

Adel Neighbourhood Plan

Attachments to Basic Conditions Statement

June 2023

Attachment 1

Designation of Adel Neighbourhood Forum





Adel Neighbourhood Forum
Giving You a Voice

09 December 2013

FAO Mr I Mackay / Ms H Suggate
Leeds City Council
Leeds Forward Planning Team
Planning Department
Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Dear Ian / Heather,

Application for Designation as a Neighbourhood Forum,

Further to our meetings and correspondence, and the Designation of the Neighbourhood Boundary, I write on behalf of the (interim) Adel Neighbourhood Forum to formally request Designation.

In support of the application I confirm the following details:

Name of Neighbourhood Forum: Adel Neighbourhood Forum.
Name of Area: Adel.
Constitution: please refer to attached document.
Proposed Boundary: please see attached plan showing Designated Area.

Contact Details of Neighbourhood Forum:

FAO Ian Bond / Nick Brown (Co-Chairs)
c/o 1 Park View
Adel,
LEEDS
LS16 8DF

Email: (Ian Bond) 'bondstar@btopenworld.com'
Email: (Nick Brown) 'nick.brown@2b-architecture.com'

Website: 'www.adelneighbourhoodforum.co.uk'

Statement in relation to Localism Act, Schedule 9, Section 61F/5:

'In accordance with the requirements for Designation of a non-Parish area, we believe we have met the necessary criteria to be recognised as a Relevant Body for the purposes of creating a

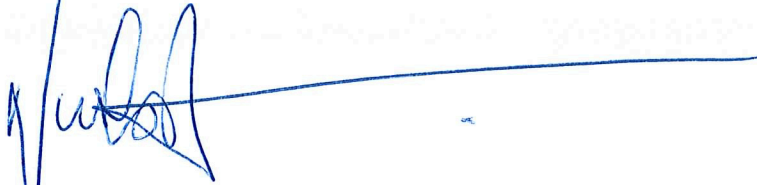
Neighbourhood Plan for the area of Adel. The Adel Neighbourhood Forum has a written Constitution, and has been established for the express purpose of promoting and improving the social, economic and environmental well-being of the Adel area.

Our membership includes over 21 individuals (including residents, individuals who work in the area, and an elected Ward Councillor). The details of the current membership are attached for information and record. We have worked hard to maximise the representation across the Adel community, through numerous public invitations to join the group, and we remain open to receiving new members.'

I trust that the information supplied is sufficient for the Designation application to be processed quickly, but please do not hesitate to contact either Ian or myself if you require further information, or have any questions about the attached.

Kind regards,

Yours sincerely,



Nick Brown

**Co-Chairman
Adel Neighbourhood Forum**

Cc:

Ian Bond Co-Chairman

Attached:

- Constitution
- plan of Designated Neighbourhood Area
- membership list

Ian Bond/Nick Brown
1 Park View,
Adel,
Leeds.
LS16 8DF

City Development

Forward Planning and Implementation
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Contact: Heather Suggate

Tel: 0113 2478084

Fax: 0113 2476484

Email: heather.suggate@leeds.gov.uk

Our ref:

Date: 15th April 2014
19 December
2005

Dear Ian/Nick,

Notification of approval of Neighbourhood Forum designation

I am writing to confirm that Leeds City Council approved the designation of Adel Neighbourhood Forum for the purposes of neighbourhood planning on 3rd April 2014 in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012.

Please accept this letter as formal confirmation that the neighbourhood forum has been designated.

Yours sincerely,



Ian Mackay
Neighbourhood Planning Manager

Attachment 2

SEA and HRA Screening Report



Draft Adel Neighbourhood Plan

Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report

November 2016

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Appendix 1 – Responses from Consultation Bodies

- Response from Environment Agency
- Response from Heritage England
- Response from Natural England

Appendix 2 –Information on the South Pennine Moors Phase 2 Special Protection Area/ Special Area of Conservation

- Plan showing South Pennine Moors Phase 2 SPA/SAC and Adel Neighbourhood Area
- Natura 2000 form for South Pennine Moors Phase 2 SPA/SAC

1. Introduction

- 1.1 This screening report will determine whether or not the contents of the pre-submission draft Adel Neighbourhood Plan (hereafter known as 'ANP') requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. An SEA screening determines whether a plan is likely to have significant environmental effects (positive and negative) and, if likely significant effects are identified, an environmental report must be produced.
- 1.2 This report will also screen to determine whether or not the ANP requires a Habitats Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). 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. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. The South Pennine Moors Phase 2 Special Protection Area (SPA) and Special Area of Conservation (SAC) are the only international designated sites within a 15km radius of the ANP boundary.
- 1.3 Leeds City Council has prepared this screening report as it has responsibility to advise Adel Neighbourhood Forum on whether an SEA and/or HRA are required. The Council has screened the Adel Neighbourhood Plan, Pre Submission Draft, October 2016.
- 1.4 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 5, provides a screening assessment of both the need for a full SEA and the likely significant environmental effects of the BNP. Section 6, provides a screening assessment of the likely significant effects of the implementation of a ANP and the need for a Habitats Regulation Assessment.

2. Legislative Background

Strategic Environmental Assessment (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.
- 2.2 The 2008 Planning Act amended the requirement so only development plan documents (DPD's) need to be subject to a Sustainability Appraisal. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.
- 2.3 To fulfil the legal requirement to identify if the ANP requires an SEA a screening for a SEA and the criteria for establishing whether a full assessment is needed is undertaken in section 5 of this report.

Habitat Regulation Assessment (HRA)

- 2.4 It is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) 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.
- 2.5 To fulfil the legal requirements to identify if likely significant effects will occur with the

implementation of the ANP upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken in section 6 of this report.

3 Draft Adel Neighbourhood Plan

- 3.1 Whether a neighbourhood plan requires an SEA/HRA is dependent on what is being proposed within the plan. The ANP contains a set of locally specific planning policies and guidance for the neighbourhood area.
- 3.2 The priority issues for the BNP are i) Protect and enhance Adel’s green and natural features, and wider landscape setting; ii) Protect and enhance Adel’s distinct and attractive built environment; iii) Ensure that Adel’s heritage assets are retained and enhanced; iv) Lack of children’s play space; v) Need for improved community facilities; vi) Needs for improved cycle and pedestrian links; vii) Traffic congestion and car parking shortages; viii) Need for an improved retail and services offer; ix) Oversubscribed local schools; and x) Need for a mix of housing types to meet the needs of the local community.
- 3.3 The neighbourhood plan itself does not propose any allocations however there are some proposed housing allocations in the Adel area within the Publication Draft Leeds Site Allocations Plan. The identified sites are HG1-26 – Church Lane, Adel (2.56ha, 45 units), HG1-60 – Tile Lane – Eastmoor (5.61ha, 67 units), HG1-72 – Otley Road – Government Buildings (4.7ha, 130 units), HG1-73 – Otley Road – Boddington Hall (9.34ha, 126 units) and HG1-74 – Dunstarn Lane (2.74ha, 28 units). The proposed allocations are HG2-18 – Church Lane, Adel (14.92ha, 58 units)(partly allocation for a school) and HG2-38 – Dunstarn Lane (land south) (2.25ha, 68 units)
- 3.4 The ANP includes several policies to help guide development within the area on specific allocated sites and more generally and it seeks to protect local historic assets, landscape/natural features and several Local Green Spaces.
- 3.5 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 Adel Neighbourhood Area.

