



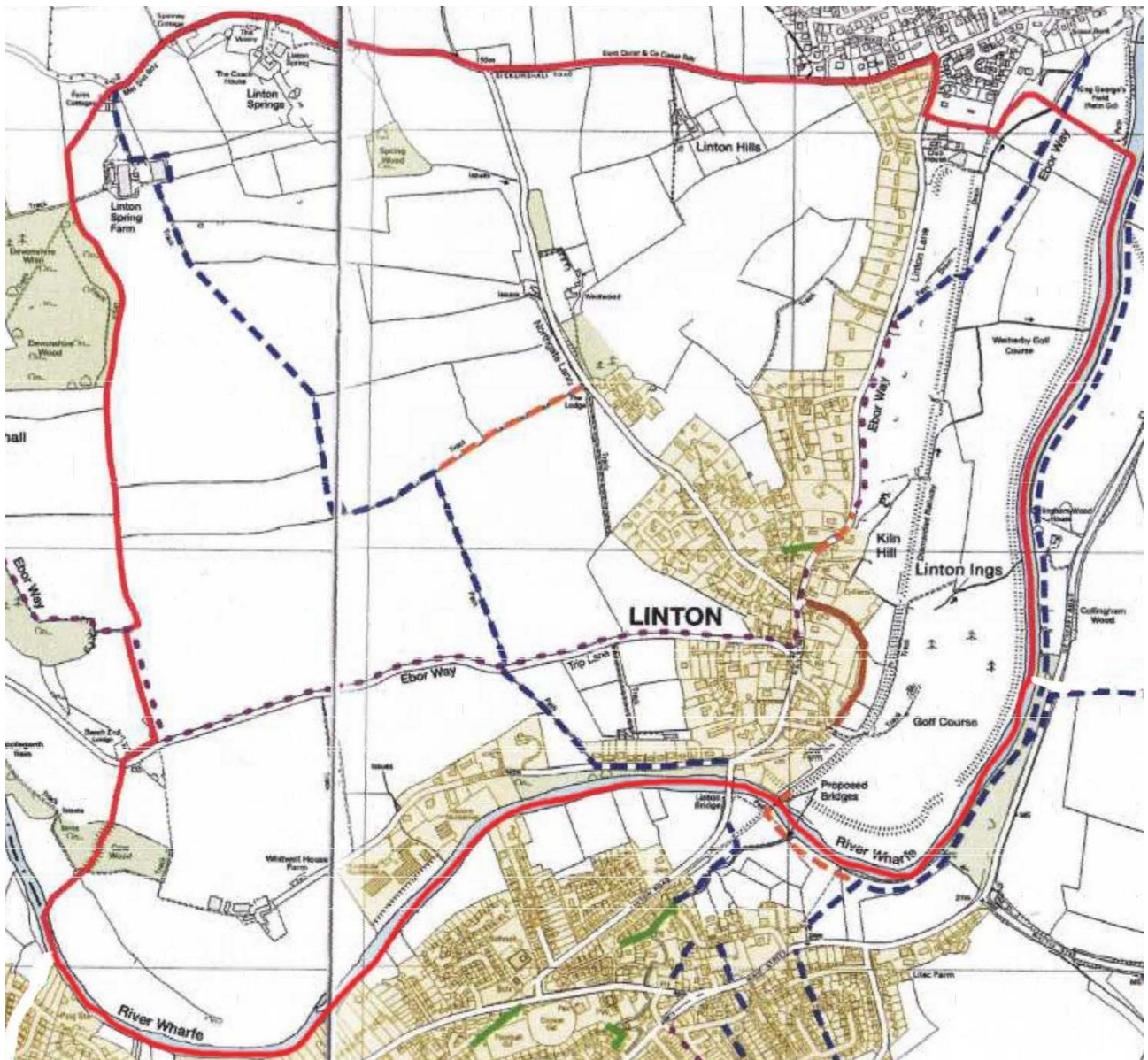
# **Linton Neighbourhood Plan Basic Conditions Statement Plan Period 2014 to 2029**

**To: Leeds City Council Planning**

**By: Collingham with Linton Parish Council**

**MARCH 2015**

# MAP OF LINTON DESIGNATED AREA



Map 1: Crown Copyright and database right 2014 Ordnance Survey LA1000019567p

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# 1. INTRODUCTION

1. This Basic Conditions Statement accompanies the Linton Neighbourhood Plan (LNP) which is submitted by the Collingham with Linton Parish Council (Parish Council) to the local planning authority, Leeds City Council (LCC). This Statement is required to fulfil the legal obligations under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
2. The Parish Council is a qualifying body and entitled to submit Neighbourhood Plans (NP) for its own Parish.
3. In 2012, the Parish Council agreed to produce two distinct NP, one for each of the villages in the Parish – Collingham and Linton. The LNP is the first NP to be submitted by the Parish Council to LCC, and relates only to the area within the Parish boundary to the north of the River Wharfe, comprising the village of Linton, Linton Spring and the individual houses and farms which are outside the Linton village boundary but within the Parish boundary (the Neighbourhood Area). (See Map 1 above.)
4. The Policies contained in the LNP relate to planning matters (the use and development of land) in the Neighbourhood Area and have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Regulations.
5. The plan period of the LNP is from 2014 to 2029 and it does not contain policies relating to excluded development, in accordance with the Regulations.
6. The LNP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
7. There are no other neighbourhood development plans in place relating to Linton.
8. It is not considered that there is any benefit in extending the area for the referendum beyond the Neighbourhood Area.
9. This Statement addresses each of the four ‘basic conditions’ required by the Regulations and explains how the submitted LNP meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town & Country Planning Act.
10. The Regulations state that a NP will be considered to have met the basic conditions if:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
  - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
  - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

