

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

SEA and HRA SCREENING REPORT of the:

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL NEIGHBOURHOOD DEVELOPMENT PLAN: REGULATION 14 VERSION 06/2024

**PREPARED BY NORTH YORKSHIRE COUNCIL
DATE: JANUARY 2025**

INTRODUCTION

This report is a screening consideration of the need to carry out a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) of the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Development Plan Regulation 14 (Pre-Submission Consultation) Version 06/2024 (the Neighbourhood 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. Despite the UK leaving the EU on the 31 January 2020, the SEA Regulations will continue to apply as before unless and until new legislation is introduced.

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.

SCREENING OF THE PLAN

The responsible authority, as defined in the Regulations, that has carried out this screening is North Yorkshire Council.

Regulation 5(6)

In applying Regulation 5(6), it is considered that the Neighbourhood Plan determines the use of a small area at local level and, therefore, an environmental assessment need not be carried out unless it is determined that the plan is likely to have significant environmental effects.

Regulation 9

Regulation 9 sets out how a responsible authority should determine whether a plan is likely to have significant environmental effects and where it is determined that a plan is unlikely to have significant environmental effects, how this should be formally set out.

Regulation 9(2)(a)

To determine whether a plan is likely to have significant environmental effects, Regulation 9(2)(a) requires North Yorkshire Council to take into account the criteria specified in Schedule 1 of the Regulations. A copy of Schedule 1 of the Regulations is provided at Appendix 1.

North Yorkshire Council has considered the Neighbourhood Plan against Schedule 1. The consideration is set out at Appendix 2 and based on this; the following conclusions are drawn:

It is considered that an environmental assessment and/or Habitats Assessment of the Neighbourhood Plan is not required. The plan does not allocate land for development or propose development at levels beyond that supported by the adopted Local Plan but is consistent with strategic Local Plan policy GS6: Nidderdale Area of Outstanding Natural Beauty. As such the Neighbourhood Plan is unlikely to have significant environmental effects.

Regulation 9(2)(b)

As required by Regulation 9(2)(b), before determining whether a plan is likely to have significant environmental effects, North Yorkshire Council must also consult the statutory consultation bodies.

A copy of the Neighbourhood Plan and an SEA and HRA Screening Report (Draft for Statutory Consultees), including draft conclusions, were sent to the Environment Agency, Historic England and Natural England for comment between Thursday 11 July and Friday 6 September 2024. A summary of the responses received are set out at Appendix 3.

Both Historic England and Natural England agreed with the draft conclusion that the Neighbourhood Plan is unlikely to have significant environmental effects and therefore an SEA is not required.

Natural England, however, also recommended that in-house advice from council specialists be sought on potential environmental impacts that may be sufficient to warrant an SEA. The council's ecologists were consulted, no issues were raised.

The Environment Agency did not respond to the initial consultation. Following an additional request, a copy of their response to the Reg 14 consultation held by the parish council was supplied. As this did not address the need for SEA a further request was sent, however, no further comments were received.

As two of the consultation bodies agree with North Yorkshire Council's draft conclusions and none of the three bodies raise issues to challenge these findings, it is considered that they provided an appropriate basis for determination, therefore:

It is considered that an environmental assessment and/or Habitats Assessment of the Neighbourhood Plan is not required. The plan does not allocate land for development or propose development at levels beyond that supported by the adopted Local Plan but is consistent with strategic Local Plan policy GS6: Nidderdale Area of Outstanding Natural Beauty. As such the Neighbourhood Plan is unlikely to have significant environmental effects.

Regulation 9(3)

If it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), North Yorkshire Council is required to publish a statement setting out its reasons. To meet this requirement, this SEA and HRA Screening Report will be published.