4 Summary of consultee responses

- 4.1 The Environment Agency, Natural England and Historic England were consulted on the requirement for a SEA for the ANP. Their responses are attached in Appendix 1 and key comments are summarised below which should be noted. Their responses will be used to help determine whether the plan is likely to have significant environmental effects and have informed the conclusions of this screening report.

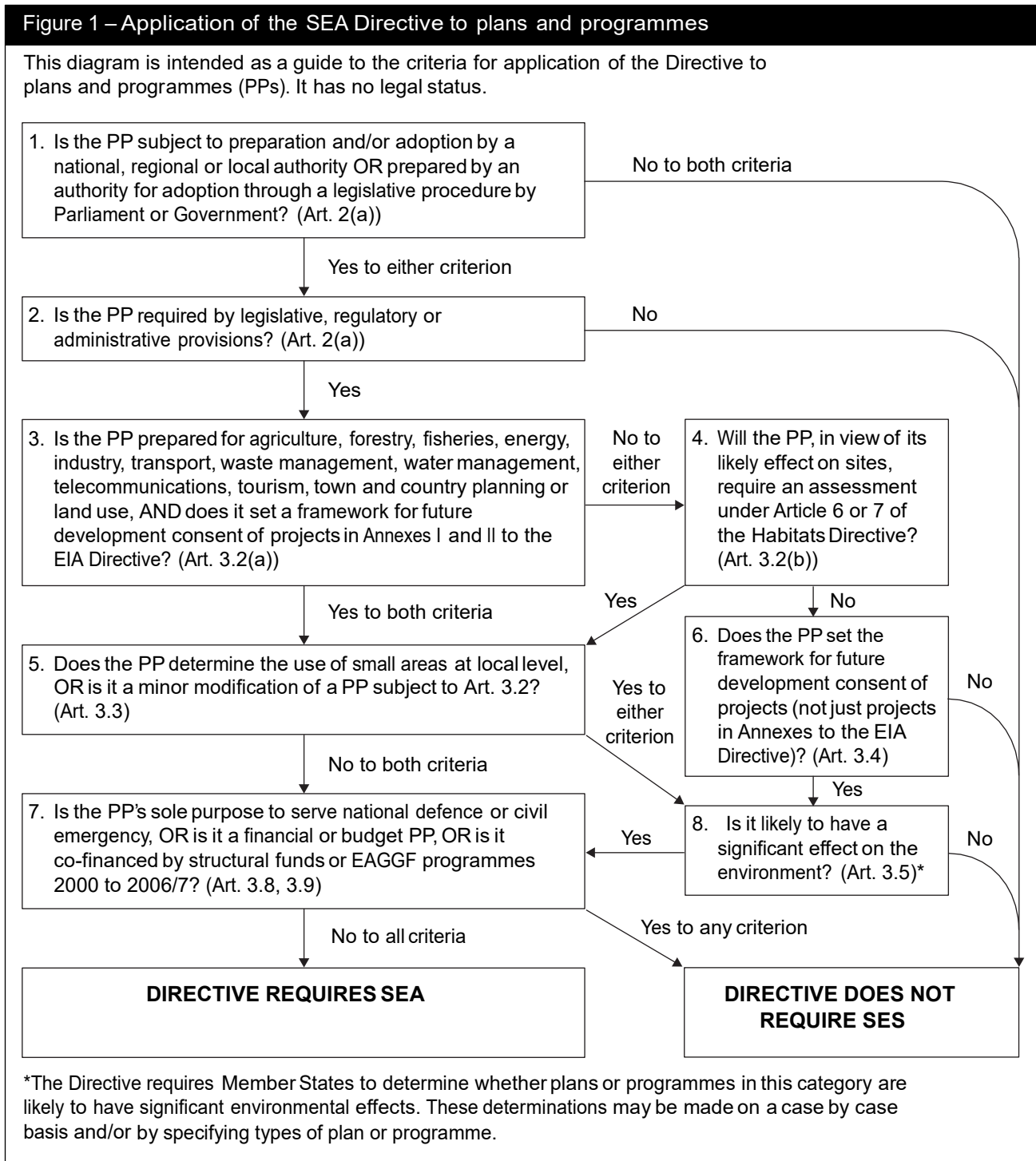
Consultee	Summary of comments
Environment Agency	<ul style="list-style-type: none"> Adel Beck & Marsh Beck (Main Rivers) are within flood zones 2 and 3. We recommend that some policies and information are placed within the document to make people aware of the risks of potential flooding and if there has been any previous flooding within the area. Development proposals that increase flood risk elsewhere will not be supported We recommend developments to be developed outside flood zones 2 and 3 wherever possible. Where development within Flood Zones 2 or 3 is required it must be suitable to that location and have produced a Flood Risk assessment including suitable mitigation measures and evacuation procedures. New development proposals should be encouraged to contribute either financially or through physical works to reduce the flood risk to the wider village.
Historic England	<ul style="list-style-type: none"> Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required
Natural	<ul style="list-style-type: none"> Based on the information provided and the existing assessment and policy

England	protection provided by the adopted Leeds Core Strategy and emerging Leeds Site Allocations Plan Natural England do not consider that the plan will have any likely significant effects on European Designated Sites.
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5 SEA Screening

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

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood Plans are made by a 'qualifying body' (Parish/Town Council or designated Neighbourhood Forum) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. A neighbourhood plan is subject to an examination and referendum. If it receives 50% or more 'yes' votes at referendum, it will be 'made' by Leeds City Council as the Local Planning Authority.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to be able to produce a Neighbourhood Plan however they are not required to do so by legislative, regulatory or administrative purposes. However once the neighbourhood plan is 'made' it will form part of the statutory development plan for the area and be used when making decisions on planning applications, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	The ANP is being prepared for town and country planning and land use and once adopted, will be part of the planning policy framework determining future development within the Adel 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 ANP would be the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	?	See screening assessment for HRA in following section of this report.
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	Once made the ANP 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.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	Policies within the ANP will be used in the decision making process on planning applications within the Adel Neighbourhood Area.
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 structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	The ANP does not deal with these issues
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	No likely significant effects upon the environment have been identified – see section below.

