms are established through a Supplementary Planning Document to ensure that additional recreational sites are brought forward to divert recreational pressures away from the European sites, coupled with strategic access management and monitoring measures; and
 - (b) Greenfield sites to be released for development (of any type) do not include areas of important supporting habitat regularly used by foraging SPA birds, and that a sufficiently robust network of offsite foraging habitats continues to exist.
- 6.12 Taking into account the strategic approach to reducing and managing the identified risks, and the potential for more detailed assessment in a lower tier plan (the Allocations DPD), it can be concluded that the Core Strategy will not result in adverse effects on the ecological integrity of the South Pennine Moors Phase 2 SPA as a result of these impacts.
- 6.13 Traffic-related atmospheric pollution could affect the extent, structure and composition of the habitats of Annex 1 and migratory bird species. There is currently insufficient data to make a fuller assessment. It is envisaged that more detailed traffic modelling will be undertaken during the pre-allocations testing stage which will precede development of the Allocations DPD, to ensure that traffic growth resulting from new development does

not add significantly to levels of traffic and atmospheric pollution on roads within 200m of the European sites.

- 6.14 In relation to the South Pennine Moors Special Area of Conservation, the Assessment concludes that there is a risk of loss of Annex 1 habitat extent, structure and function due to increased recreational use and consequent erosion and trampling, an increased threat of fire and risks from the consequences of fly-tipping and invasion of alien species, as well as changes induced by deposition of atmospheric pollutants.
- 6.15 However, it is considered that the Core Strategy establishes a reasonable and pragmatic strategic approach to reducing the risk of adverse effects in Policy SC8, which enables the HRA to demonstrate that adverse effects are capable of being avoided and/or mitigated. Taking into account the strategic approach to reducing and managing the identified risks, and the potential for more detailed assessment in a lower tier plan (the Allocations DPD), it can be concluded that the Core Strategy will not result in adverse effects on the ecological integrity of the South Pennine Moors SAC as a result of these impacts.
- 6.16 Strategic Core Policy SC8: Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and Their Zone of Influence is clearly critical to the assessment of the impact of risks to the South Pennine Moors SPA/SAC. As set out in the Core Strategy this states that:

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.

- 6.17 The Core Strategy Habitat Regulations Assessment concludes that, taking into account the range of avoidance and mitigation measures incorporated into this strategic plan, it can be concluded that the Core Strategy will not result in adverse effects on the ecological integrity of the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA. The Core Strategy can therefore be considered compliant with the Habitats Regulations in respect of these sites.

- 6.18 The INDP is considered to be in general conformity with the Core Strategy and does not seek to allocate sites for development.

7.0 Consultation and Conclusions of the Screening Assessments (December 2017)

7.1 Before turning to the conclusions and recommendations of this updated 2020 screening, the previous screening and the consultation on that screening are considered.

7.2 The December 2017 screening on the Preferred Option Draft INDP concluded

“Strategic Environmental Assessment (SEA)

7.3 *In relation to the requirement for the Ilkley Neighbourhood Plan to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.*

Habitat Regulations Assessment (HRA)

7.4 *In terms of the requirement for the Ilkley Neighbourhood Plan to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that the sites allocated in the plan may have implications for the SPA/SAC and comply with the Habitat Regulations and Core Strategy Policy these implications will be assessed alone or in combination at the project application stage.”*

7.3 This screening was submitted to Environment Agency, Historic England and Natural England. The responses are included in Appendix 1.

7.4 The Environment Agency concluded that:

“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.”

7.5 Historic England reached a similar conclusion:

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 conclusion of the conclusion of the Ilkley Neighbourhood Plan SEA and HRA Screening Report v.1, December 2017, set out on pg. 19, para. 5.5, that the preparation of a Strategic Environmental Assessment is not required.

7.6 Natural England concluded, based on the 4 housing site and 1 employment site allocation in the Preferred Option INDP, in relation to HRA that:

“assessment is made of the constraints of each of the sites identified, as far as their attractiveness to SPA birds is concerned. This should include noise, usage by people and visual disturbance as well as distance and flight paths to the SPA. Natural England is not the competent authority in this case and does not have the evidence available to advise on the determination of likely significant effects. However, given their fairly urban setting and expected usage we consider that it is likely that these sites can be ruled out on the basis of such constraints.”

