





## Document 8

Sowerby Neighbourhood Plan  
Strategic Environmental Assessment (SEA) and  
Habitats Regulations Assessment (HRA)



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Date: 08/11/19

### Regeneration and Strategy

Our Ref: SNP Screening  
Sam Roberts  
Chair of the Committee  
Sowerby Neighbourhood Forum  
1a Lower Lyngarth  
Towngate  
Sowerby  
HX6 1JE

**Planning Services**  
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HX1 1PS

Dear Ms Roberts

### **Sowerby Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Opinion Screening Determination**

This letter sets out the council's screening opinion concerning the need for SEA and HRA in relation to the Sowerby Neighbourhood Plan and as such whether it meets two of the basic conditions that a neighbourhood plan must meet in order to proceed to referendum: that it does not breach, and is otherwise compatible with, EU obligations;



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and does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

On the basis of the contents of the neighbourhood plan and consultation with Historic England,

Natural England and the Environment Agency, the screening determination is that a **Strategic**

**Environmental Assessment and Habitats Regulation Assessment of the Sowerby Neighbourhood Plan is not required** due to there being no adverse comments from the Statutory Bodies and for the reasons set out in the screening reports. A summary of the statutory consultee responses can be seen in the tables below and full screening reports and consultee responses are provided in Appendix 1.

Table 1: Summary of statutory consultee's response to SEA Screening

Body	Comment
Historic England	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 your conclusion that the preparation of a Strategic Environmental Assessment is not required for the Sowerby Neighbourhood Plan.
Natural England	We have reviewed the Strategic Environmental Assessment



	screening report and are in agreement with the conclusion. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.
Environment Agency	Having considered the nature of the policies in the Plan, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.

Table 2: Summary of statutory consultee's response to HRA Screening

<b>Body</b>	<b>Comments</b>
Natural England	We have reviewed the Habitats Regulations Assessment screening report and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Although the Environment Agency did not have any comments regarding the Habitat Regulation Assessment screening the EA did however, have a number of general comments on the Plan policies. This is detailed in their response in Appendix 1. In summary the EA has suggested the potential to include further wording to SNPP7 in relation to flood risk, and has included some advice on water quality management, as well as welcoming a policy requiring a net gain in biodiversity through all development. The Council would advise that you take these comments into consideration and if required revise any policies before submitting the Neighbourhood Plan to the Council.

It is the opinion of Calderdale Council that the Sowerby Neighbourhood Plan is in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004; and in accordance with the Conservation of Habitats and Species Regulations 2017.

This decision has been based on the information provided. If the contents of the Plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the comments contained in this decision would need to be reconsidered in order to take account of the changes.

Yours sincerely

Philip Dawes  
Planning Policy Officer





# Appendix 1



Sowerby Neighbourhood Plan

Strategic Environmental Assessment (SEA)

Screening Report

April 2019

## 1. Introduction

This screening report is an assessment of whether or not the contents of the Sowerby Neighbourhood Plan (Draft ) December 2018 (hereafter known as 'SNP') 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.

The purpose of the SNP is to provide a set of statutory planning policies to guide development within Sowerby over the life of the plan. The Plan sets out the community's vision of how the area will look by 2032. The SNP also provides support for improved facilities to serve the community and seeks to protect and enhance important elements of the local environment.

### **SEA Screening**

Criteria for Assessing the Effects of UNP

Criteria for determining the likely significant 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 wastemanagement 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 2001/42/EC

### Assessment

It is required by the Localism Act that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. The development plan for Calderdale Council the Replacement Calderdale Unitary Development Plan adopted 25 August 2006. Therefore the Neighbourhood Plan must be in general conformity the policies contained within the plan. These policies pre-date the NPPF as such they may not carry significant weight within the decision making process.

Calderdale Council has been preparing a new Local Plan for sometime. The emerging Calderdale Local Plan (eCLP) has been published and is currently undergoing Examination, there are unresolved objections and the eCLP has been prepared against the advice of the NPPF published in March 2012. The eCLP was subject to a full Sustainability Appraisal which included a SEA assessment. This





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ensured that there were no likely significant effects which would be produced from the implementation of the Local Plan and if so ensured mitigation measures were in place.

Stage	Yes/No	Reason
<p>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))</p>	<p><b>Yes</b></p>	<p>This Neighbourhood Plan is prepared by Sowerby Neighbourhood Forum (as the Qualifying Body) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the plan is 'made' subject to examination and having received 50%+ or more 'yes' votes through a referendum it will be adopted by Calderdale Council and become part of the Statutory Development Plan for the area.</p>
<p>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p><b>Yes</b></p>	<p>Communities have a right to produce a Neighbourhood Plan; however communities are not required by legislative, regulatory or administrative purposes to produce a Neighbourhood Plan. However, once 'made' the Sowerby Neighbourhood Plan would form part of the statutory development plan, and will be used when making decisions on planning applications within the Neighbourhood Area. Therefore it is considered necessary to answer the following questions to determine further if an SEA is required.</p>



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<p>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))</p>	<p><b>Yes</b></p>	<p>The SNP is prepared for town and country planning and land use. The plan sets out a framework for future development in the Sowerby Neighbourhood Area. Once 'made' the SNP would form part of the statutory development plan, and will be used when making decisions on planning applications which may include development which may fall under Annex I and II of the EIA directive.</p>
<p>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</p>	<p><b>No</b></p>	<p>The Neighbourhood Plan unlikely to have an impact on</p>
<p>Habitats Directive?(Art. 3.2 (b))</p>		<p>designated wildlife sites covered by the Habitats Regulations.</p>
<p>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)</p>	<p><b>No</b></p>	<p>The SNP does not identify any land allocations for development sites. Once 'made' the SNP would form part of the statutory development plan and be used when making decisions on planning applications of small areas at the local level.</p>
<p>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)</p>	<p><b>Yes</b></p>	<p>The SNP, once the 'made', forms part of the statutory development plan and will be used to determine planning applications within the designated Sowerby Neighbourhood Area. Therefore the Neighbourhood Plan will set the framework for future developments.</p>
<p>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)</p>	<p><b>No</b></p>	<p>The SNP does not deal with any of these categories of plan.</p>



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8. Is it likely to have a significant effect on the environment? (Art. 3.5)	<b>No</b>	The SNP does not identify any land allocations for development and supports proposals which maintain, conserve and enhances identified Non- designated heritage assets it Includes policy for development affecting the character or setting of nondesignated heritage assets.
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<b>Table 2: Assessment if likelihood of significant effects on the environment Criteria for determining the likely significance of effects (Annex II SEA Directive)</b>	<b>Summary of Significant effects</b>
<b>The characteristics of the plans, having regard to;</b>	
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.	Once 'made; the SNP will set out the framework which will be used to determine proposals for development within the neighbourhood area regarding housing, and community facilities. The SNP also provides protection to the character of the area which will influence potential development across the plan period. There is therefore the potential for an effect on the environment
	resulting from the proposals in the plan. However the plan does not propose development in excess of that identified within the emerging Calderdale Local Plan (eCLP) nor does it allocate sites for development. As such the SA/SEA carried out by the Council for the eCLP is considered sufficient.