## 2. BACKGROUND

11. This Statement has been prepared by the LNP Drafting Committee (DC) and Steering Group (SG) under the authority given by the Parish Council by letter dated 30<sup>th</sup> May 2012. (See Appendix A).
12. During the Plan preparation, ongoing consultation has been undertaken with LCC to ensure that the LNP conformed with the emerging LCC Core Strategy, and it was agreed that the submission of the Draft LNP should be delayed until after the LCC's Core Strategy was approved and adopted, which was achieved on 12th November 2014.

## 3. SUPPORTING DOCUMENTS

13. The LNP is supported by the following documents:
- Consultation Statement;
  - Statement of reason why a strategic environmental assessment is not required; and
  - This Basic Conditions Statement.

## 4. CONFORMITY WITH NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

14. The LNP has been prepared with regard to national policies as set out in the NPPF and is mindful of the draft National Planning Practice Guidance (NPPG) in respect of formulating NPs.
15. How the LNP complies with the 12 principles of the NPPF and therefore ensures that the Plan promotes Sustainable Development is described below:

Principle	How LNP complies with the Principle
<p>1. Be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date and based on joint working and cooperation to address larger than local issues.</p> <p>They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;</p>	<p>The LNP provides potential developers with a framework upon which appropriate plans can be produced. The following Policies have been written clearly and concisely to remove any ambiguity and to leave the opportunity for innovative design.</p> <ul style="list-style-type: none"> <li>▪ Policy A1 Design for Development</li> <li>▪ Policy A2 Design of Extensions</li> </ul> <p>The LNP also ensures through the following Policy that the community will continue to be involved on an on-going basis if planning applications for development of more than one property or for a change of use come forward.</p> <ul style="list-style-type: none"> <li>▪ Policy A3 : Community Involvement</li> </ul>

Principle	How LNP complies with the Principle
<p>2. Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;</p>	<p>The LNP also includes Projects, which cover issues identified by residents, which will enhance and improve the local community.</p> <p>The following Policies have been drawn up to enhance and improve the community:</p> <ul style="list-style-type: none"> <li>▪ Policy A1 Design for Development</li> <li>▪ Policy B4 Development Criteria – Highways</li> <li>▪ Policy C1 Village Facilities and Services</li> <li>▪ Policy D1 Footpaths, Cycleways and Bridleways</li> <li>▪ Policy E1 Local Green Space</li> <li>▪ Policy E2 Additional Open Space</li> </ul>
<p>3. Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land price and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;</p>	<p>The LNP is in general conformity with LCC Core Strategy. Linton is a small settlement outside the settlement hierarchy, which dictates the Leeds spatial strategy. Linton is not considered to be a sustainable location for significant residential or business development. Nevertheless the LNP takes a limited role with the following policy:</p> <ul style="list-style-type: none"> <li>▪ Policy B1 Small Scale Development</li> </ul> <p>It is also accepted that the PAS Site (The Ridge) will also add to this, and this is covered by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy B2. PAS Site (The Ridge)</li> </ul> <p>Existing services and businesses are promoted and supported through the following policies:</p> <ul style="list-style-type: none"> <li>▪ Policy C1 Village Facilities and Services</li> <li>▪ Policy F1 Local Business Support</li> <li>▪ Policy F2 Broadband/Connectivity</li> </ul> <p>The existing housing stock of Linton includes many substantial dwellings and few smaller dwellings. In order to achieve a better balance in the future, and as identified through consultation, there is a need for smaller dwellings suitable for downsizing. This need is covered by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy B5 Housing Type.</li> </ul>
<p>4. Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>The LNP sets out the following policies to ensure design of a high quality:</p> <ul style="list-style-type: none"> <li>▪ Policy A1 Design of Development</li> <li>▪ Policy A2 Design of Extensions</li> <li>▪ Policy A3 Community Involvement</li> </ul>

Principle	How LNP complies with the Principle
<p>5. Take account of the different roles and character of the different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and the beauty of the countryside and supporting thriving rural communities with it;</p>	<p>Linton is a rural village with no shops and limited facilities and access to and support of the main urban areas, such as Collingham and Wetherby, is vital. This is supported by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy B4 Access to Facilities</li> </ul> <p>Opening up further access to the surrounding countryside where possible is also considered important and is supported by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy D1 Footpaths, Cycleways and Bridleways</li> </ul> <p>Linton is surrounded by Green Belt, and the following policy has been drawn up to ensure this particular site is protected until LCC carry out a Green Belt review:</p> <ul style="list-style-type: none"> <li>▪ Policy B2 PAS Site (The Ridge)</li> </ul> <p>Although there are few businesses and facilities within Linton, the following policies recognize that it is vital that these should be supported and strengthened:</p> <ul style="list-style-type: none"> <li>▪ Policy C1 Village Facilities and Services</li> <li>▪ Policy F1 Local Business Support</li> <li>▪ Policy F2 Broadband/Connectivity</li> </ul>
<p>6. Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by development of renewable energy);</p>	<p>The local community has been silent on the transition to a low carbon future, and therefore there is no evidence base upon which to derive any specific policies in the LNP. These matters are covered adequately within Core Strategy Policies EN1 (Climate Change), EN2 (Sustainable design and construction), EN3 (Low Carbon Energy) and EN5 (Flood Risk) and it is already a statutory requirement to consider the impact of any development on flooding.</p> <p>Policy B1 envisages the possibility of a number of existing dwellings being redeveloped into smaller dwellings.</p>