7.7 On the matter of SEA, Natural England concluded:

“Subject to our concerns regarding the Habitats Regulations Assessment being addressed, as set out above: it is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) that there are unlikely to be significant environmental effects from the proposed plan.”

7.8 To address Natural England’s concerns regarding HRA the Town Council engaged the services of AECOM to undertake a full Habitat Regulations Assessment (AECOM, January 2019) (this is available on the Town Council web site). This concluded that for 21 of the then 23 policies there would be no significant effects, alone or in combination, but there would be likely significant effects (alone or in combination arising from the housing and employment site allocations. The Town Council decided on the basis of this evidence, and in the light of the Core Strategy Partial Review, to delete the 4 housing and 1 employment site allocations from the INDP.

8.0 Conclusions and Recommendations of the Screening Assessments 2020

8.1 This report sets out the assessment of the need for the INDP to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.

8.2 The assessment of both of these requirements has been undertaken on the Regulation 16 Submission Draft INDP which was published in early 2021.

Strategic Environmental Assessment (SEA)

8.3 In relation to the requirement for the Ilkley Neighbourhood Plan to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the INDP in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.

Habitat Regulations Assessment (HRA)

8.4 In terms of the requirement for the Ilkley Neighbourhood Plan to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that the policies in the INDP will not have significant effects (alone or in combination). This conclusion is supported by the work of AECOM in the full HRA (January 2019) and following the removal of housing and employment site allocations.

Appendix 1 Original Screening Responses

Environment Agency

Neighborhood Planning Team
City of Bradford Metropolitan District
Council
Development Services
Jacobs Well
Bradford
West Yorkshire
BD1 5RW

Our ref: RA/2006/100240/OR-
02/IS1-L01

Your ref: Ilkley NP

Date: 16 February 2018

Dear Neighborhood Planning Team

Ilkley Neighbourhood Plan

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

Strategic Environmental Assessment

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

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

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

We have no further comments to make in this instance.

Neighbourhood Plan

We welcome the references to the importance of biodiversity and the use of policy to protect this within policy INDP14

We are pleased to see the inclusion of restriction on new build development on flood risk grounds, this could be cross referenced within the INDP1 – New housing developments. Ensures it's clear that flood risk is an important fact when developing houses as well as other developments.

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 could be reflected within this section/policy.

Housing Allocation

It would be usefully to have a map showing these sites where these sites are within the plan and if these have been allocated within the local plan or if this is where the neighbourhood plan would like to see housing.

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

Historic England



Mr. Michael Wellock,
Kirkwells,
Lancashire Digital Technology Centre,
Bancroft Road,
Burnley,
Lancashire,
BB10 2TP

Our ref: PL00283982
Your ref:

Telephone 01904 601 879
Mobile 0755 719 0988

16 January 2018

Dear Mr. Wellock,
**Ilkley Neighbourhood Plan Preferred Options Draft
Strategic Environmental Assessment Screening Opinion Consultation**

We write in response to your e-mail of Wednesday 20 December 2017, seeking a Screening Opinion for the Ilkley Neighbourhood Plan Preferred Options draft. 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 within the Ilkley Neighbourhood Plan Preferred Options draft and associated documents.

The Draft Neighbourhood Plan indicates that within the plan area there is a wide range and number of designated cultural heritage assets. 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 conclusion of the conclusion of the Ilkley Neighbourhood Plan SEA and HRA Screening Report v.1, December 2017, set out on pg. 19, para. 5.5, 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 Ilkley Neighbourhood Plan Preferred Options draft attached to your e-mail.



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

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



To 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 look forward to receiving an invitation to comment upon the Ilkley Neighbourhood Plan Preferred Options draft in due course.

Thank you in anticipation.

Yours sincerely

Natural England

Date: 24 January 2018
Our ref: 234774



Michael Wellock
Kirkwells - town planning and sustainable development consultants
Lancashire Digital Technology Centre
Bancroft Road
Burnley
Lancashire
BB10 2TP
michael.kirkwells@gmail.com

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

T 0300 060 3900

BY EMAIL ONLY

Dear Michael Wellock

Planning consultation: Ilkley Neighbourhood Plan Preferred Option SEA/HRA Consultation

Thank you for your consultation on the above dated 20 December 2017 which was received by Natural England on the same date.