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

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.

Source: Annex II of SEA Directive

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

Table 2 Assessment of likely significant effects

Criteria	Comments
1. The characteristics of plans and programmes, having regard, in particular, to	
The degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<i>The ANP will set a policy framework for the determination of planning applications for future development projects. Once made the ANP will form part of the Leeds Local Plan.</i>
The degree to which the NP influences other plans and programmes including those in a hierarchy	<i>The ANP must be in general conformity with the Leeds Local Plan and national planning policy. It does not influence other plans.</i>
The relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>The achievement of sustainable development in one of the basic conditions that the ANP must meet. The draft plan includes policy themes regarding the environment and the plan's vision and objectives aims to create a sustainable community.</i>
Environmental problems relevant to the NP	<i>It is not considered that there are any particular environmental problems relevant to the plan.</i>
The relevance of the NP for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	<i>This criterion is unlikely to be directly relevant in regard to the ANP.</i>
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to	

<p>The probability, duration, frequency and reversibility of the effects</p>	<p><i>Although the ANP does not allocate specific sites for development, the Publication Draft Leeds Site Allocations Plan brings forward a number of development sites identified in the Leeds Unitary Development Plan and a small number of new proposed housing sites in the Adel Neighbourhood Area. These sites have been subject to a full Sustainability Appraisal through the SAP process and are considered acceptable. The Plan policies are generally designed to minimise the environmental effects of any new development and to promote sustainable development.</i></p>
<p>The cumulative nature of the effects</p>	<p><i>The effects of the ANP need to be considered alongside the Leeds Core Strategy and the emerging SAP. The ANP is required to be in general conformity with the Leeds Local Plan. It is not considered that the ANP introduces significant additional effects over and above those already considered in the SA/SEA for the Core Strategy, the NRWDPD and the Publication Draft SAP. Notably the ANP does not propose more development than the Core Strategy for the area. The cumulative effects of proposals within the ANP are unlikely to be significant on the local environment</i></p>
<p>The transboundary nature of the effects</p>	<p><i>The proposals within the ANP are unlikely to have a significant impact beyond the Neighbourhood Area boundary even if those allocations proposed in the SAP do have potential. .</i></p>
<p>The risks to human health or the environment (e.g. due to accidents)</p>	<p><i>None identified.</i></p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</p>	<p><i>The ANP is concerned with development within the Adel Neighbourhood Area. The potential for environmental impacts are likely to be local, limited and minimal.</i></p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> ▪ special natural characteristics or cultural heritage, ▪ exceeded environmental quality standards or limit values, ▪ intensive land-use, 	<p><i>The ANP is unlikely to adversely affect the value and vulnerability of the area in relation to its special natural characteristics or cultural heritage. The policies within the plan seek to provide greater protection to the landscape and historic character of the area. The ANP does not allocate any sites.</i></p>
<p>The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p><i>It is not considered that the draft policies in the ANP will adversely affect areas or landscapes which have a recognised national, community or international protection status. The policies do not allocate land for development and the plan also seeks to protect the rural landscape character and some local green spaces.</i></p>

Assessment of Adel Neighbourhood Plan Policies

Natural and Built Heritage

- 5.5 The ANP strongly promotes the protection and enhancement of the landscape and townscape quality of Adel. It recognises the importance of hedgerows, trees and woodland and identifies “Sites with Inherent Landscape Quality” where the value and defining landscape characteristics will be protected as well as areas where some limited, sensitively designed development could be accommodated (Policy NBH1.) Policy NBH2 focuses on the importance of trees to the local character, as a haven for wildlife and to the rate of CO2 ‘fixing’ in relation to climate change and the need for development to respect the “green” environment and for trees to be retained and additional ones planted. Overall these policies put great importance on the protection of landscape and, whilst they allow for development, the preservation of the landscape quality is the primary factor. Development will inevitably affect the environment however the provisions of these policies and the emphasis put on the protection and enhancement of the landscape and trees will help to minimise any negative effects and potentially maximise positive effects on habitats, character and climate change.

- 5.6 The Plan also supports the conservation, restoration and enhancement of biodiversity through the designation of “areas of recognised nature conservation value”, the retention of important nature conservation and landscape features and the utilisation of opportunities for biodiversity gain (Policy NBH3): This policy aims to minimise impacts on biodiversity in line with para 177 of NPPF by protecting and enhancing areas of biodiversity value and integrating existing and new wildlife habitats/corridors. The plan states that “All development should seek to have a net positive impact on biodiversity” which clearly shows the scope of the plan to have positive environmental effects.
- 5.7 Policy NBH4 protects the townscape of Adel through the identification of “Areas of Townscape Significance.” It recognises the importance of positive unlisted buildings and supports sensitively designed development that respects the local character and appearance. There is particular support for the sustainable development of the Adel Reformatory Site (Policy NBH5: Adel Reformatory and Chapel) to provide a community including a holistic working environment and affordable accommodation in an imaginative, low carbon development which will preserve the Grade II listed buildings. The majority of the Adel Reformatory site is a long standing housing site in the Leeds Unitary Development Plan (H3-1A.35) which was phased for release 2003 – 2008. This did not happen and the site is now brought forward for delivery through the Leeds Site Allocations Plan (SAP). The development of this mainly brownfield site which lies within easy access of local facilities and services has been considered suitable for development for many years. The Publication Draft Site Allocations Plan is also proposing to allocate a new housing site to the north (HG2-217) which covers the rest of the Policy NBH5 site. This site scored well in the Sustainability Appraisal of the SAP due, in part, to its location and brownfield character. It was considered that any effects on ecology and the historic fabric could be satisfactorily mitigated. The site is considered to be in a sustainable location and the provisions of the policy promote a sustainable development solution. Development will affect the environment but there is scope to minimise negative effects and maximise positive effects.
- 5.8 The Plan also identifies the land opposite the Grade I listed Church of St John the Baptist as a Local Heritage Area and seeks to protect the setting of the listed building (PolicyNBH6). The site was identified as a Protected Area of Search in the Leeds UDP and is proposed for allocation as a housing site with a requirement for a 2FE primary school (HG2-18) in the SAP. Whilst development will inevitably impact on the environment, this policy will tend to minimise the negative effects on the important heritage assets and their settings.

Character and Design

- 5.9 Policy CD1 promotes new development that preserves and enhances the special character of the Adel area, including local heritage assets and their settings, views/vistas, high quality landscaping, trees, materials and boundary treatments. The updated Adel Neighbourhood Design Statement (2014) provides more information on the character and design qualities of this garden suburb. This policy is designed to minimise the negative effects of development through appropriate, high quality design and maximise the potential for positive environmental effects.