Principle	How LNP complies with the Principle
<p>7. Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this framework;</p>	<p>One of the key LNP objectives is to protect the environment generally including agricultural land, woodland, wildlife habitats, the historic environment and particularly the key views into and out of the Conservation Area. This will be delivered through the following policies:</p> <ul style="list-style-type: none"> <li>▪ Policy A1 Design of Development</li> <li>▪ Policy A2 Design of Extensions</li> <li>▪ Policy B1 Small Scale Development</li> <li>▪ Policy B2 PAS Site (The Ridge)</li> </ul> <p>To encourage use of local transport and aid pedestrian access to local shops in Wetherby and Collingham and thereby reduce the use of cars, the following policies have been drawn up:</p> <ul style="list-style-type: none"> <li>▪ Policy A3 Access to Facilities</li> <li>▪ Policy D1 Footpaths, Cycleways and Bridleways</li> </ul>
<p>8. Encourage the effective use of land by reusing land that has been previously developed (brownfield land). Provided it is not of high environmental value;</p>	<p>There is little opportunity within Linton to reuse previously developed land. However there are likely to be significant opportunities for redevelopment of the larger plots as they become available. This is covered by the following policy:</p> <ul style="list-style-type: none"> <li>▪ Policy B1 Small Scale Development</li> </ul>
<p>9. Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognizing that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);</p>	<p>Linton is a small settlement outside the settlement hierarchy which dictates the Leeds spatial strategy. Linton is not considered to be a sustainable location for significant mixed use development. It is however accepted that some small scale housing development will occur during the Plan period and is covered by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy B1 Small Scale Development</li> </ul> <p>Existing businesses and services are also promoted and supported through the following policies which will ensure that the existing mix is retained into the future:</p> <ul style="list-style-type: none"> <li>▪ C1 Village Facilities and Services</li> <li>▪ F1 Local Business Support</li> <li>▪ F2 Broadband/Connectivity</li> </ul> <p>Linton has little open green space and the following policies have been included to protect the limited existing open green space and to support additional open space:</p> <ul style="list-style-type: none"> <li>▪ Policy E1 Local Green Space</li> <li>▪ Policy E2 Additional Green Space</li> </ul>



Principle	How LNP complies with the Principle
<p>10. Conserve heritage assets in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of this and future generations;</p>	<p>Protection of the Conservation Area and historic environment is a key objective of the LNP and is covered by the following policies:</p> <ul style="list-style-type: none"> <li>▪ Policy A1 Design of Development</li> <li>▪ Policy A2 Design of Extensions</li> </ul> <p>The LNP has identified four areas of Local Green Space and a number of village facilities, which contribute to the quality of life in the village. These are protected for future generations by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy C1 Village Facilities and Services</li> <li>▪ Policy E1 Local Green Space</li> </ul>
<p>11. Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable;</p>	<p>The following policy extends the accessibility criteria included in the Leeds Core Strategy to the smaller developments planned for in Linton, which ensures new development is accessible to public transport:</p> <ul style="list-style-type: none"> <li>▪ Policy B3 Access to Facilities</li> </ul> <p>Provision of additional footpaths and bridleway access is covered by the following:</p> <ul style="list-style-type: none"> <li>▪ Policy D1 Footpaths, Cycleways and Bridleways</li> </ul>
<p>12. Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.”</p>	<p>Linton is fortunate to have local recreational facilities such as Wetherby Golf Club and Linton Tennis Club, which offer both social and leisure amenities. The LNP supports and protects these facilities, along with other village assets such as Linton Memorial Hall, which provides a social centre for the village. The following policy was drawn up to ensure that these services and facilities have a sustainability future:</p> <ul style="list-style-type: none"> <li>▪ Policy C1 Village Facilities and Services.</li> </ul>

## 5. CONTRIBUTING TO SUSTAINABLE DEVELOPMENT

16. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 sets out three dimensions to sustainable development as follows:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s environment, with accessible local services that reflect the community’s needs and support its health, social and cultural wellbeing; and

- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

17. The table below is an appraisal of each of the LNP Policies against these sustainability dimensions:

Policy Title	Conformity	Social Impact	Economic Impact	Environmental Impact
		1=very positive, 2= positive, 3= neutral, 4=negative, 5= very negative		
Policy A1: Design and Development	Yes	3	3	3
Policy A2: Design of Extensions	Yes	3	3	3
Policy A3: Community Involvement	Yes	1	2	2
Policy B1: Small Scale Development	Yes	2	2	1
Policy B2: PAS Site (The Ridge)	Yes	3	3	3
Policy B3: Access to Facilities	Yes	1	1	1
Policy B4: Development Criteria - Highways	Yes	2	3	2
Policy B5: Housing Type	Yes	1	2	3
Policy C1: Village Facilities and services	Yes	1	1	2
Policy D1: Footpaths, Cycleways and Bridleways	Yes	2	2	1
Policy E1: Local green Space	Yes	2	3	1
Policy E2: Additional Open Space	Yes	2	3	1
Policy F1: Local Business Support	Yes	2	1	3
Policy F2: Broadband/Connectivity	Yes	2	1	2