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<p>The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.</p>	<p>The SNP must be in general conformity with the eCLP and the National Planning Policy Framework. The eCLP has been published and submitted on the 11 January 2019 to the Secretary of State for its Examination and is currently undergoing Examination. The SNP only provides policies for the area it covers and the eCLP will provide the necessary strategic context when determining planning applications.</p> <p>The SNP will help to deliver the overall aims of the Local Plan. Sowerby is not identified as a key settlement within the Local Plan Strategy and the Neighbourhood Plan does not propose to restrict development which is considered to be in broad conformity with the eCLP.</p>
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>Any Neighbourhood Plan is required to contribute to the achievement of sustainable development and therefore the likelihood of significant effects on the environment is minimised. This plan does not seek to allocate sites. As such the impact of the plan on the environment is minimal.</p>
<p>Environmental problems relevant to the plan.</p>	<p>The environmental impacts of the proposals within the SNP are likely to be minimal due to the scale of the development proposed. The Plan does not propose more development than is identified within the eCLP as such the SA/SEA carried out by the Council is considered sufficient.</p>

The SNP does not propose more development than is set out within the Local Plan Strategy, nor does it allocate sites for development.

The conclusions of the above screening assessment on the 'Sowerby Neighbourhood Plan December 2018 indicate that Strategic Environmental Assessment will not be required for the Sowerby Neighbourhood Plan.

# Sowerby Neighbourhood Plan

## HABITATS REGULATIONS ASSESSMENT SCREENING REPORT

Calderdale Metropolitan Borough Council  
August 2019



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## **Sowerby Neighbourhood Plan**

### **Habitats Regulations Assessment Screening Report**

#### **August 2019**

### 1.0 Introduction

1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Calderdale Council in respect of the Sowerby Neighbourhood Plan which has been produced by Sowerby Neighbourhood Forum in accordance with the Neighbourhood Planning (General) Regulations 2012. This report presents the methodology and findings of the HRA screening of the Sowerby Neighbourhood Plan 2019 – 2032 Regulation 14 Draft prior to the Regulation 15 submission to the Council.

### 2.0 Background

2.1 The Sowerby Neighbourhood Plan<sup>1</sup> (SNP) sets out policies to guide future development within the area to 2032. If the SNP is approved by the local community through a referendum and subsequently made by Calderdale Council, it will be used in determining planning applications along with the Calderdale Local Plan (currently at Examination), for Neighbourhood Plan Area.

2.2 As Sowerby does not have a Parish Council, the forum applied to become a designated neighbourhood planning body in January 2017. As part of the submission as a qualifying body, a map of the area was also included. Both the Forum and Neighbourhood Area were approved on 26<sup>th</sup> April 2017.

2.3 The SNP Forum has undertaken considerable research since forming in early 2017 to try to understand what mattered most to people of the area. The research included involvement from residents, local businesses and young people. Studies have been undertaken including a Housing Needs Assessment, Design Code and Ecological Assessment. This has been used to develop the vision for the Sowerby area and underpins the policies within the Plan.

2.4 The Sowerby area covers 305 hectares of land which is predominantly rural and within the Green Belt. The areas not within the Green Belt include Sowerby and Beechwood, and settlements within the Green Belt are Castle Hill, Hubberton Green and Rooley Hill. The neighbourhood area lies 2km north east of the South Pennine Moors.

### 3.0 HRA Legislation

3.1 Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017<sup>2</sup>), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site (now called Habitat Sites in the NPPF 2018), in terms of impacting the site's conservation objectives.

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<sup>1</sup> <http://sowerbynp.co.uk/>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

3.2 HRA refers to the assessment of the potential impacts of a land use proposal against the conservation objectives of Habitat sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. Habitat sites are also known as Natura 2000 sites which include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SPAs are classified in accordance with Article 4(1) of the European Union Birds Directive for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I. They have been identified for the international importance for the breeding, feeding, wintering or the migration of these rare and vulnerable species.
- SACs are designated under the European Habitats Directive and target particular habitat types (Annex I) and species (Annex II) (excluding birds). These habitat types are in danger of disappearance, have a small natural range, or are highly characteristic of a region. The species are those which are endangered, vulnerable, rare, or endemic.

3.3 Potential SPAs (pSPAs), candidate SACs (cSACs), Sites of Community Importance (SCIs) and Ramsar sites should also be included in the assessment.

3.4 The HRA Screening Report has been undertaken in order to support the Sowerby Neighbourhood Plan in accordance with the Neighbourhood Planning (General) Regulations 2012.

3.5 The Neighbourhood Planning (General) Regulations 2012<sup>3</sup> state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA.

3.6 In line with the Court judgement (CJEU People Over Wind c Coillte Teoranta C-323/17<sup>4</sup>), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Natura 2000 site.

## 4.0 Methodology

4.1 HRA screening of the NDP has been undertaken in line with current available guidance and draws upon the approach undertaken by Calderdale Local Plan HRA<sup>5</sup>. The following assessment structure has been adopted in order to carry out the assessments required under

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<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

<sup>4</sup> <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

<sup>5</sup> <https://www.calderdale.gov.uk/v2/sites/default/files/Local-Plan-Appropriate-Assessment-Report-updated2019.pdf>



The logo for Sowerby Neighbourhood Plan features three stylized human figures in red, blue, and yellow, arranged in a circle. To the right of the figures, the text "SOWERBY NEIGHBOURHOOD PLAN" is written in a bold, purple, sans-serif font, with "SOWERBY" on the top line, "NEIGHBOURHOOD" on the middle line, and "PLAN" on the bottom line.

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Article 6(3) and (4) of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora and Regulation 105 (“Assessment of implications for European sites and European Offshore marine site”) of the Habitats and Species Regulations 2017 (as amended) (“the Habitats Regulations”).