Housing

- 5.10 The Plan supports residential development on sites allocated through SAP providing the requirements of the neighbourhood plan are met and on infill sites within the urban area where they contribute to sustainable development and meet policies of this plan. Development on greenfield land in or beyond urban area is not supported unless the allocations do not come forwards in time frame expected and there is a demonstrable short fall of housing land. In this case, development must integrate with the existing settlement and not exceed the capacity of infrastructure (Policy H1). Policy H2 supports the development of Land south of Dunstarn Lane subject to the retention of “The Heath” and that any development reflects the character

of area, retains trees and the housing mix reflects the housing need of Adel. Policy H3 seeks a mix of housing types and sizes to help achieve sustainable communities and to meet local housing needs. Whilst supporting residential development, these policies strive to deliver sustainable development that will minimise potential negative environmental impacts and provide housing for the current and future community of Adel.

Community Facilities and Green Space

- 5.11 Policy CFGS1 supports the retention and improvement of existing facilities and welcomes additional provision whilst Policy CFGS2 gives support for greater primary school provision in the area to help ensure local children are able to go to local schools. The Plan recognises the importance of community facilities in enhancing community cohesion, local health & quality of life and the general vitality and well-being of Adel as a community. The continued provision and improvement of facilities within the community minimises the need for travel and facilitates more sustainable living.
- 5.12 Twenty two green spaces are designated under Policy CFGS3 and support is given to a new play area for younger children in Policy CFGS4. Policy CFGS5 requires new residential development to provide new green space to meet the needs of new residents whilst Policy CFGS6 provides for the retention and improvement of the Adel Local Green Infrastructure Network which provides walking and cycling routes as well as being important for wildlife, local distinctiveness and character and providing local access to green spaces. These policies aim to protect, improve and increase the amount of valuable open space within the neighbourhood area which will bring positive environmental effects through the protection, improvement and creation of habitats and open green space giving people opportunities for formal and informal recreation.

Retail and Business

- 5.13 The Plan supports the diversification and enhancement of the range of local shops, services and facilities and the creation of jobs subject to certain considerations (Policy RB1) though aims to limit the number of hot food takeaways and their impact on amenity and access (Policy RB2). There is also general support for a local business or enterprise centre (Policy RB3). These policies encourage the improvement of shopping, services and facilities in the Adel area and broader job creation. This will facilitate the local provision of services and opportunities which will tend to reduce the need for travel by less environmentally friendly means e.g. by car and the distances travelled.

Highways and Traffic

- 5.14 Policy HT1 requires assessment of increased traffic and movement due to development and measures to mitigate against any severe impacts. Where practical, priority should be given to pedestrians and cyclists. Parking in the shopping parades is protected and further provision is encouraged (Policy HT2) whilst additions and improvements to the cycle and footpath networks is supported in Policy HT3. The loss of any existing footpaths and cycle routes is resisted unless for acceptable reasons. These policies attempt to minimise the impact of new development on the local environment and, whilst acknowledging the need for car parking, promote the protection and improvement of the footpath and cycleway networks to encourage more walking and cycling/

Screening Outcome

- 5.15 As a result of the assessment in Table 1 and the responses received from the consultees, it is unlikely there will be any significant environmental effects arising from the ANP. The ANP is in

general conformity with the Core Strategy (2014) and the emerging Site Allocations Plan, which have both been subject to a full Sustainability Appraisal, incorporating a SEA, finding no negative significant effects. An assessment of the policies of the ANP identifies no significant negative effects and as such, the ANP does not require a full SEA to be undertaken, though the comments from the Environment Agency should be taken on board.

6. HRA Screening

HRA Process

- 6.1 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

- 6.2 The South Pennine Moors Phase 2 SPA/SAC is the only international designated site within a 15km radius of the ANP boundary. A plan showing the SPA/SAC and the Adel Neighbourhood Area and the Natura 2000 form are attached in Appendix 2. Although it is generally accepted that any policies, proposals or programmes more than 7km from a SPA/SAC are not likely to have significant effects on the designation, this HRA screening will assess any likely significant effects that will be caused by the implementation of the ANP alone and in combination with other plans.

South Pennine Moors Phase 2 SPA/SAC

- 6.3 This is the largest area of unenclosed moorland within West Yorkshire and contains the most diverse and extensive examples of upland plant communities in the county. An area of this European site covers a small part of north-west Leeds known as Hawksworth Moor. Extensive areas of blanket bog occur on the upland plateaux 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.
- 6.4 This 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 *Falco columbarius*, Golden Plover *Pluvialis apricaria* and Twite *Carduelis flavirostris* together with the breeding assemblage are of international importance and justify the SPA designation.

HRA Screening Determinations for higher level planning policy documents

Leeds Core Strategy (2014)

- 6.5 The potential effects of the provisions of the Publication Draft Core Strategy on The South Pennine Moors Phase 2 SPA/ 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 ANP is in general conformity with the strategic policies of

the Core Strategy, it broadly complies with the HRA assessment of the Core Strategy. The Core Strategy was adopted in November 2014.

Publication Draft Leeds Site Allocations Plan (SAP)

- 6.6 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. There are no allocations proposed within 2.5km of the South Pennine Moors Phase 2 SPA/SAC boundary, therefore there will be no likely significant effects in relation to physical loss of land providing feeding sites for qualifying bird species/assemblage or predation by pets on qualifying bird species/assemblage and nests. Allocations exist within 7km of the SPA boundaries therefore potential disturbance to nesting, feeding birds and supporting habitat through increased recreational visits may occur. However, the location of a major City/Forest Park in north west Leeds (Chevin Forest Park), the North West Leeds Country Park and Green Gateways initiative, green space funding/site requirements associated with allocations proposals and the application of Core Strategy Policies provide a comprehensive range of Avoidance Measures therefore it was concluded that likely significant effects would not occur. Based on this assessment and the coverage of LSEs, it was concluded that Appropriate Assessment under the Habitats Regulations (Conservation of Habitats and Species Regulations 2010, SI no. 2010/490) was not required as part of the SAP & AVLAAP Plans.

Leeds Natural Resources and Waste Development Plan Document (NRWDPD)

- 6.7 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 - Energy Policy 1 (Large Scale Wind Generation) and Waste Policy 6 (Strategic Waste Facilities). Wind turbines could interfere with the flight paths of protected bird species to and from the North and South Pennine Moors SPAs/SACs and therefore could directly impact on their conservation objectives. To mitigate this, the Energy Policy 1 requires that the flight patterns of any birds to and from these protected areas should not be harmed by wind development and development will only be permitted if this is demonstrated. The possible sites for waste facilities are in the Aire Valley, over 20km from the South Pennine Moors Phase 2 SPA/SAC therefore it is not considered that the policy has the potential to harm the SPA/SAC. Natural England agreed that the policies of the NRWDPD are not likely to have a significant effect on any SAC or SPA. The ANP does not address the issue of natural resources and waste therefore only the NRWDPD will be applicable to any such proposals in the Adel area.