## 6. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF LCC LOCAL PLAN

18. The Policies contained in the draft LNP are required to be in general conformity with the strategic policies of the Local Plan. The strategic policies of the Local Plan are contained within the Core Strategy, which was adopted on 12<sup>th</sup> November 2014. The following are considered to be relevant to the draft Linton NP:

Core Strategy Policy	LNP General Conformity by:
SP1 (location of development), SP2 (hierarchy of centres), SP6 (The Housing requirement and allocation of housing land), SP 7 (distribution of housing) SP10 (Green Belt) and H2 (Housing Development on non-allocated sites)	As Linton falls outside the settlement hierarchy, it is not expected to accommodate significant growth. However, Policy SP7 seeks 700 dwellings in 'other rural' locations over the plan period and Linton would be considered as one such location. The LNP accepts that Linton will take a limited role in meeting the needs across the district and through Policy B1 Small Scale Development and Policy B2 PAS Site (The Ridge) will add to this. Policy B1 supports windfall development that does not extend development into the countryside and also development of 10 dwellings or less on The Ridge should this site be allocated for housing. The Policies of the LNP do not require the Green Belt boundary to be amended. The LNP is therefore in general conformity with these policies of the Core Strategy.
SP8 (Economic Development Priorities)	Similarly Linton is not expected to accommodate significant economic development. SP8 does however require the rural community to be supported and to improve accessibility to employment opportunities by public transport, walking and cycling. The LNP Policies contribute positively to these and are therefore in general conformity with this policy of the Core Strategy.
SP13 (Strategic Green Infrastructure), G1 (Enhancing and extending Green Infrastructure), G2 (Creation of New Tree Cover), G6 (Protection of Greenspace),	The whole of the Neighbourhood Area is part of the Wharfe Valley Green Infrastructure. The LNP supports the protection of this infrastructure and provides opportunities for increased recreational use of the infrastructure through additional access. The design policies require the landscape setting to be thoroughly considered and for the natural environment and bio-diversity to be enhanced. The LNP is therefore in general conformity with these policies of the Core Strategy.
H3 (Housing Density)	The Leeds Core Strategy Policy H3 describes density requirements for new housing. It recognizes that settlements outside the hierarchy, and Linton is such a settlement, contribute little to the overall housing numbers and that the area of land to be used for any housing development will be small. No specific density criteria are therefore deemed necessary for future developments in Linton. Spatial character is more important than density. It may be appropriate for a small number of smaller dwellings to be located on an existing individual plot. This would increase the density locally. By maintaining appropriate separation from the plot boundaries and by sensitive boundary treatment the spatial character can be maintained. The LNP is therefore in general conformity with this policy of the Core Strategy.
H4 (Housing Mix),	The majority of the existing housing stock in Linton is large detached housing. The LNP seeks to encourage smaller dwellings to be built and therefore provide an appropriate mix of dwelling types and sizes to address the needs taking account the aging demographic profile.
P10 (Design), P11 (Conservation) and P12 (Landscape)	Policies A1 and A2, when read together with the Character Area Assessments, are to deliver good design in a Linton context. The Policies have been drafted carefully to encourage innovative design. The LNP is therefore in general conformity with these policies of the Core Strategy.

Core Strategy Policy	LNP General Conformity by:
T2 (Accessibility and new development)	The LNP is specifically supportive of this policy and has extended its use to developments of less than 5 dwellings in recognition that the majority of development in Linton will be small in scale. The LNP is therefore in general conformity with this policy of the Core Strategy.
G3 (Open space standards), G4 (New Greenspace)	Linton is deficient in amenity greenspace. The LNP specifically addresses this problem and has included a Project to provide additional amenity space in the heart of the village. The LNP is therefore in general conformity with these policies of the Core Strategy.
G8 (Protection of habitats), G9 (Biodiversity improvements)	Within Linton the SEGI and SSSI are protected from development by these policies and have statutory protection. The design policies require the natural environment and biodiversity to be enhanced. The LNP is therefore in general conformity with these policies of the Core Strategy.
EN1 (Climate Change), EN2 (Sustainable design and construction),	These policies only apply to developments of 10 dwellings or more and therefore only apply to any future possible development of The Ridge. There is nothing in the LNP contrary to these policies and therefore by implication the LNP may be considered in general conformity.
EN5 (Flood Risk)	Part of Linton is functional flood plain for the River Wharfe with surrounding areas of Zone 3 and Zone 2 flood plain. This Core Strategy policy requires flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate. This adequately addresses the needs for Linton and therefore flood mitigation is not included as a specific policy in the LNP.

## 7. COMPATIBILITY WITH EU LEGISLATION

19. The LNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
20. The key EU obligations to consider are considered to be:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (Strategic Environmental Impact Directive).
  - Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment Directive)
  - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
  - Directive 2009/147/EC on the conservation of wild birds.
21. A screening opinion was issued by LCC on 11<sup>th</sup> March 2015 (Sustainability Appraisal/Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report - Appendix B). The screening report concluded:
- After consultation with the statutory environmental bodies, including the Environment Agency, English Heritage, Natural England and the LCC's Nature Conservation Officer, the view is that the policies and proposals in the LNP would not have a significant effect on the environment, habitats or birds of the area. The LNP does not therefore require a full strategic environmental assessment (SEA).
  - A full HRA of the LNP is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.
22. In conclusion it is considered that the LNP is compliant with EU obligations.