4.2 Although there is no accepted methodology for carrying out a HRA, the general consensus is that the assessment adopts up to four stages (if necessary) in order for a plan to establish its legal compliance and obligations under the Habitats Directive and Regulation. These four stages are:

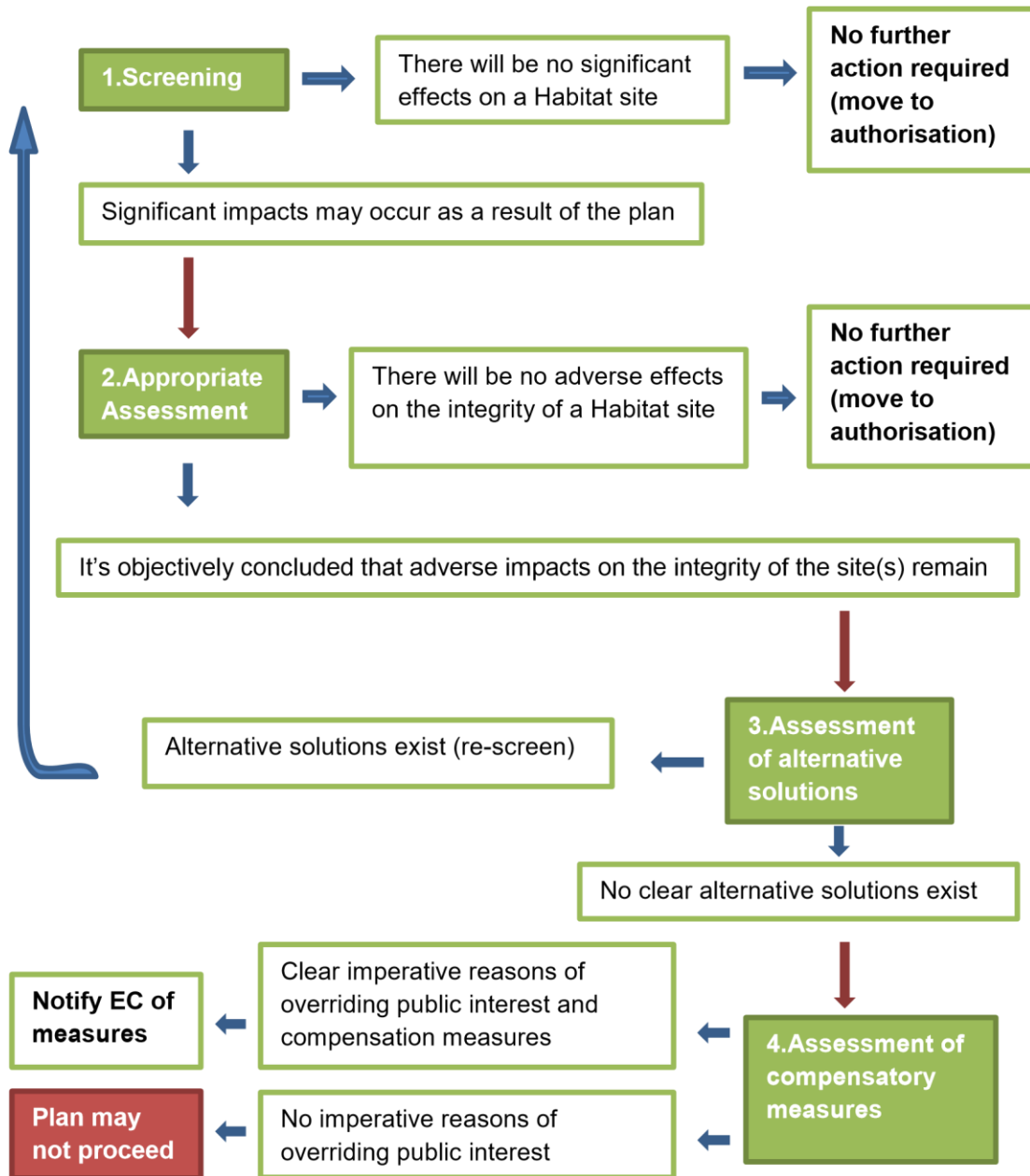
*Stage One: Screening* — the process identifies the likely impacts of a project or plan on Habitat sites, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant;

*Stage Two: Appropriate Assessment* — the process assesses the identified impacts of the project or plan, either alone or in combination with other projects or plans with respect to the integrity of the Habitat sites, i.e. site’s function and conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

*Stage Three: Assessment of alternative solutions* — the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Habitat site;

*Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain* — an assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed. It is unusual for a plan to get to this stage in the process.

3.3 The process aims to objectively demonstrate the following (where applicable):



## 5.0 HRA Stage 1 – Screening

5.1 The first stage of the HRA is to test whether there is likely to be any significant effects. This is essentially a risk assessment to decide whether the full subsequent stage of an Appropriate Assessment is required. The essential question being:

“Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon Habitat sites?”

5.2 The process identifies the likely impacts of the plan on Habitat sites, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

5.3 The steps in the screening include:



Step 1: Description of the development plan

Step 2: Identify the Habitats (European) sites which could be affected by the Plan and identify features contributing to their integrity

Step 3: Screen the Sowerby Neighbourhood Plan for its potential to impact upon European Sites

Step 4: Assess the potential for in-combination effects from other projects and plans in the area

## Step 1: Sowerby Neighbourhood Plan

5.4 The Sowerby Neighbourhood Plan 2019 to 2032 provides an overall vision and objectives, as well as 18 policies. These are summarized below:

5.5 The plan's vision states:

'By 2032 Sowerby will be an inclusive community with housing that meets the needs of the local people both young and old. New development will be in line with community aspirations and Sowerby will have secured quality space for play, socialisation and recreation, to be enjoyed by all. Services and infrastructure will be in place to meet increased demand, contributing to a cohesive and sustainable community. The natural environment will continue to contribute to the physical, social and mental wellbeing of residents and visitors alike. The impacts of traffic and congestion will be eased and more sustainable methods of transport will be promoted.'

5.6 In order to achieve this vision, the plan outlines nine core objectives:

- i. Reduce traffic and congestion while improving parking provision.
- ii. Secure green space, play and recreational spaces.
- iii. Secure community facilities.
- iv. Preserve and maintain key views and vistas.
- v. Secure high-quality design, reflecting the distinctive local environment.
- vi. Improve the local shopping area.
- vii. Create and enhance services and facilities for the young and elderly.
- viii. Preserve and enhance the natural environment.
- ix. Protect local non-designated heritage assets.

5.7 The plan includes eighteen draft policies to achieve these objectives:

- SNPP1 - We support any action the CC takes to limit parking along the bus routes in order to preserve an easy flow of bus traffic in to and out of the area. Development proposals should not exacerbate the parking of vehicles along bus routes and should ensure safe and adequate parking arrangements for the area at all times. At the same time, we encourage the CC to promote the principle of getting parked vehicles off the side of the road – in particular Sowerby New Road – to promote the safety of pedestrians and to ease traffic flow.