Assessment of Effects

Screening Assessment for the Adel Neighbourhood Plan

- 6.8 The following questions will help to establish whether an Appropriate Assessment is required for the ANP:

Is the Adel Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

- 6.9 The South Pennine Moors Phase 2 SPA/SAC does not lie within the Adel Neighbourhood Area therefore the ANP does not relate nor is directly connected with the management of the SPA/SAC.

Does the Adel Neighbourhood Plan propose new development or allocate sites for development?

- 6.10 No, though it does support and guide development of sites within the Adel area once allocated

for housing through the SAP.

Are there any other projects or plans that together with the Adel Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?

- 6.11 The information set out in paras 6.5 – 6.7 confirm that other projects and plans that relate to the South Pennine Moors Phase 2 SPA/SAC sites are unlikely to impact on the integrity of the European site. The ANP does not allocate any development sites though it contains policies which will help to shape new development within the area. It therefore does not promote more land for development than the Local Plan. The policies are in general conformity with the Local Plan which was subject to HRA assessments. It is considered that the ANP is not likely to have significant effects on the South Pennine Moors Phase 2 SPA/SAC, whether alone or “in combination” with other projects and programmes.

Screening Outcome

- 6.12 The South Pennine Moors Phase 2 SPA/SAC sites are protected due to their moorland habitats which support breeding birds. None of the Adel Neighbourhood Area lies within 7km of the site and it is considered to be of sufficient distance from the SPA/SAC to avoid consideration of any likely Significant Effects, therefore a formal scoping opinion is not required. Natural England agrees with these conclusions.
- 6.13 It is therefore considered that the ANP is not likely to cause significant effects on the South Pennine Moors Phase 2 SPA/ SAC or any other European sites alone or in combination with other projects or plans. Consequently a full HRA of the ANP is not required.

7.0 Overall Conclusions

- 7.1 In light of the assessments undertaken above, a Strategic Environmental Assessment and a Habitats Regulations Assessment are not required for the ANP.

APPENDIX 1

RESPONSES FROM CONSULTATION BODIES

APPENDIX 2

INFORMATION ON THE SOUTH PENNINE MOORS PHASE 2 SOCIAL PROTECTION AREA/SPECIAL AREA OF CONSERVATION

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

Our ref: RA/2006/100689/OR-
33/PO1-L01
Your ref: ADEL NP
Date: 05 October 2016

Dear Ms Suggate

ADELNEIGHBOURHOOD PLAN

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

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.

Flood Risk

Adel Beck & Marsh Beck (Main Rivers) which run along/within the associated plan area which along the edges of these are within flood zones 2 and 3.

We have noted that there is no flood risk information within the plan and suggest that some flood information is placed within the document. We recommend that some policies and information are placed within the document to make people aware of the risks of potential flooding and if there has been any previous flooding within the area. If previous flooding has occurred, was there any damage to any properties (domestic &/or industrial) ?

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

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 Adel Beck and Marsh Beck then it will increase flood risk elsewhere. The same applies if surface water management proposals are not sustainable.

We recommend developments to be developed outside flood zones 2 and 3 wherever possible. Where development is within Flood Zones 2 or 3 is required it must be suitable to that location and have produced a Flood Risk assessment including suitable mitigation measures and evacuation procedures.

Where development within Flood Zones 2 or 3 is required it must be suitable to that location and have suitable mitigation measures and evacuation procedures.

Ensure that any development in an area at risk of flooding would be safe, for its lifetime taking account of climate change impacts

Be able to demonstrate how flood risk to and from the plan area/development sites will be managed, so that flood risk will not be increased overall, and that opportunities to reduce flood risk, for example, through the use of sustainable drainage systems, are included in the plan.

Leeds City Council should be contacted in relation to surface water management. We recommend where discharging into a river from a development the discharge rate should be restricted to the Greenfield discharge rate for the site.

Biodiversity

We are pleased to see the extension of the conservation area around Golden Acre Park, Adel Dam & Meanwood Valley and that any large scale development are to compensate by sharing Biodiversity.

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 e-mail claire.dennison@environment-agency.gov.uk



Historic England

YORKSHIRE

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

Our ref: PL00039703
Your ref:

Telephone 01904 601 879
Mobile 0755 719 0988

05 October 2016

Dear Ms. Suggate,
Adel Neighbourhood Plan
Strategic Environmental Assessment

We write in response to your e-mail of Monday 22 September 2016, seeking a Screening Opinion for the Adel 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 Adel Neighbourhood Plan.

The Draft Neighbourhood Plan indicates that within the plan area there is a wide range and number of designated cultural heritage assets. There is 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 provided by you with your e-mail dated 23 August 2016. 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



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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.



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 Adel Parish Council and/or their consultants.

Thank you in anticipation.

Yours sincerely



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



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

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



Date: 03 November 2016
Our ref: 196807



Heather Suggate
Policy and Plans
Leeds City Council
Thoresby House
2 Rossington Street
Leeds LS2 8HD

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

BY EMAIL ONLY

T 0300 060 3900

Dear Heather Suggate

Adel Neighbourhood Plan

Thank you for your consultation on the above dated 22th September.

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

Screening Request: Habitat Regulation Assessment

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

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

Based on the information provided and the existing assessment and policy protection provided by the adopted Leeds Core Strategy and emerging Leeds Site Allocations Plan Natural England do not consider that the plan will have any likely significant effects on European Designated Sites.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

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.

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.

Progress of other Plans

Notwithstanding the above advice we note that the plan relies on allocations and assessment from the emerging Leeds Site Allocations Local Plan which has not yet been adopted. We suggest that the compliance of the draft Neighbourhood Plan with Leeds Site Allocations Plan is reviewed once the Site Allocations Plan is adopted.

For any queries relating to the specific advice in this letter please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

South Pennine Moors

Site details

Country	England
Unitary Authority	Barnsley; Bradford; Calderdale; Cheshire; Derbyshire; Kirklees; Lancashire; Leeds; North Yorkshire; Oldham; Rochdale; Sheffield; Staffordshire; Tameside
Centroid*	SK144960
Latitude	53.46027778
Longitude	-1.783055556
SAC EU code	UK0030280
Status	Designated Special Area of Conservation (SAC)
Area (ha)	64983.13

* This is the approximate central point of the SAC. In the case of large, linear or composite sites, this may not represent the location where a feature occurs within the SAC.