## 8. CONCLUSION

23. It is considered that the LNP:
- meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town & Country Planning Act;
  - has appropriate regard for the 12 core principles of the NPPF;
  - contributes to the achievement of sustainable development;
  - is in general conformity with strategic local planning policies; and
  - is compliant with all relevant EU regulations, including Human Rights requirements.
24. It is therefore requested that the Examiner recommends to the Local Authority that the LNP be presented for a referendum of the local community and on the assumption that the referendum is successful that the Neighbourhood Plan is subsequently made.

March 2015

## 9. APPENDIX A: COLLINGHAM WITH LINTON PARISH COUNCIL LETTER OF AUTHORITY

### COLLINGHAM with LINTON PARISH COUNCIL

Glyn Robins, clerk, 28 Oakdale, Harrogate, HG1 2LW  
Tel / fax: 01423 531235 email: glynrobins@gmail.com

Neighbourhood Plan Drafting Committee  
Orchard Cottage  
Northgate Lane  
Linton  
Leeds  
LS22 4HS

30<sup>th</sup> May 2012

Dear Chair,

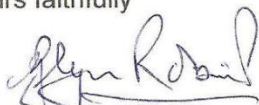
#### **Collingham with Linton Parish Council – Preparation of a Neighbourhood Plan - Linton**

The Parish Council are very pleased that you have been successful in establishing a drafting committee for the Linton Neighbourhood Plan, comprising Jill Bolton, Julian Holmes, Mike Bates, Patrick Kirk, Roger Limbert, Kenneth Morton, Amanda Pickeveance and Irving Weaver. Through this letter the Parish Council instructs you to commence production of the plan on our behalf and conveys full responsibility for all aspects of the plan to the drafting committee, the strategy group and other subgroups you may establish to deliver the plan.

Julian Holmes will continue to be the Parish Council's representative on the drafting committee and the Parish Council offers its full support to him and the rest of the volunteers involved in this vitally important project.

Thank you all for your hard work.

Yours faithfully



Glyn Robins  
Clerk to the Parish Council

**10. APPENDIX B: SUSTAINABILITY APPRAISAL/STRATEGIC ENVIRONMENTAL ASSESSMENT & HABITATS REGULATIONS ASSESSMENT SCREENING REPORT**

**APPENDIX B STARTS ON THE NEXT PAGE**





# **Linton Neighbourhood Plan**

## **Sustainability Appraisal/Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report**

**March 2015**

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## Appendix B.1 – SEA consultation responses

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

## Appendix B.2 –Information on Kirk Deighton Special Area of Conservation

- Plan showing Kirk Deighton Special Area of Conservation and Linton Neighbourhood Area
- Natura 2000 form for Kirk Deighton

## Appendix B.3 – HRA Screening Assessment of policies of Linton Neighbourhood Plan

## Appendix B.4 – HRA consultation response from Natural England

## **1. Introduction**

- 1.1 This screening report will determine whether or not the contents of the submission draft Linton Neighbourhood Plan (hereafter known as 'LNP') (December 2015) 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.
- 1.2 This report will also screen to determine whether or not the LNP 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. Kirk Deighton Special Area of Conservation (SAC) is the only international designated site within a 15km radius of the LNP boundary.
- 1.3 The purpose of the LNP is to preserve and enhance the distinctive character and appearance of Linton by ensuring positive management of future developments, creating a safer and more secure environment, protecting existing open space, creating new greenspace and footpaths and building a stronger community spirit to meet the future needs of the village.
- 1.4 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3, provides a screening assessment of both the likely significant environmental effects of the LNP and the need for a full SEA. Section 4, provides a screening assessment of the likely significant effects of the implementation of a LNP 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. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA. This is also discussed within the NPPF para 165.
- 2.3 However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. 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.
- 2.4 To fulfil the legal requirement to identify if the LNP requires an SEA a screening for a SEA and the criteria for establishing whether a full assessment is needed is undertaken in chapter 3 of this report.

### **Habitat Regulation Assessment (HRA)**

- 2.5 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.
- 2.6 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the LNP upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken in chapter 4 of this report.