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 Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Development Plan: Regulation 14 Version 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 will set a policy framework for the determination of planning applications for future development projects. Once made the Neighbourhood Plan will form part of the development plan and will be used to determine planning applications in the neighbourhood plan area alongside other development plan policies.
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 Harrogate District Local Plan 2014 – 2035.
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	<p>The Kirkby Malzeard, Laverton and Dallowgill 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 the historic environment.</p> <p>The achievement of sustainable development is one of the basic conditions to be met by the Neighbourhood Plan and is at the heart of the plan's vision and objectives.</p>
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. The proposed aims and objectives for the Plan are not expected to have a negative environmental impact. The Plan seeks to protect the natural and historic environment of Kirkby Malzeard, Laverton and Dallowgill.
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	No	This criterion is unlikely to be directly relevant in regard to the Neighbourhood Plan.

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
management or water protection)		
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. The draft policies do not propose development beyond that supported by adopted Local Plan policies.
2 (b) the cumulative nature of the effects;	No	The Neighbourhood Plan does not allocate any sites for development and the main aim of the plan is to provide a framework for guiding development. There are unlikely to be significant impacts on the local environment. The effects of the Neighbourhood Plan need to be considered alongside the Harrogate District Local Plan 2014-2035 which it is required to be in general conformity with. It is not considered that the Neighbourhood Plan introduces additional effects over and above those already considered in the Sustainability Appraisal for the Local Plan as it does not propose additional development.
2 (c) the transboundary nature of the effects;	No	The Neighbourhood Plan 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 Neighbourhood Plan is concerned with development within the designated neighbourhood area of Kirkby Malzeard, Laverton and Dallowgill, which covers the parishes of Kirkby Malzeard and Laverton. The potential for environmental impacts is likely to be limited, minimal and local.
2 (f) the value and vulnerability of the area likely to be affected due to—	No	The Neighbourhood Plan 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

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
<p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use</p>		<p>to provide greater protection of the character of the area. The Neighbourhood Plan does not allocate sites, as such there are unlikely to be any intensive land-use concerns.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>Although the neighbourhood area is within the Nidderdale National Landscape, it is not considered that the draft policies in the Neighbourhood Plan will adversely affect areas or landscapes which have a recognised national, community or international protection status as they do not allocate land for development or propose development at levels beyond that supported by adopted Local Plan policies. In addition, draft policies seek to protect the landscape, improve the design quality of development and protect heritage assets. The approach is considered in conformity with strategic local plan policy GS6: Nidderdale Area of Outstanding Natural Beauty.</p>

Appendix 3:

Consultation with statutory bodies

A copy of the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan: Reg14 Version 06/2024 was sent to the statutory consultation bodies (Environment Agency, Historic England and Natural England) along with an SEA and HRA Screening Report (Draft for Statutory Consultees), including draft conclusions.

The bodies were invited to comment on the draft Screening Report, including draft conclusions, between Thursday 11 July and Friday 6 September 2024. A summary of the comments received are set out in the table below.

Consultation Body	Summary of Comments	Response	Outcome
Environment Agency	No comments received within consultation period. An additional email was sent inviting comments and a response including a copy of EA comments on the Reg 14 (06/2024) version of the plan was supplied. Reg 14 comments did not address SRA or likely significant effects. Further email sent requesting review of the draft Screening Report- no response received.	EA has not raised any objections.	SEA not required
Historic England	With regard to the criteria in Schedule 1 of the Regulations, Historic England agrees with the conclusion of the draft screening that the plan is unlikely to have significant environmental effects and therefore an SEA is not required. Opinion is based on the version of the plan supplied. Despite the SEA opinion, HE reserves the ability to object to aspects of the plan, if necessary, where it is considered that there would be an adverse effect upon the environment.	Support noted	SEA not required
Natural England	On the basis of the information provided, significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and significant effects on Habitats sites (either alone or in combination) are also unlikely. Recommend that in-house advice from council specialists is sought on potential environmental impacts that may be sufficient to warrant an SEA.	Support noted. The council's ecologist was consulted on the SEA/HRA Screening draft conclusions- no issues raised.	SEA not required

Reserve the right to provide further advice on the environmental assessment of the plan.