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- SNPP2 - Development proposals that include adequate measures to provide, enhance and extend walking and cycling infrastructure will be supported.
- SNPP3 - We encourage the CC to utilise any CIL resultant from development within the area to create, maintain and improve the network of footpaths and cycles paths; particularly along Sowerby New Road and through to the end of Sowerby. Developer contributions towards these costs should be sought in appropriate cases.
- SNPP4 While developers are currently required to provide a minimum of 2 carparking spaces per new dwelling; developers of new dwellings in excess of 3 bedrooms will be encouraged to provide additional parking within the domestic curtilage to reflect the likely level of car ownership of a dwelling of that size.
- SNPP5 - Developers will be expected to provide alternative transport storage hubs; in particular bike storage lockers with at least one space per dwelling as well as electric car charging points.
- SNPP6 - In order to protect and encourage the remaining wildlife in Sowerby a low light emissions policy is supported within the area. We will work with the authorities to turn off street lights at low use times (e.g. midnight to 5am). All new development proposals should demonstrate how they will meet the policy aims with the submission of details of all proposed external lighting which should include time controllable security lights where necessary.
- SNPP7 - To alleviate issues with the change of land use from green field to urban usage, all development, regardless of size, should be designed to incorporate suitable Natural Flood Management (NFM)/ Sustainable Drainage Systems (SuDS) measures to ensure that surface water is managed in such a way as not to exacerbate, and where possible reduce, existing flooding problems either on site or adjacent land.
- SNPP8 - Large scale development proposals (over 20 dwellings) will be encouraged and supported to include and develop usable space for the community to use.
- SNPP9 - Development proposals should have regard to the Design Code contain within this document, taking full account of the local vernacular.
- SNPP10 - Development proposals that actively safeguard and, where possible, enhance biodiversity and wildlife opportunities within their core proposal will be supported especially where this can secure measurable net gains for biodiversity.
- SNPP11 - To ensure the protection of the community, all development must provide safe pedestrian and cycling access within site boundaries and, as far as practical, to the community facilities within Sowerby.
- SNPP12 - To ensure the protection of the community and provide safe pedestrian access to the community facilities within Sowerby. CC will be encouraged to provide improved parking spaces to serve the shopping arcade on Towngate.
- SNPP13 - Development proposals should be of a demonstrable sustainable design and construction, optimised for energy efficiency. Proposals that aspire to zero emissions will be supported.

- SNPP14 - Residential Developments should provide a range of dwelling types to meet the needs of the area. Proposals including accommodation for older people and single people in line with the Housing Needs Assessment, will be supported.
- SNPP15 - Residential Developments that has a significant proportion, 50% or more, of affordable or rental housing will be supported.
- SNPP16 - Planning proposals that maintains, conserves and enhances the NonDesignated Heritage Assets listed in this Document without causing harm to other interests will be supported.
- SNPP17 - Planning proposals should minimise the amount of pollution created, particularly that discharged into the surrounding air, and include alternative means of energy production unless demonstrably impractical.
- SNPP18 - Wind turbines proposals of under 18m will be supported in principle within the Neighbourhood Plan Area where no unacceptable impacts are generated, particularly those relating to noise, biodiversity and visual effect.

5.8 Once made the Sowerby Neighbourhood Plan polices will be applied by Calderdale Council in consideration of any planning applications submitted within the designated SNP area of Sowerby.

## Step 2: Identification of Habitat sites which may be affected by the Neighbourhood Plan

5.9 In order to establish any likely impact of the Neighbourhood Plan on designated Habitat sites, (qualifying SPA/SAC), which may be affected, need to be identified. For the purposes of this assessment, 15km has been taken to be the threshold distance at which development could result in impact upon the SPA/SAC. This distance is derived from studies supporting the Bradford Core Strategy and has been reaffirmed in the HRA supporting the Kirklees Local Plan (March 2017).

5.10 This showed that five Habitat Sites fall within the Sowerby Neighbourhood Plan Area 15km Buffer - the South Pennine Moors SAC, the South Pennine Moors SPA (Phase 2), the Peak District Moors (South Pennine Moors Phase 1) SPA, Denby Grange Colliery Ponds SAC and Rochdale Canal SAC. The locations of the Natura 2000 sites are mapped in Figure 1.

5.11 The South Pennine Moors SAC was designated in 1994. It is a 65,000ha site. The primary qualifying features for the designation are the Annex I habitats: European dry heaths which is strongly dominated by heather *Calluna vulgaris*; Blanket bog with Hare's-tail cottongrass *Eriophorum vaginatum* is often overwhelmingly dominant; and Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles. Annex I habitats present as a qualifying feature (not a primary selection reason) are: Northern Atlantic wet heaths with *Erica tetralix* (cross-leaved heath) and Transition mires and quaking bogs.

5.12 The South Pennine Moors SPA (Phase 2) was classified in 1997. It is a 20,944ha site comprising predominantly of lowland heathland and woodland. The South Pennine Moors SPA (Phase 2) is an internationally important habitat classified because of the presence of Article 4.1: Annex I Birds (breeding): *Falco columbarius* (Merlin), *Pluvialis apricaria* (Golden Plover), and *Vanellus vanellus* (Lapwing). Also there are Article 4.2: Regularly occurring migratory birds

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- internationally important assemblage of breeding birds, Common Sandpiper *Actitis hypoleucos*, Short-eared Owl *Asio flammeus*, Dunlin *Calidris alpina schinzii*, Twite *Carduelis flavirostris*, Common Snipe *Gallinago gallinago*, Curlew *Numenius arquata*, Northern Wheatear *Oenanthe oenanthe*, Golden Plover *Pluvialis apricaria*, Whinchat *Saxicola rubetra*, Redshank *Tringa tetanus*, Ring Ouzel *Turdus torquatus* and Lapwing *Vanellus vanellus*.

5.13 The Peak District Moors (South Pennine Moors Phase 1) SPA was designated in 1996. It is a 45,300ha site characterized by large-scale sweeping moorlands, pastures enclosed by drystone walls and gritstone settlements contained within narrow valleys. The Peak District Moors (South Pennine Moors Phase 1) SPA is an internationally important habitat classified because of the presence of Article 4.1: Annex I Birds (breeding): *Pluvialis apricaria* (Golden Plover), *Falco columbarius* (Merlin), and *Asio flammeus* (Short-eared owl).

5.14 The Denby Grange Colliery Ponds SAC was designated 2005. It is a 18.52ha site. The SAC supports three water bodies within ancient, replanted, predominantly birch and oak woodland. The original main breeding pond was created by coal-mining activity and a second pond was created within the SAC in 2000. The primary qualifying feature for the designation is Annex II species (primary selection reason) 1166 *Triturus cristatus* (Great crested newt).