### 3. SEA Screening

#### Criteria for Assessing the Effects of LNP

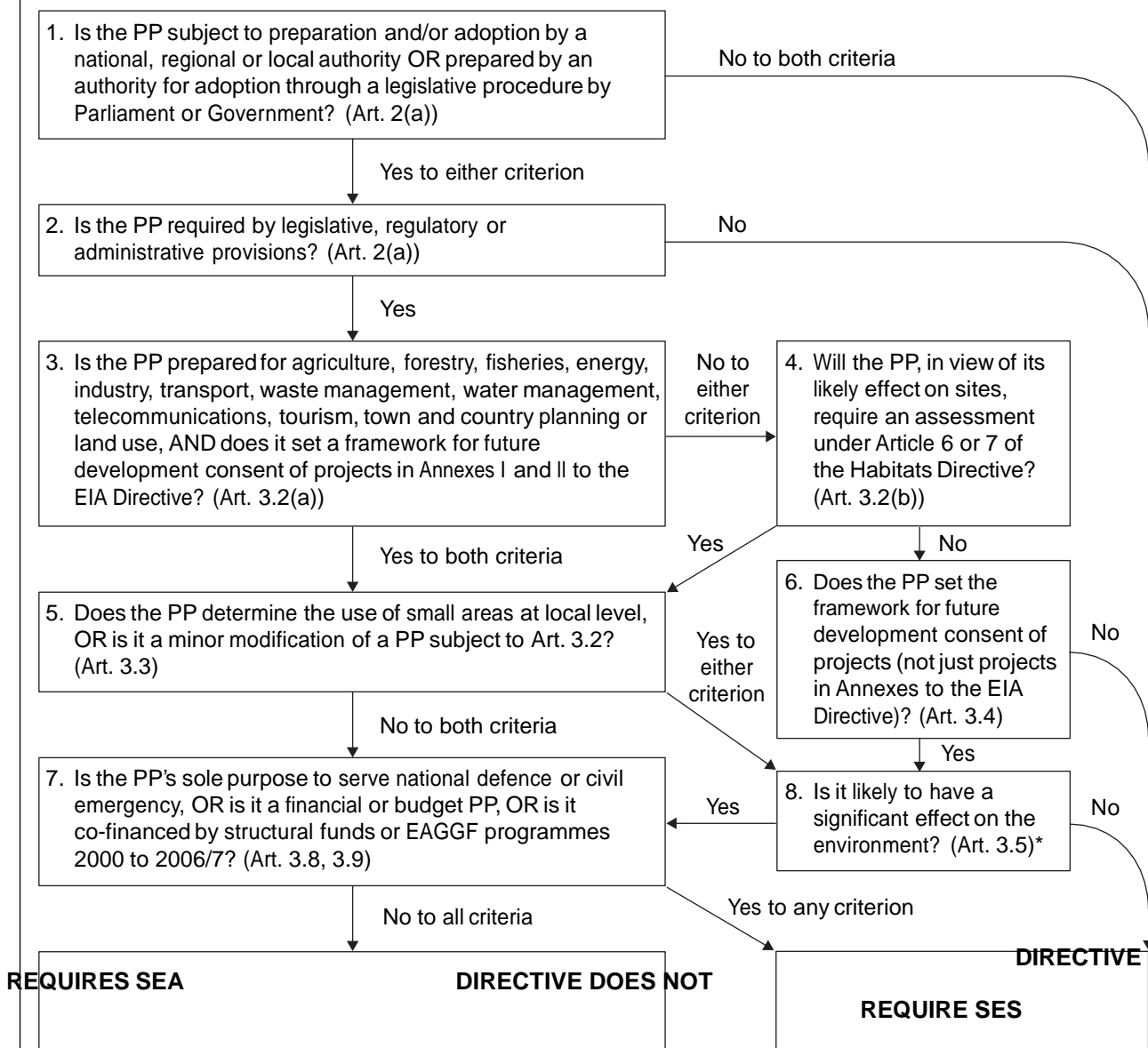
- 3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
1. The characteristics of plans and programmes, having regard, in particular, to
    - the degree to which the plan or programme sets a framework for projects and other 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**

- 3.2 The process for screening a planning document against the criteria to determine whether a full SEA is required is shown in Figure 1

**Figure 1 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

## Assessment

3.3 Once adopted, the LNP will form part of the planning policy framework for Linton and will be used in conjunction with the Core Strategy, saved UDP policies, Site Allocations Plan (once adopted), Natural Resources and Waste DPD and other policy and material considerations to determine planning applications. As such it will be part of the framework within which planning consents are granted and is a plan prepared for 'town and country planning or land use...' (Article 3(2)). However the LNP does not specifically address any of the projects listed in Annexes I and II to EIA Directive 85/337/EEC and would not provide any explicit policy

guidance on any proposals for these types of land uses. Any such proposals would be considered against the provisions of the Core Strategy, saved UDP policies, Natural Resources and Waste DPD and other relevant policy and material considerations.

- 3.4 It is required by the Localism Act (2011) that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. The Leeds Core Strategy was recently adopted in November 2014 and there have been no High Court challenges to this document. The Core Strategy was subject to a full Sustainability Appraisal which included a SEA assessment and this concluded that either the implementation of the Core Strategy would not result in any likely significant environmental effects or sufficient mitigation measures were in place to address any effects. The LNP is in general conformity with the adopted Core Strategy and does not allocate land for development (though it allows for small scale infill) which reflects the approach to the location of new housing as set out in the Core Strategy. It also provides for the conservation and protection of the character and setting of the village. The LNP has sustainability considerations at its core and aims to minimise any environmental effects of the policies and projects. **It is therefore concluded that the implementation of the LNP would not result in any likely significant effects upon the environment.**
- 3.5 Leeds City Council is also preparing a Site Allocations Plan DPD and has Executive Board approval to commence drafting of the Publication Draft. The Issues and Options Draft was subject to a Sustainability Appraisal which included a SEA assessment and the Publication Draft and any further drafts and modifications will be subject to additional appraisals. This will consider the likely significant effects in relation to the Site Allocations Plan DPD and include appropriate mitigation measures. The LNP does not allocate sites for development which is in general conformity with the proposals in the SAP and promotes conservation. **It is concluded that the implementation of the LNP would not result in any likely significant effects upon the environment.**
- 3.6 The LNP does not allocate sites for any specific development though Policy B1 does support small-scale development where it does not extend the village into the surrounding countryside. Through local engagement, assessment of Linton's population and its anticipated growth and the current housing stock, the plan identifies the need for smaller units and the potential opportunity for small windfall infill development (may be through the redevelopment of larger plots). Policy B5 provides guidance on housing types and mix. The LNP provides clear objectives and policies to ensure any development is carefully and sensitively designed to protect and enrich the existing landscape and built setting and protect the environment generally. This policy is seeking to positively protect and enhance the environment. Policies A1 and A2 set out criteria against which new development and extensions must be considered and, as such, set a policy framework for appropriate and sensitive development. Policy B2 refers to the Protected Area of Search site at The Ridge and seeks to protect the site from development until the SAP process has been concluded which will be subject to full Sustainability Appraisals. Policy B3 allows for appropriate small scale development close to facilities and bus stops and encourages improvements to highway safety as well as footpaths, bridleways and cycleways. Again this sets a policy for appropriate and sensitive development. Policies E1 and E2 provide for the designation of Local Green Space and support further provision of play facilities and amenity space to enhance local greenspace provision. Policy F1 supports existing businesses in Linton though resists any proposals that would change the scale and character of businesses significantly and increase noise and traffic. The LNP also lists a number of projects prioritised by the community. Overall the LNP provides for the protection of the natural and built environments and seeks to control the scale of any development to improve local sustainability and minimise any environmental impact. **Considering the policies listed above, it is concluded that the**