General site character

Inland water bodies (Standing water, Running water) (1%)

Bogs, Marshes, Water fringed vegetation, Fens (42.7%)

Heath, Scrub, Maquis and Garrigue, Phygrana (45.5%)

Dry grassland, Steppes (4.8%)

Humid grassland, Mesophile grassland (4.8%)

Broad-leaved deciduous woodland (1%)

Mixed woodland (0.1%)

Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas) (0.1%)

[Boundary map](#) and associated biodiversity information on the NBN Gateway.

[Natura 2000 data form](#) for this site as submitted to Europe (PDF format, size 30kb).

[Interactive map](#) from MAGIC (Multi-Agency Geographic Information for the Countryside).

Note:

When undertaking an appropriate assessment of impacts at a site, all features of European importance (both primary and non-primary) need to be considered.

Annex I habitats that are a primary reason for selection of this site

4030 [European dry heaths](#)

The site is representative of upland dry heath at the southern end of the Pennine range, the habitat's most south-easterly upland location in the UK. Dry heath covers extensive areas, occupies the lower slopes of the moors on mineral soils or where peat is thin, and occurs in transitions to acid grassland, wet heath and 7130 blanket bogs. The upland heath of the South Pennines is strongly dominated by heather *Calluna vulgaris*. Its main NVC types are H9 *Calluna vulgaris* – *Deschampsia flexuosa* heath and H12 *Calluna vulgaris* – *Vaccinium myrtillus* heath. More rarely H8 *Calluna vulgaris* – *Ulex gallii* heath and H10 *Calluna vulgaris* – *Erica cinerea* heath are found. On the higher, more exposed ground H18 *Vaccinium myrtillus* – *Deschampsia flexuosa* heath becomes more prominent. In the cloughs, or valleys, which extend into the heather moorlands, a greater mix of dwarf shrubs can be found

together with more lichens and mosses. The moors support a rich invertebrate fauna, especially moths, and important bird assemblages.

130 [Blanket bogs \(* if active bog\)](#) * Priority feature

This site represents blanket bog in the south Pennines, the most south-easterly occurrence of the habitat in Europe. The bog vegetation communities are botanically poor. Hare's-tail cottongrass *riophorum vaginatum* is often overwhelmingly dominant and the usual bog-building *Sphagnum* mosses are scarce. Where the blanket peats are slightly drier, heather *Calluna vulgaris*, crowberry *Empetrum nigrum* and bilberry *Vaccinium myrtillus* become more prominent. The uncommon cloudberry *Rubus chamaemorus* is locally abundant in bog vegetation. Bog pools provide diversity and are often characterised by common cottongrass *E. angustifolium*. Substantial areas of the bog surface are eroding, and there are extensive areas of bare peat. In some areas erosion may be a natural process reflecting the great age (9000 years) of the south Pennine peats.

1A0 [Old sessile oak woods with Ilex and Blechnum in the British Isles](#)

Around the fringes of the upland heath and bog of the south Pennines are blocks of old sessile oak woods, usually on slopes. These tend to be dryer than those further north and west, such that the mycophyte communities are less developed (although this lowered diversity may in some instances have been exaggerated by the effects of 19th century air pollution). Other components of the ground flora such as grasses, dwarf shrubs and ferns are common. Small areas of alder woodland along stream-sides add to the overall richness of the woods.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

010 [Northern Atlantic wet heaths with Erica tetralix](#)

140 [Transition mires and quaking bogs](#)

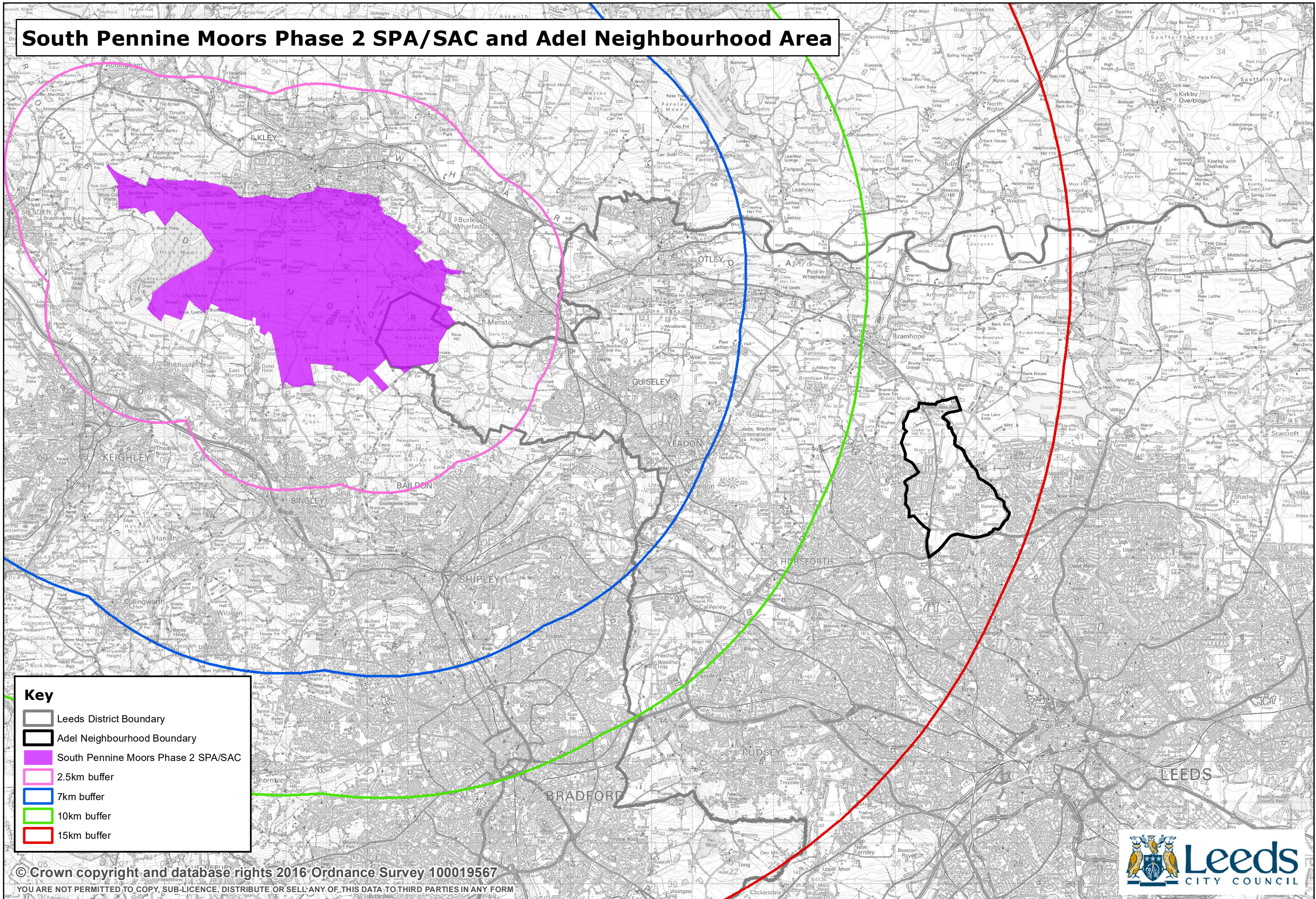
Annex II species that are a primary reason for selection of this site

Not applicable.