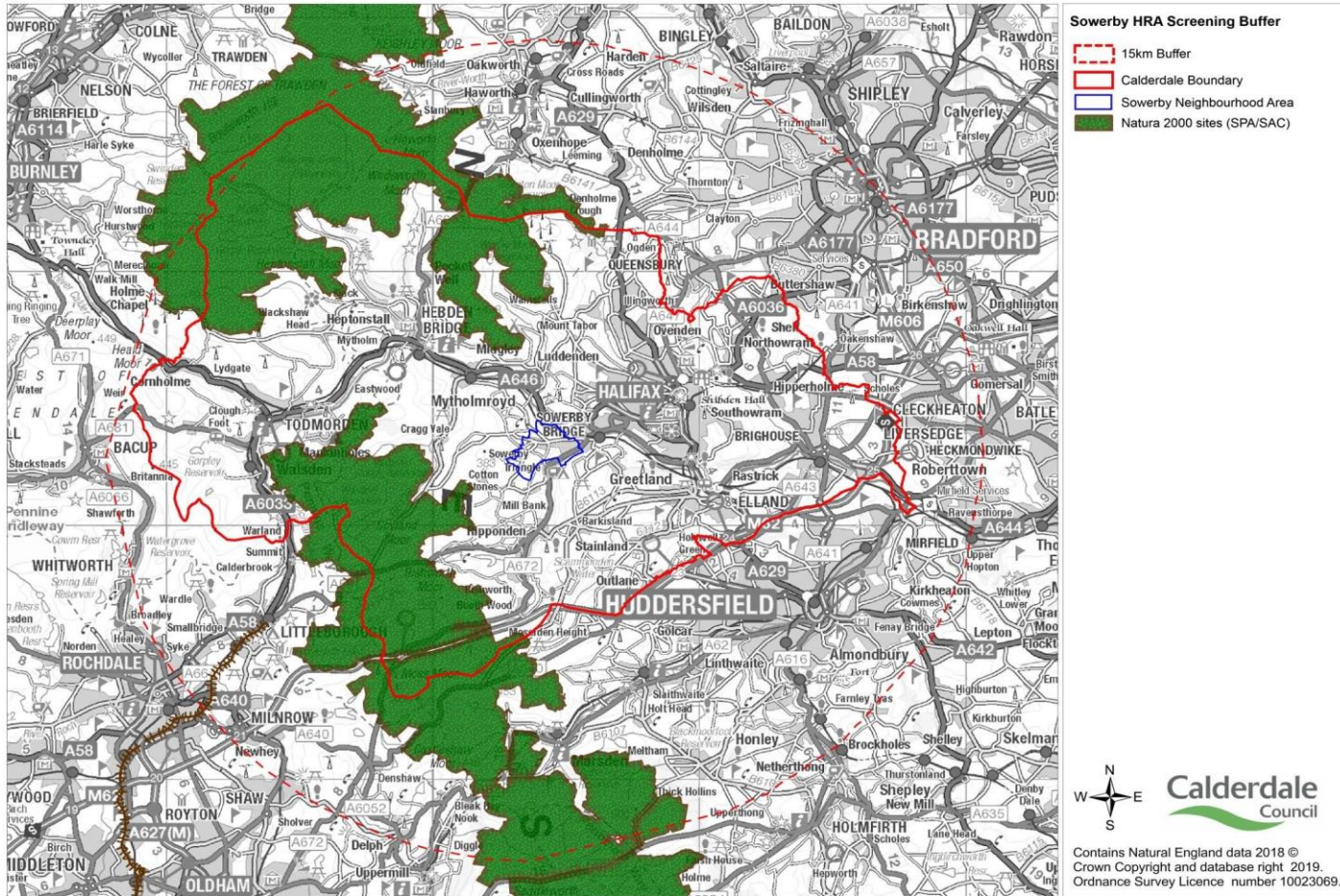
5.15 Rochdale Canal SAC was designated in 2005 and is 25.55ha in area. The canal contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of the primary qualifying feature of the nationally scarce floating waterplantain *Luronium natans*.

5.16 Further environmental details can be found in 'Appendix 1 Natura 2000 sites attributes and characteristics'.





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## Step 3a: Screening of the Development Plan

### Assessment of ‘likely significant effects’ of the Local Plan

5.17 Due to the uncertainty in the impact of the various aspects of the Sowerby Neighbourhood Plan on Habitat sites, a screening exercise was undertaken. In order to do this a screening matrix was constructed which is shown in table 2.

5.18 The principle of sustainable development is a golden thread that runs through the NPPF and should be an overriding principle of a Local Plan and its formation. Paragraph 177 of the 2018 NPPF states: “The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined”. Therefore the HRA has the ability to prevent development which may otherwise be acceptable under the principle of sustainable development where appropriate and necessary.

5.19 In line with Defra (2012b) and EC (2000)<sup>6</sup> guidance on the assessment of impacts of Natura 2000 sites, the precautionary principle will be used to assess likely impacts. It is highlighted with respect to the impacts of plan proposals; the precautionary principle should be applied under Article 6(4) of the EC Habitats Directive 92/43/EEC. Therefore an outcome of ‘no significant effect’ will only be applied, if it was considered very unlikely based on best available knowledge that the proposal would have a significant effect on a Habitat sites.

5.20 In order to record the likely impacts of the policies and sites within the Sowerby Neighbourhood Plan on Habitat sites, a “traffic light” approach has been adopted as indicated below:

Category	Effect	Outcome
<b>Green</b>	No negative effect – policies or projects that will not likely to have any negative effect on a Habitats site.	<b>Appropriate Assessment not required</b>
<b>Amber</b>	No likely significant effect – Policies or projects that could have an effect but would not be likely to have a significant negative effect on a Habitats site alone or in combination. This conclusion could only be reached if the effects, even in combination and taking the precautionary principle into account, are considered trivial.	<b>Appropriate Assessment not required</b>
<b>Red</b>	Proposal will likely have significant effects – policies or projects which are predicted to have a significant effect on their own or in combination with other plans and projects.	<b>Appropriate Assessment required</b>

(Table 1: Screening Categorisation)

<sup>6</sup> The EC states that and appropriate assessment should not be only triggered by a certainty but also a likelihood of significant effects and likelihood alone (*‘could be’*) is enough to justify such measure. This is therefore consistent with the precautionary principle.



#### Interpretation of 'likely significant effect'

5.21 Due to the subjective interpretation of the Habitats Regulations, applicable case law can be used to interpret when effects should be considered as a "likely significant effect", when carrying out a HRA of a land use plan. Case law is a vital source of information regarding how legislation should be correctly interpreted and applied (Chapman & Tyldesley, 2016<sup>7</sup>). Firstly the Waddenzee case<sup>8</sup>, in which Landelijke Vereniging tot Behoud van de Waddenzee (National association for conservation of the Waddenzee, 'the Waddenvereniging') and the Nederlandse Vereniging tot Bescherming van Vogels (Netherlands association for the protection of birds, 'the Vogelbeschermingsvereniging') challenged the Staatssecretaris van Landbouw, Natuurbeheer en Visserij (Secretary of State for agriculture, nature conservation and fisheries, 'the Secretary of State') for the issuing of licences for the mechanical fishing of cockles in the Special Protection Area (SPA) of the Waddenzee (Holland). The European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 105 in the 2017 Habitats Regulations), including that:

- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44).
- An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48).
- Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).

5.22 A recent European Court judgement (Sweetman 2013<sup>9</sup>) confirmed the threshold of the LSE test is a low one, i.e. its purpose is to initially screen for the risk of the possibility of an effect, not to precisely establish the full extent of the effect (which is the role of the next stage of appropriate assessment). This stage is intended to ensure that all relevant plans and projects likely to have an effect on a European site are subject to further steps of Habitats Regulations Assessment by the competent authority.

5.23 If a plan or project is not connected with or necessary to the management of the site and is likely to have a significant effect, or the likelihood of significant effects is uncertain, the competent authority must carry out an Appropriate Assessment (AA) to assess the implications for the site and whether it can be ascertained that the project will not have an adverse effect on site integrity.

