

**THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004
AND HABITATS REGULATIONS ASSESSMENT**

SEA and HRA SCREENING REPORT

PRE-SUBMISSION CONSULTATION DRAFT KNARESBOROUGH NEIGHBOURHOOD DEVELOPMENT PLAN

This document is a screening consideration of the need to carry out a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment for the Pre-Submission Consultation Draft Knaresborough Neighbourhood Development Plan.

The Environmental Assessment of Plans and Programmes Regulations 2004 implement the requirements of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

Regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004 states that:

- (6) An environmental assessment need not be carried out—
- (a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or
 - (b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,
- unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under regulation 10(3).

Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 states that:

- 9.—(1) The responsible authority shall determine whether or not a plan, programme or modification of a description referred to in—
- (a) paragraph (4)(a) and (b) of regulation 5;
 - (b) paragraph (6)(a) of that regulation; or
 - (c) paragraph (6)(b) of that regulation,
- is likely to have significant environmental effects.
- (2) Before making a determination under paragraph (1) the responsible authority shall—
- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
 - (b) consult the consultation bodies.
- (3) Where the responsible authority determines that the plan, programme or modification is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.

Therefore before the Council makes a decision whether or not the Pre-Submission Consultation Draft Knaresborough Neighbourhood Development Plan is likely to have significant environmental effects it must consider the plan proposals against the criteria specified in Schedule 1 of the Regulations and consult the consultation bodies (Historic England, Natural England and the Environment Agency). A copy of Schedule 1 of the Regulations is provided at **Appendix 1**.

An earlier copy of the Pre-Submission Consultation Draft was sent to the environment assessment consultation bodies in December 2016 by the Knaresborough Neighbourhood Development Plan team. All of the consultation bodies provided comments to the consultation. A summary of their responses is provided within the table below:

Consultation Body	Summary of Comments	Response
Historic England	Advise that based on the information supplied the preparation of a Strategic Environmental Assessment is not required.	Noted
Environment Agency	Raised concern about the Draft Policy EB2 : River Nidd Hydroelectric as these schemes can result in significant environmental impacts.	Concerns were noted and the hydroelectric scheme has subsequently been deleted from the NP.
Natural England	Advise that based on the information provided the proposals contained within the plan may have a significant effect on Hay a Park SSSI and therefore a SEA would be required. Given that there are no European Designated sites in the vicinity of the neighbourhood plan area, there is no need for a Habitats Regulation Assessment.	Concerns were noted and the policy relating to the Hay a Park has been subsequently amended to provide purely protection for the SSSI.

Whilst Natural England and the Environment Agency raised some concerns about the draft policies, the Pre-Submission Consultation Draft has been amended to address these specific concerns. The three bodies will be consulted again as part of the pre-submission consultation draft consultation.

In accordance with Regulation 9 of the SEA Regulations 2004, Harrogate Borough Council, as the responsible authority, considers that an environmental assessment and/or Habitats Assessment of the Pre-Submission Consultation Draft Knaresborough Neighbourhood Plan is not required as it determines the use of a small area at local level and is unlikely to have significant environmental effects. In coming to this conclusion the Council has had regard to Schedule 1 of the Regulations. The Council's consideration of the Pre-Submission Consultation Draft Knaresborough Neighbourhood Plan against Schedule 1 is set out in **Appendix 2**.

Appendix 1: Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

SCHEDULE 1

Regulations 9(2)(a) and 10(4)(a)

CRITERIA FOR DETERMINING THE LIKELY
SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

1. The characteristics of plans and programmes, having regard, in particular, to—
 - (a) 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;
 - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - (d) environmental problems relevant to the plan or programme; and
 - (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, 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—
 - (a) the probability, duration, frequency and reversibility of the effects;
 - (b) the cumulative nature of the effects;
 - (c) the transboundary nature of the effects;
 - (d) the risks to human health or the environment (for example, due to accidents);
 - (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
 - (f) the value and vulnerability of the area likely to be affected due to—
 - (i) special natural characteristics or cultural heritage;
 - (ii) exceeded environmental quality standards or limit values; or
 - (iii) intensive land-use; and
 - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

Appendix 2: Consideration of the Pre-Submission Consultation Draft Knaresborough Neighbourhood Plan against Schedule 1 of the SEA Regulations

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
1 (a) 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 Neighbourhood Plan (NP) will set a policy framework for the determination of planning applications for future development projects. Once made the NP will form part of the Harrogate District Local Plan
1 (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	A neighbourhood plan is only able to provide policies for the area it covers. These policies need to have regard to national policy and be in general conformity with the district’s Local Plan. Parts of the Harrogate District Local Plan 2001 and Harrogate District Core Strategy 2009 are currently out of date because the evidence base in relation to housing and employment requirements is out of date. A new Harrogate District Local Plan is currently being prepared and has reached the Publication Draft Plan Stage(consultation due end of January 2018)
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Knaresborough Neighbourhood Plan seeks to have a positive impact on local environmental assets with an emphasis on the protection and enhancement of the public realm, green spaces and historic buildings. The achievement of sustainable development is one of the basic conditions to be met by the NP and is at the heart of the plan’s vision and objectives.
1 (d) environmental problems relevant to the plan or programme	No	It is not considered that there are any particular environmental problems relevant to the plan. There are two Air Quality Management Areas within the Neighbourhood Area however as the NP does not allocate land for housing or employment it is not considered that there will be any environmental impactson them from the NP.
1 (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	This criterion is unlikely to be directly relevant in regard to the Neighbourhood Plan.
2 (a) the probability, duration, frequency and reversibility of the effects;	No	The Plan provides a framework for guiding development but does not specifically allocate land for development. It is likely that some development will

		occur during the duration of the Plan within the area therefore an element of environmental change will take place. However, the Plan policies are designed to encourage new development that is sustainable and has the least negative and greatest positive environmental impacts.
2 (b) the cumulative nature of the effects;	No	The Neighbourhood Plan does not allocate sites for development but provides a framework for guiding development. There are unlikely to be significant impacts on the local environment. The effects of the NP need to be considered alongside the Harrogate District Local Plan which it is required to be in general conformity with. It is not considered that the NP introduces additional effects over and above those already considered in the SA for the Harrogate District Local Plan as it does not propose additional development.
2 (c) the transboundary nature of the effects;	No	The Neighbourhood Plan does not allocate any land and the policies within are unlikely to have an impact beyond the Neighbourhood Area boundary.
2 (d) the risks to human health or the environment (for example, due to accidents);	No	No obvious risks have been identified.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The NP is concerned with development within the Knaresborough Neighbourhood Area. The potential for environmental impacts are likely to be limited, minimal and local.
2 (f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use	No	The NP is unlikely to adversely affect the value and vulnerability of the area in relation to its special natural characteristics or cultural heritage. The policies within the plan seek to provide greater protection of the character of the area. The NP does not allocate sites, as such there are unlikely to be any intensive land-use concerns.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	It is not considered that the draft policies in the NP will adversely affect areas or landscapes which have a recognised national, community or international protection status. The policies do not allocate land for development and the plan seeks to protect some local green spaces