Annex II species present as a qualifying feature, but not a primary reason for site selection

Not applicable.

South Pennine Moors Phase 2 SPA/SAC and Adel Neighbourhood Area



Key

- Leeds District Boundary
- Adel Neighbourhood Boundary
- South Pennine Moors Phase 2 SPA/SAC
- 2.5km buffer
- 7km buffer
- 10km buffer
- 15km buffer

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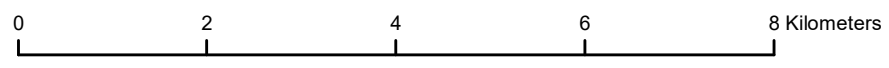
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Scale: 1/80,000 @ A3 Created by: NI



Attachment 3

HRA Screening Report Update



Adel Neighbourhood Development Plan

HABITATS REGULATIONS ASSESSMENT
SCREENING REPORT UPDATE JULY 2019

1. Introduction

- 1.1 This update to the Adel Neighbourhood Plan HRA Screening (November 2016) has been produced following the European Union Court of Justice Judgement in ‘People over Wind’ dated 12 April 2018 and 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.
- 1.2 In light of the EU Court of Justice Ruling and subsequent amendments to the Neighbourhood Planning Basic Conditions, the Adel Neighbourhood Plan has been re-screened in order to determine whether it meets 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 SAC and Phase II SPA is the only designated site within a 15km radius of the Adel Neighbourhood Area boundary (see Appendix 1).

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 a small part of north-west Leeds known as Hawksworth Moor. 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 *Falco Columbarius*, Golden Plover *Pluvialis Apricaria* and Twite *Carduelis Flavirostris* together with the breeding assemblage are of international importance.

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)

Consideration of the likely effects of the neighbourhood plan

3.10 The following questions will help to establish whether an Appropriate Assessment is required for the Adel Neighbourhood Plan:

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

3.11 No. The South Pennine Moors SAC and Phase II SPA does not lie within the Adel Neighbourhood Area, therefore the Adel Neighbourhood Plan does not relate nor is directly connected with the management of the SPA/SAC. The policies in the Adel NP can only apply within the designated Neighbourhood Area, not outside.

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

3.12 No, the Adel NP does not propose new development or allocate sites for development however it does seek to shape development that will come forward in the neighbourhood area.

3.13 It includes policies covering:

- Natural and Built Heritage
- Character and Design
- Housing
- Community Facilities and Green Space
- Retail and Business
- Highways and Traffic

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

Leeds Site Allocations Plan

3.14 The Site Allocations Plan was adopted by Leeds City Council on 10 July 2019. On 21 December 2018, the Council wrote to the SAP Inspectors to provide a [HRA Screening & Appropriate Assessment](#) (November 2018) of the SAP.

3.15 In order to consider the in combination effect, it is firstly necessary to refer to the Screening & Appropriate Assessment of the SAP which assesses the in combination effect of the Site Allocations Plan with other plans and projects. Nevertheless, it is noted that the HRA Screening of the Adel NP is sequential to the Appropriate Assessment of the SAP as policies within the neighbourhood plan are over and above those in the SAP.

3.16 Para 4.6 of the HRA Screening & Appropriate Assessment considers the likelihood of significant effects on the South Pennine Moors (Phase 2) SPA and SAC and states:

*“The Screening Stage (see Appendix 2 last column) has identified **the prospect for** the following LSEs in relation to the South Pennine Moors (Phase 2) SPA and SAC and following recent case-law these **may** not be screened out and will need to be considered further by way of an Appropriate Assessment:*

- *Impacts on qualifying bird species and breeding bird assemblage*
 - *Recreational impacts through increased disturbance to qualifying bird species and bird assemblage from increased visitor numbers to the SPA resulting from any allocations within 7km of the SPA boundary*
- *Impacts on qualifying habitats*
 - *Recreational impacts through increased disturbance to qualifying habitats from increased visitor numbers to the SAC resulting from any allocations within 7km of the SAC boundary.”*

3.17 An Appropriate Assessment was therefore undertaken and the following facts were particularly noted:

- The SAP allocates housing land for 627 units within the 7km zone of influence for potential recreational disturbance.
- The application of Core Strategy Policy H4 (Housing Mix) to the 11 allocated sites will ensure a variety of housing types to meet identified needs and therefore a range of demographic profiles of the new residents. It can therefore be assumed that a proportion of these new residents will not generate additional visitor trips to the South Pennine Moors Phase 2 SPA/SAC.
- The Core Strategy Policies G1, G2, G3, G4, G6 G8 and G9, provide a comprehensive framework to protect and enhance Green Space, Green Infrastructure and Biodiversity across the District, with green space policies going further to require new provision from development. These help to ensure the networks of green spaces and green infrastructure are maintained and enhanced for the benefit of local communities, providing opportunities for recreation. Otley Chevin Forest Park and the North West Leeds Country Park & Green Gateways project provide extensive, local, easily accessible opportunities for recreation for those in the Adel Neighbourhood Area which will help to divert visitors away from more sensitive areas such as the South Pennine Moors.

3.18 The Appropriate Assessment therefore concluded that the above existing measures would reduce, to an acceptable level, the number of recreational visits to the South Pennine Moors Phase 2 SPA/SAC arising from the SAP. Indeed, Natural England agreed with this conclusion in their response dated 20th August 2015 which, it should be noted, was prior to the reduction in housing allocations in the SAP. It is therefore safe to conclude this reduction will decrease recreational visits and impacts further and that the SAP will not result in any adverse impacts on the Site Integrity of the South Pennine Moors Phase 2 SPA/SAC alone or in combination.