5.24 Another interpretation delivered to the Court of Justice of the European Union commented that:

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<sup>7</sup> <http://publications.naturalengland.org.uk/file/5158169750798336>

<sup>8</sup> ECJ Case C-127/02 "Waddenzee" Jan 2004.

<sup>9</sup> Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

*“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”*

- 5.25 This opinion therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or de minimis; referring to such cases as those “that have no appreciable effect on the site”. In practice such effects could be screened out as having no likely significant effect; ie they would be ‘insignificant’.
- 5.26 If a plan or project is not connected with or necessary to the management of the site and is likely to have a significant effect, or the likelihood of significant effects is uncertain, the competent authority must carry out an Appropriate Assessment (AA) to assess the implications for the site and whether it can be ascertained that the project will not have an adverse effect on site integrity.

### **Screening assumptions and evidence base used to establish likely significant effects**

- 5.27 In order to establish if and what part of the Neighbourhood Plan may have significant effects on the identified Natura 2000 sites, the HRA has screened each Neighbourhood Plan policy using the screening categorisation in table 1.
- 5.28 EU case law currently demands certainty provided by science, however it is argued that science can never rule out uncertainty (Opdam et al, 2009<sup>10</sup>). In order to screen the plan, a wide evidence base has been reviewed for the most up-to-date information relating to the impacts of development and land-use planning on both European Natura 2000 sites and the identified sites within the scope of the Plan. As well as this, primary data has been commissioned and collected to further inform the evidence base of the HRA. This information has been used to establish the screening assumptions presented in this section. Importantly, the information also seeks to establish the baseline information for the assessment process.
- 5.29 Appendix 2, taken from the Calderdale Local Plan Habitats Regulation Assessment shows a range of potential impacts that development and their related activities can have on Habitat sites. These can be summarized into the following categories:
- Physical loss of/damage to habitat
  - Non-physical disturbance e.g. noise/vibration or light pollution.
  - Air pollution

- Recreation and urban impacts
- Water quantity and quality

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Opdam, P. F. M., Broekmeyer, M. E. A., & Kistenkas, F. H. (2009). Identifying uncertainties in judging the significance of human impacts on Natura 2000 sites. *Environmental Science & Policy*, 12(7), 912-921.

### Step 3b: Screening Assessment

5.30 In order to establish if and what part of the Neighbourhood Plan may have significant effects on the identified Natura 2000 sites, the HRA has undertaken an initial screening assessment based on a set of screening assumptions in order to identify the potential for likely significant effects of the NDP on nearby European sites. The findings of this screening process are described below in relation to each type of potential impact that the Neighbourhood Development Plan could give rise to.

#### Physical loss of/damage to habitat

5.31 There is a risk of physical loss of, or damage to habitat when Habitat Sites fall within the boundary of neighbourhood areas. However, there are no Habitat Sites within the NDP area, therefore the loss of habitat from within the boundaries of a Habitats site could not occur as a result of development within the plan area. However, loss of habitat from outside of the boundaries of a European site could also affect the integrity of that site if it occurs in an area used by the qualifying species of the site (e.g. for off-site breeding, foraging or roosting). While the SNP does not allocate any sites for development, Policies SNPP 8 and SNPP 18 support development. This however, is not expected to be over and above that set out in the Calderdale Local Plan. The Calderdale Local Plan was subject to a HRA which concluded that there would be no adverse impacts to the integrity of Habitat sites.

**5.32 Likely significant effects arising from physical loss or damage to European site habitats (onsite or off-site) can therefore be screened out of further assessment.**

#### Non-physical disturbance e.g. noise/vibration or light pollution

5.33 Non-physical disturbances (e.g. noise and vibration effects) are most likely to occur during the construction of new developments. Such activities are most likely to disturb bird species and other fauna; therefore they are a key consideration with respect to Habitat sites where birds and other fauna are the qualifying feature(s). Reviews of multiple studies have shown the negative ecological consequences of night-time light pollution, especially with respect to encroachment of artificial light into previously unlit areas of the night-time environment. Further details on non-physical disturbance can be found in the Calderdale Local Plan HRA.

5.34 Based on the assessment of the evidence for the functionally connected land presented in the Calderdale Local Plan HRA, it is assumed that effects of none physical disturbance are

most likely to be significant within land 2.5km of the Natura 2000 sites. There is a small proportion of the Habitat site which falls within 2.5km of the SNP. However, the NDP does not allocate any sites for development, and although Policies SNPP 8 and SNPP 18 support developments. This is not expected to be over and above that set out in the Calderdale Local Plan. The Calderdale Local Plan was subject to a HRA which concluded that there would be no adverse impacts to the integrity of Habitat sites.

**5.35 Likely significant effects in relation to non-physical disturbance can therefore be screened out of further assessment.**

### Air pollution

5.36 Air pollution is most likely to affect Habitat Sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.

5.37 While the SNP does not allocate any sites for development, Policies SNPP 8 and SNPP 18 support development, however this is not expected to be over and above that set out in spatial strategy of the Calderdale Local Plan. The Calderdale Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.

**5.38 Therefore, likely significant effects in relation to air pollution can be screened out of further assessment.**

### Recreation and urban impacts

5.39 Recreation activities and human presence can have an adverse impact on the integrity of a Natura 2000 site through physical disturbance, i.e. erosion, arson and trampling as well as disturbance to species including breeding birds. This is because these areas have been shown to be widely used by the local populations for a range of recreational activities (Clarke et al, 2006). The degree of impact and sensitivity of SAC and SPA habitats and species are summarised in the Calderdale Local Plan HRA. It shows that most habitats and bird species have a degree of direct negative impact resulting from recreational site users.

5.40 Those Habitat sites that are closest to, most accessible to, or most attractive to use by the residents of Sowerby Neighbourhood Area, are most likely to be affected by the SNP. While the SNP does not allocate any sites for development, Policies SNPP 8 and SNPP 18 support development, however this is not expected to be over and above that set out in spatial strategy of the Calderdale Local Plan. The Calderdale Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.

**5.41 Therefore, likely significant effects in relation to recreation and urban impacts can be screened out of further assessment.**

### Water quantity and quality

5.42 Habitat sites at which aquatic or wetland environments support qualifying features have the potential to be affected by changes in water quantity and quality. The following sites close to Sowerby Neighbourhood Area have aquatic or wetland habitats:

- Rochdale Canal SAC: the canal supports floating water-plantain;
- Denby Grange Colliery Ponds SAC: its ponds support great crested newts; and
- South Pennine Moors SAC: supports blanket bog and transition mires and quaking bogs.

5.43 While the NDP does not allocate any sites for development, Policies SNPP 8 and SNPP 18 support development; however this is not expected to be over and above that set out in spatial strategy of the Calderdale Local Plan. The Calderdale Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.