**implementation of the LNP would not result in any likely significant effects upon the environment.**

3.7 Using the process and questions set out in Figure 1, an assessment of whether the LNP will require a full SEA has been undertaken and the findings are set out below.

Table 1 Establishing the Need for SEA

Stage	Y/N	Reason
<b>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))</b>	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.
<b>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</b>	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.
<b>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))</b>	Y	The LNP is prepared for town and country planning and land use and once adopted, will be part of the planning policy framework determining future development in Linton. Whilst the plan does not allocate specific sites for development, it does support small scale development which does not extend the village into the surrounding countryside. It does not specifically address future consent of projects in Annexes I and II.
<b>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))</b>	N	See screening assessment for HRA in following section of this report
<b>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)</b>	Y	Whilst not identifying uses for specific sites, once made the LNP 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.
<b>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)</b>	Y	Policies within the LNP will be used in the decision making process on planning applications within the LNP area.
<b>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)</b>	N	The LNP does not deal with these issues

<b>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</b>	N	No likely significant effects upon the environment have been identified
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3.8 The Environment Agency, Natural England and English Heritage were consulted on the requirement for a SEA for LNP. Their responses are attached in Appendix 1. They support the conclusion that the LNP will not result in any likely significant effects upon the environment therefore a SEA is not required. These bodies were consulted on an earlier version available just prior to the formal pre-submission draft, however there were only minor textual changes in the formal pre-submission draft LNP and some additional amendments to the text have been subsequently undertaken in light of comments received during the pre-submission draft consultation.

### **Screening Outcome**

3.9 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 LNP. The LNP is in 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. Due to the nature of the LNP, the assessment of the LNP policies identifies no significant negative effects and as such, the LNP does not require a full SEA to be undertaken.

## **4. HRA Screening**

### **HRA Process**

4.1 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**

4.2 Kirk Deighton Special Area of Conservation SAC is the only international designated site within a 15km radius of the LNP boundary. Therefore the HRA screening assessment needs to identify if any likely significant effects will be caused by the implementation of the LNP.

### **Kirk Deighton SAC**

4.3 The Kirk Deighton site is approximately 4ha in size and is located to the north east of Wetherby (north east of Linton) in Harrogate Borough (North Yorkshire), about 500m north of the northern boundary of Leeds. A location plan is attached in Appendix 2. The primary reason for the protection of this site is the presence of Great Crested Newts (*Triturus cristatus*) which breed in a large pond set in a depression in grazed pasture. This main breeding pond has a water level that fluctuates widely, sometimes leading to pond desiccation. As a result, there is relatively little aquatic vegetation but egg-laying occurs and recruitment is successful intermittently; however, a large population is present, demonstrating this species' ability to thrive in temporary pond sites. Newts range across an area comprising pasture with old hedgerows. The Natura 2000 data form is attached in Appendix 2.

## **HRA Screening Determinations for higher level planning policy documents**

### **Leeds Core Strategy (2014)**

4.4 The potential effects of the provisions of the Publication Draft Core Strategy on Kirk Deighton



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 16<sup>th</sup> February 2012. A further screening was undertaken on the pre-submission changes in December 2012. As the LNP is in general conformity with the strategic policies of the Core Strategy, it broadly complies with the HRA assessment of the Core Strategy.

#### **Draft Leeds Site Allocations Plan**

- 4.5 A HRA screening determination has been done considering the potential effect of those sites proposed for development and protection as greenspace on the relevant SACs and SPAs. All sites within 2.5km of Kirk Deighton were assessed as to whether they could potentially have an impact even though it is acknowledged that the distance for movement of great crested newts is normally up to 500m. This larger buffer was to reflect the threat to the habitat of the Great Crested Newt from increased acid and nitrogen deposition from transport growth.
- 4.6 Great Crested Newt movements between Kirk Deighton and the nearest proposed housing site (Spofforth Hill, Wetherby) were investigated, however West Yorkshire Ecology and North and East Yorkshire Ecological Data Centre data did not show any records of Great Crested Newts between Kirk Deighton SAC and Spofforth Hill, not least because there are road barriers between the two sites. It was therefore concluded that none of the site allocations within the 2.5km buffer are likely to have any significant impact on movements of Great Crested Newts. It was also considered that the policies of the LTP3, NRW LP and Core Strategy are capable of achieving a shift to more sustainable transport modes, combined with a reduction in travel (per capita) and mitigation for air quality impacts. The north eastern corner of the Linton Neighbourhood Area lies within 2.5km buffer however as the LNP is in general conformity with the draft Site Allocations Plan, does not propose any development sites and promotes the conservation and protection of the area it is unlikely to have any significant impact on the Kirk Deighton SAC.