- 3.19 It is confirmed also that this HRA Screening and subsequent Appropriate Assessment has been undertaken with due regard to the judgment of the Court of Justice of the European Union (CJEU) C-323/17 dated 12 April 2018 in People over Wind, Peter Sweetman v Coillite Teoranta

Harrogate District Local Plan Submission Draft - [Habitat Regulations Assessment August 2018](#) (submitted for examination 31/08/2018)

- 3.20 Harrogate BC revisited the HRA of the Submission Draft Harrogate Local Plan following the ruling by the Court of Justice of the European Union to ensure that no mitigation was included in the screening process. Consequently, an Appropriate Assessment was required and undertaken as set out in the August 2018 document. The assessment considered the significant effects of three elements of the draft Local Plan – Growth Strategy, Draft Development Policies and Draft Allocations - under the following issues.
- Loss of land
 - Urban disturbance
 - Recreational pressure
 - Water quantity and quality
 - Pollution levels
- 3.21 The Appropriate Assessment considers the South Pennine Moors Phase 2 SAC/SPA primarily in relation to recreational pressure and the North Pennine Moors SPA/SAC in relation to habitat loss, recreational pressure, pollution and urban disturbance. After detailed consideration, it concludes that, due to certain policies in the draft Local Plan, the policies alone or in-combination with other projects or plans will not have a significant impact on the European Designated Sites.

Adel Neighbourhood Plan

- 3.22 The Adel NP does not propose any development sites however it does seek to shape development that will come forward in the Neighbourhood Area. The impact of these will be assessed at the planning application stage. Its main focus is to protect the existing natural and built environment whilst providing for the community's needs. 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 Adel NP meets this requirement. 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 Adel NP are likely to have a significant effect on the South Pennine Moors SAC / Phase II SPA, and therefore the NP does not give rise to, or include, any mitigation measures. Bearing in mind the conclusions of the HRAs of the Leeds Site Allocations Plan and Harrogate District Local Plan Submission Draft, it is concluded that there are no LSEs in combination with other plans or projects.

- 4.2 The Council has considered the Judgement, the Leeds and Harrogate HRA Assessments and the contents of the Adel 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.

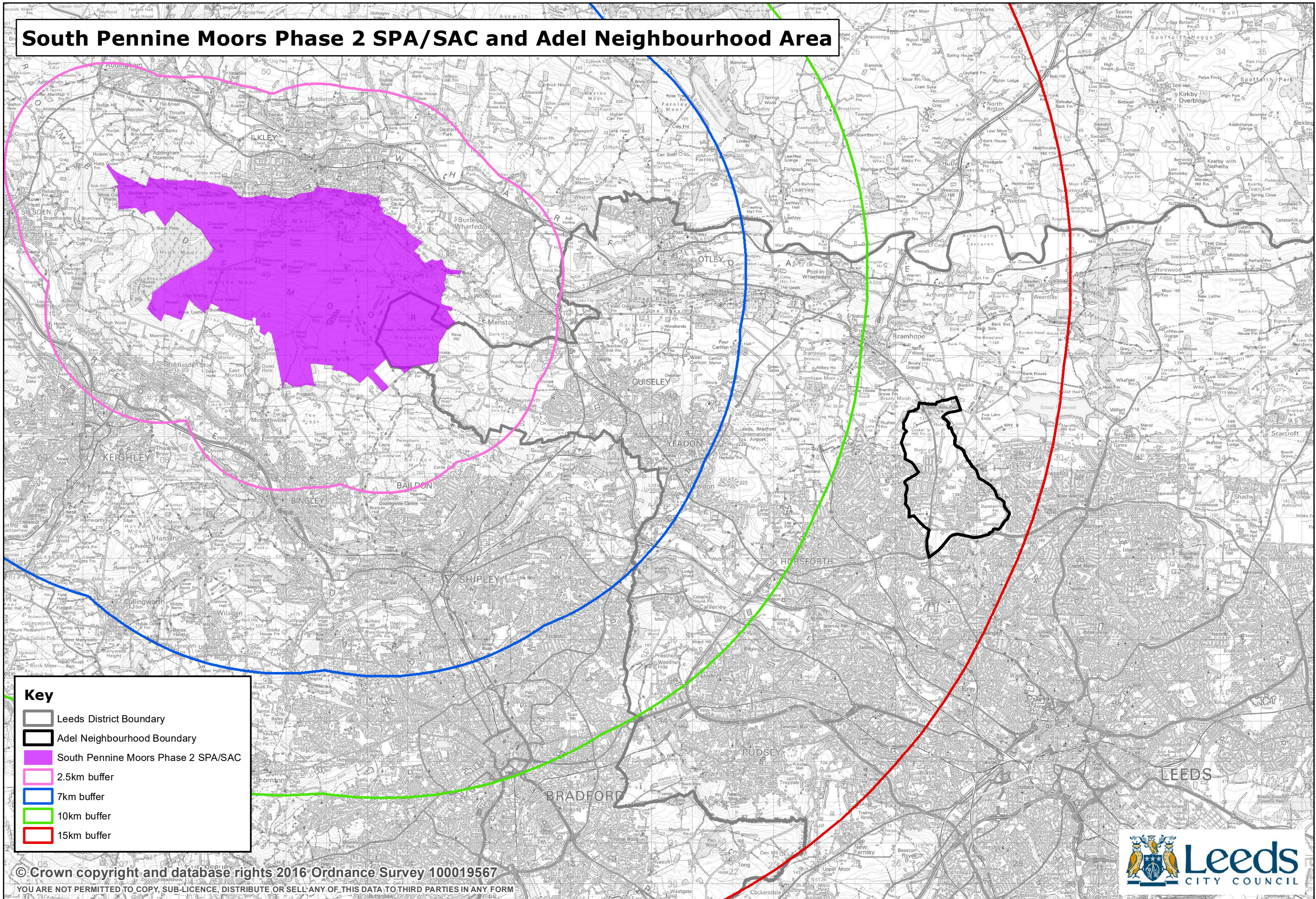
5 Further European Union Court of Justice Ruling

- 5.1 On 25 July 2018 the Court of Justice (Second Chamber) ruled in the case of Grace, Sweetman and the National Planning Appeals Board Ireland (ECLI:EU:C2018:593). The Judgement relates to how the conclusions of the Appropriate Assessment should be interpreted which in turn determines whether Article 6(3) or Article 6(4) of the Directive applies.
- 5.2 As the HRA Screening update for the Adel NP has concluded no appropriate assessment is required, this Judgement is not applicable.

Appendix 1

Map Showing South Pennine Moors SAC / Phase II SPA

South Pennine Moors Phase 2 SPA/SAC and Adel Neighbourhood Area



Key

- Leeds District Boundary
- Adel Neighbourhood Boundary
- South Pennine Moors Phase 2 SPA/SAC
- 2.5km buffer
- 7km buffer
- 10km buffer
- 15km buffer

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Path: L:\CGM\GIS Projects\Neighbourhood Planning Progress\Adel\South Pennine Moors SPA_SAC & Adel NA Boundary A3.mxd

Scale: 1/80,000 @ A3 Created by: NI