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

Habitats Regulations Assessment Screening

Natural England broadly welcome the assessment but have a number of outstanding concerns which we advise need to be addressed in order for the plan to be compliant with the legislation.

Loss of supporting habitat for South Pennine Moors Phase 2 SPA

Natural England welcomes the identification of Policy SC8 of the Bradford Core Strategy and the Habitats Regulations Assessment undertaken in relation to this which we consider to be key sources of information and guidance in assessing the impact of the Ilkley Neighbourhood Plan on the South Pennine Moors Phase 2 Special Protection Area (SPA) in relation to loss of supporting habitat for breeding birds. However we do not agree with para 6.11 that the sites can be dismissed in relation to loss of supporting habitat for SPA birds as not greenfield. Nor with paras 6.20 and 6.21 which suggest that such impacts can be left to the application stage.

This is because sites such as playing fields and other urban edge grassland sites may have potential for SPA species when considered in isolation. Whether or not they are classed as greenfield or brownfield sites in a planning sense is not relevant.

We advise that assessment is made of the constraints of each of the sites identified, as far as their attractiveness to SPA birds is concerned. This should include noise, usage by people and visual disturbance as well as distance and flight paths to the SPA. Natural England is not the competent authority in this case and does not have the evidence available to advise on the determination of likely significant effects. However, given their fairly urban setting and expected usage we consider that it is likely that these sites can be ruled out on the basis of such constraints.

With regards to leaving such assessment to the application stage there would be a risk that

assessments would show that the importance of these sites for SPA birds makes them undevelopable, thus undermining the soundness of the plan. As such suitable assessment at the plan level should be undertaken to rule out this risk.

Furthermore, with regards to para's 6.6 and 6.7, we advise that the assessment should refer to the 'breeding bird assemblage' as being a qualifying feature of the site. For more information please see our website at:

<http://publications.naturalengland.org.uk/publication/4885083764817920>

Recreational Impacts and urban edge effects

Natural England agrees that the assessment and measures set out in the Bradford Core Strategy and associated Habitats Regulations Assessment provides the framework for protection in relation to recreational impacts on the South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Phase 2 SPA from housing development. We welcome the cross reference to Core Strategy policies SC8 and EN2 in policy INDP14. However advise that the plan would be strengthened by making more specific reference to the need for mitigation in relation to recreational disturbance on housing sites, either in policy INDP14 or housing policy INDP2 itself. Furthermore the Parish council should consider including suggested mitigation measures that would be appropriate in the specific context of the Ilkley Neighbourhood Plan.

Traffic Related Atmospheric Pollution

Natural England notes para 6.14 which relies on assessment of traffic related atmospheric pollution at a later stage. Natural England advises that, while this can sometimes be a suitable approach for a high level policy document where the precise location of allocations is unclear, where allocations are identified their impact must be assessed.

Natural England does not envisage that the allocations identified in the plan are likely to impact on any national or internationally designated sites due to the small scale of proposals and the routes likely to be affected by the increase in traffic. However we do not have the evidence or traffic modelling expertise to make this judgement, nor are we the competent authority in this regard. Therefore advise that you consult Bradford Council regarding the work undertaken for the Core Strategy and any progress made for the forthcoming Allocations DPD. In particular the in combination impacts of the plan should be considered with regards to other plans and projects with reference to the Wealden Judgement. However it should be noted that the in-combination impacts of the Ilkley Neighbourhood Plan, with the wider Bradford Allocations Plan, can be appropriately dealt with at a later stage. This is because the residual (non-significant) impacts of the Ilkley Plan can be taken into account and mitigated, as appropriate, at that stage.

Strategic Environmental Assessment Screening

Subject to our concerns regarding the Habitats Regulations Assessment being addressed, as set out above: it is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) that there are unlikely to be significant environmental effects from the proposed plan.

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.

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
- 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.

If you have any queries relating to the advice in this letter please contact me on at Merlin.ash@naturalengland.org.uk or on 02080 266382.

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

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

Kirkwells

The Planning People

For more information on the contents of this document contact:

Michael Wellock
Managing Director
Kirkwells
Lancashire Digital Technology Centre
Bancroft Road
Burnley
Lancashire
BB10 2TP

01282 872570