#### **Leeds Natural Resources and Waste Development Plan Document.**

- 4.7 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, however they would not affect the Kirk Deighton SAC as they related firstly to the development of wind power and the potential impact on flight patterns of birds and secondly to possible sites for waste facilities in the Aire Valley, over 10km from Kirk Deighton, particularly as great crested newts and their habitats are not particularly sensitive to air pollution. Natural England agreed that the policies of the NRWDPD are not likely to have a significant effect on any SAC or SPA. The LNP does not address the issue of natural resources and waste therefore only the NRWDPD will be applicable to any such proposals in the Linton area.
- 4.8 As Kirk Deighton SAC lies within Harrogate District Council, plans prepared for that area must be considered:

#### **HRA Screening Determination for Harrogate Local Plan 2001 (selective alterations 2004, 2007)**

- 4.9 The Harrogate District Local Plan was not subject to a Habitats Regulations Assessment.

#### **Harrogate Core Strategy 2009**

- 4.10 The Harrogate Core Strategy was formally assessed under Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Flora and Fauna. It was not found that any of the policies within it required an Appropriate Assessment to be done, however following consultation with Natural England, some policies did raise issues which were subsequently addressed.

#### **North Yorkshire Minerals and Waste DPD**

- 4.11 The Issues and Options draft of the plan was screened and the findings were set out in Habitat Regulations Assessment Likely Significant Effects Report (Feb 2014). It assessed various options and highlighted whether an appropriate assessment may be necessary if particular options were to be carried forward to Preferred Option stage. Most options were not likely to have significant effects on the key sites and those that were judged to potentially have significant effects, it was anticipated that these could be avoided by using caveats. The identification of sites is ongoing and these will be subject to detailed assessment at a later date.

#### **Harrogate Local Biodiversity Action Plan 2012**

- 4.12 North Yorkshire County Council and Harrogate Borough Council have led the Harrogate BAP initiative, with support and funding from Natural England. This is the first attempt to draw together all the information known on habitats and species. The BAP concentrates on priority species and habitats. Individual Action Plans have been prepared for 15 habitats. The aim is to achieve conservation through targets based upon protection, enhancement and re-creation. A small number of Species Action Plans have also been prepared including one for Great Crested Newts. The BAP will contribute to the care of special habitats and the species associated with them.
- 4.13 Overall, it was determined that these higher order plans would not significantly affect any SAC or SPA, including Kirk Deighton. Where plans were at an early stage of preparation it was considered that mitigation measures could address any potential effects.

### **5.0 Assessment of Effects**

#### **Screening Assessment for the Linton Neighbourhood Plan**

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

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

- 5.2 The Kirk Deighton SAC does not lie within the Linton Neighbourhood Area therefore the Linton Neighbourhood Plan does not relate nor is directly connected with the management of the SAC.

#### **Does the Linton Neighbourhood Plan propose new development or allocate sites for development?**

- 5.3 No. The Plan is in conformity with the general approach to the distribution of housing development set out in the adopted Leeds Core Strategy and the details emerging through the Site Allocations Plan work. The Core Strategy and earlier drafts of the Site Allocations Plan have been subject to HRA's and future drafts of the SAP will be assessed appropriately.

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

- 5.4 The information set out in paras 4.4 – 4.13 confirm that other projects and plans that relate to the Kirk Deighton site are unlikely to impact on the integrity of the European site. The LNP does not propose any development sites and promotes the conservation and protection of the area therefore it is unlikely to have an 'in combination' impact.
- 5.5 A screening assessment has been done for each policy in the LNP to determine whether they are likely to have a significant effect on the Kirk Deighton SAC which can be found in Appendix 3. The assessment structure set out in guidance for Scottish Natural Heritage has been used which is set out below:
- a) Intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
  - b) Which will not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
  - c) Which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
  - d) Which make provision for change but which could have no significant effect on a European site (but is a minor residual effect), because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;
  - e) For which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.
- 5.6 It is considered that none of the policies in the LNP are likely to have a significant effect on the Kirk Deighton SAC, whether alone or in combination with other projects and programmes. The plan does not specifically allocate land for development however it does generally support small scale windfall development where it meets local needs and/or is small in scale to help ensure the existing character and setting of the village is preserved. A consultation response from Natural England supports this conclusion (see Appendix 4).
- 5.7 Kirk Deighton is protected due to the presence of Great Crested Newts which have a limited distance of movement of normally up to 500m. None of the Linton Neighbourhood Area lies within 500m of the site. A larger buffer was used in HRA screening determinations for higher order plans to reflect the threat to the habitat of the Great Crested Newt from increased acid and nitrogen deposition from transport growth. Part of the Linton Neighbourhood Area does lie within this larger buffer however no development or transport growth is proposed in the LNP.

**Screening Outcome**

- 5.8 The screening assessment in Appendix 3 and the assessment undertaken in Section 5 shows that there would be no likely significant effects on the Kirk Deighton SAC from the policies included in the LNP.
- 5.9 A full HRA of the LNP is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.

## **6.0 Overall Conclusions**

- 6.1 In light of the assessments undertaken above, it is concluded that a Strategic Environmental Assessment and a Habitats Regulations Assessment are not required for the LNP.