5.44 **Therefore, likely significant effects in relation to water quantity and quality can be screened out of further assessment.**

### Results from HRA Screening of the Draft Neighbourhood Plan Policies

5.45 The screening exercise of each of the Sowerby Neighbourhood Plan policies explores whether there will be any likely significant effect on a Habitat Sites. The assessment can be found in table 2:



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<b>SNP Policy</b>	<b>Policy Text</b>	<b>Commentary</b>	<b>Will the policy have Likely Significant Effects on the Habitat Sites?</b>	<b>Overall Screening Conclusion</b>
<b>SNPP1</b>	<p>We support any action the CC takes to limit parking along the bus routes in order to preserve an easy flow of bus traffic in to and out of the area. Development proposals should not exacerbate the parking of vehicles along bus routes and should ensure safe and adequate parking arrangements for the area at all times. At the same time, we encourage the CC to promote the principal of getting parked vehicles off the side of the road – in particular Sowerby New Road – to promote the safety of pedestrians and to ease traffic flow.</p>	<p>This policy does not propose new development. This Policy seeks to ensure that developments support the free flow of traffic by ensuring proposals provide adequate parking.</p> <p>The Policy does not specifically seek to protect biodiversity or habitats.</p>	<p>No – ‘Green category’</p>	<p>This Policy will not result in new development other than for car parking and aims to ensure that proposals support the free flow of traffic and safety of pedestrians. It does not specifically seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).</p>



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<b>SNPP2</b>	Development proposals that include adequate measures to provide, enhance and extend walking and cycling infrastructure will be supported.	<p>This policy does not propose new development. It seeks to improve access to walking and cycling infrastructure.</p> <p>This Policy seeks to promote sustainable developments and modes of travel. It encourages users to engage with other forms of travel rather than the private car.</p>	No – ‘Green category’	This Policy seeks to promote sustainable forms of transport by improving access to walking and cycling infrastructure. It aims to promote sustainable travel and does not seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore -
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<b>SNP Policy</b>	<b>Policy Text</b>	<b>Commentary</b>	<b>Will the policy have Likely Significant Effects on the Habitat Sites?</b>	<b>Overall Screening Conclusion</b>
		The Policy does not specifically seek to protect biodiversity or habitats		(Appropriate Assessment not required).



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<b>SNPP3</b>	We encourage the CC to utilise any CIL resultant from development within the area to create, maintain and improve the network of footpaths and cycles paths; particularly along Sowerby New Road and through to the end of Sowerby. Developer contributions towards these costs should be sought in appropriate cases.	This policy does not propose new development. This Policy seeks to promote sustainable developments and modes of travel. It encourages users to engage with other forms of travel.  The Policy does not specifically seek to protect biodiversity or habitats.	No – ‘Green category’	This Policy seeks to promote sustainable development. It aims to promote sustainable travel and does not seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).
<b>SNPP4</b>	While developers are currently required to provide a minimum of 2 car-parking spaces per new dwelling; developers of new dwellings in excess of 3 bedrooms will be encouraged to provide additional parking within the domestic curtilage to reflect the likely level of car ownership of a dwelling of that size.	The Policy itself will not result in new development. It will result in the encouragement for new developments to provide additional parking within the curtilage of dwellings in excess of 3 bedrooms.  The Policy does not specifically seek to protect biodiversity or habitats.	No – ‘Green category’	This Policy is unlikely to have any negative effects on Natura 2000 sites as it does not directly result in development. It relates to the implementation of additional parking for dwellings with 3 bedrooms or more and does not specifically seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore – (Appropriate Assessment not required).





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SNP Policy	Policy Text	Commentary	Will the policy have Likely Significant Effects on the Habitat Sites?	Overall Screening Conclusion
<b>SNPP5</b>	Developers will be expected to provide alternative transport storage hubs; in particular bike storage lockers with at least one space per dwelling as well as electric car charging points.	<p>This policy does not propose new development. This Policy seeks to promote sustainable developments and modes of travel. It encourages users to engage with other forms of travel.</p> <p>The Policy does not specifically seek to protect biodiversity or habitats.</p>	No – ‘Green category’	This Policy seeks to promote sustainable development. It aims to promote sustainable travel and does not seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).
<b>SNPP6</b>	In order to protect and encourage the remaining wildlife in Sowerby a low light emissions policy is supported within the area. We will work with the authorities to turn off street lights at low use times (e.g. midnight to 5am). All new development proposals should demonstrate how they will meet the policy aims with the submission of details of all proposed external lighting which should include time controllable security lights where necessary.	<p>This Policy does not propose new development.</p> <p>This Policy seeks to reduce the impact of light pollution from new development. It’s aim being to protect and enhance wildlife in Sowerby.</p>	No – ‘Green category’	This Policy aims to conserve and enhance wildlife by reducing light pollution in the Sowerby Area. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).



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<b>SNPP7</b>	To alleviate issues with the change of land use from green field to urban usage, all development, regardless of size, should be designed to incorporate suitable Natural Flood Management (NFM)/ Sustainable Drainage Systems (SuDS) measures to ensure that surface water is managed in such a way as not to exacerbate, and where possible reduce, existing flooding problems either on site or adjacent land.	This Policy does not propose development. It seeks to alleviate flood risk. It supports the incorporation of SuDS to minimise the impact and effects of flooding.  The Policy does not specifically seek to	No – ‘Green category’	This Policy will not result in new development but aims to alleviate flooding caused by development It does not specifically seek to protect biodiversity or habitats and is unlikely to cause significant
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<b>SNP Policy</b>	<b>Policy Text</b>	<b>Commentary</b>	<b>Will the policy have Likely Significant Effects on the Habitat Sites?</b>	<b>Overall Screening Conclusion</b>
		protect biodiversity or habitats.		effects. Therefore – (Appropriate Assessment not required).



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<b>SNPP8</b>	Large scale development proposals (over 20 dwellings) will be encouraged and supported to include and develop usable space for the community to use.	This Policy does not propose development. However, it encourages and supports the development of community space on development proposals for over 20 dwellings. The Policy does not specifically seek to protect biodiversity or habitats.	No – ‘Amber category’	This Policy aims to improve community infrastructure on development proposals of over 20 dwellings. All Housing Allocations within the Sowerby area have been assessed within the Local Plan HRA which demonstrates no likely significant effects. As such this policy is unlikely to have significant effects. Therefore – (Appropriate Assessment not required).
<b>SNPP9</b>	Development proposals should have regard to the Design Code contained within this document, taking full account of the local vernacular.	The policy seeks to ensure that new developments are well designed and can contribute to aesthetics, function and sustainability. Proposals should reflect the current area character and should reflect the Design Code.	No – ‘Green category’	This Policy is unlikely to have any negative effects on Natura 2000 sites as it does not directly result in development. It may have a positive impact due to sustainable design principles and does not specifically seek to



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SNP Policy	Policy Text	Commentary	Will the policy have Likely Significant Effects on the Habitat Sites?	Overall Screening Conclusion
		The Policy does not specifically seek to protect biodiversity or habitats.		protect biodiversity or habitats. Guidance (EC, 2000) recognises that general statements of policy such as this are unlikely to have significant effects. Therefore – (Appropriate Assessment not required).
<b>SNPP10</b>	Development proposals that actively safeguard and, where possible, enhance biodiversity and wildlife opportunities within their core proposal will be supported especially where this can secure measurable net gains for biodiversity.	This Policy does not propose new development. Its aim is to safeguard and enhance biodiversity and wildlife, and where possible achieve net gains in biodiversity.	No – ‘Green category’	This policy specifically seeks to protect and enhance wildlife and biodiversity. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).



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<b>SNPP11</b>	To ensure the protection of the community, all development must provide safe pedestrian and cycling access within site boundaries and, as far as practical, to the community facilities within Sowerby.	<p>This policy does not propose new development. It seeks to improve access to walking and cycling infrastructure. This Policy seeks to promote sustainable developments and modes of travel.</p> <p>The Policy does not specifically seek to protect biodiversity or habitats</p>	No – ‘Green category’	<p>This Policy seeks to promote sustainable forms of transport by improving access to walking and cycling infrastructure. It aims to reduce the demand for personal car travel and does not seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not</p>
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<b>SNP Policy</b>	<b>Policy Text</b>	<b>Commentary</b>	<b>Will the policy have Likely Significant Effects on the Habitat Sites?</b>	<b>Overall Screening Conclusion</b>
				required).



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<b>SNPP12</b>	To ensure the protection of the community and provide safe pedestrian access to the community facilities within Sowerby. CC will be encouraged to provide improved parking spaces to serve the shopping arcade on Towngate.	This Policy seeks to ensure a safe environment for the community by providing ease of access to community facilities car parking for the Towngate shopping arcade. The Policy does not specifically seek to protect biodiversity or habitats.	No – ‘Green category’	This Policy will not result in new development other than for car parking and aims to ensure that proposals support sustainable travel. It does not specifically seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).
<b>SNPP13</b>	Development proposals should be of a demonstrable sustainable design and construction, optimised for energy efficiency. Proposals that aspire to zero emissions will be supported.	This Policy does not propose development. It seeks to ensure that all development proposals contribute towards mitigating and adapting to the impacts of climate change by aspiring to zero emission proposals.  The Policy does not specifically seek protection of biodiversity or habitats.	No – ‘Green category’	This Policy will not result in new development, but intends to secure an increase in energy efficiency of new developments. The Policy may have a beneficial effect on the Natura 2000 sites due to the fact it aims to mitigate and adapt against climate change which is shown to negatively impact biodiversity including that found within Natura 2000 sites. Therefore - (Appropriate Assessment not required).



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SNP Policy	Policy Text	Commentary	Will the policy have Likely Significant Effects on the Habitat Sites?	Overall Screening Conclusion
<b>SNPP14</b>	Residential Developments should provide a range of dwelling types to meet the needs of the area. Proposals including accommodation for older people and single people in line with the Housing Needs Assessment, will be supported.	The policy itself will not result in new development but requires development to be a mix of housing types to meet the needs of the area. The policy also sets out to increase the level of housing suitable to meet the needs of older and single people. The Policy does not specifically seek to protect biodiversity or habitats.	No – ‘Green category’	This Policy will not result in new development, but will encourage specific types of development. It does not specifically seek to protect biodiversity or habitats. The Policy is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).
<b>SNPP15</b>	Residential Developments that has a significant proportion, 50% or more, of affordable or rental housing will be supported.	The policy itself will not result in new development however this Policy requires developers to make a contribution to the provision of affordable housing. The Policy does not specifically seek to protect biodiversity or habitats.	No – ‘Green category’	This Policy requires developers to contribute to affordable housing It does not specifically seek to protect biodiversity or habitats. It is unlikely to cause significant effects. Therefore – (Appropriate Assessment not required).



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<b>SNPP16</b>	Planning proposals that maintains, conserves and enhances the NonDesignated Heritage Assets listed in this Document without causing harm to other interests will be supported.	This Policy seeks to protect the heritage assets and environment that exists at present and to support development proposals that conserves and enhances those assets. The Policy does not specifically seek to	No – ‘Green category’	This Policy supports the development of existing assets where they are conserved and enhanced. Guidance (EC 2000) recognises that general statements of policy
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<b>SNP Policy</b>	<b>Policy Text</b>	<b>Commentary</b>	<b>Will the policy have Likely Significant Effects on the Habitat Sites?</b>	<b>Overall Screening Conclusion</b>
		protect biodiversity or habitats.		such as this are unlikely to have significant effects. Therefore - (Appropriate Assessment not required).





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<b>SNPP17</b>	Planning proposals should minimise the amount of pollution created, particularly that discharged into the surrounding air, and include alternative means of energy production unless demonstrably impractical.	The policy itself will not result in new development but seeks to reduce the amount of new development that is likely to cause pollution.	No – ‘Green category’	This Policy seeks to reduce the amount of pollution from new development. Guidance (EC 2000) recognises that general statements of policy such as this are unlikely to have significant effects. Therefore - (Appropriate Assessment not required).
<b>SNPP18</b>	Wind turbines proposals of under 18m will be supported in principle within the Neighbourhood Plan Area where no unacceptable impacts are generated, particularly those relating to noise, biodiversity and visual effect.	This Policy supports proposals for Wind Turbines under 18m in the Sowerby Neighbourhood Area. The policy states proposals will only be supported where “no unacceptable impacts are generated, particularly those relating to noise, biodiversity and visual effect”, which would need to be demonstrated through the Planning Application. The Local Plan Wind Energy policy is supported by a study which has a	No – ‘Amber category’	This Policy will not result in new development but aims to increase the contribution from renewable and low carbon energy  The size of the turbines applied in this policy are not over and above that set out in the Calderdale Local Plan. The Calderdale Local Plan was



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SNP Policy	Policy Text	Commentary	Will the policy have Likely Significant Effects on the Habitat Sites?	Overall Screening Conclusion
		<p>turbine threshold of 18m therefore no assessment was made for turbines below this size. The study finds that such turbines have a more limited impact and will be permitted across the Borough with the exception of the SSSI/SPA/SAC but including within the associated buffer area subject to compliance with the relevant criteria in Policy CC6.</p> <p>The Policy does not specifically seek to protect biodiversity or habitats.</p>		<p>subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.</p> <p>It does not specifically seek to protect biodiversity or habitats and is unlikely to cause significant effects.</p> <p>Therefore – (Appropriate Assessment not required).</p>

### In-combination effects

5.46 The plans or projects that are most likely to have effects in-combination with the SDP are the Calderdale Local Plan, Local Plans of adjacent authorities and neighbourhood plans for surrounding parishes or areas. The Sowerby Neighbourhood Plan area is within the Metropolitan Borough of Calderdale as well as being adjacent to the Greetland, Norland and West Vale Neighbourhood Area however, for this area the plan and any policies have yet to be drafted, and is in conformity to the draft Local Plan.

5.47 The screening assessment above demonstrates that the SNP will not give rise to any effects on Habitat sites. As such, there is no potential for likely in-combination effects to arise.

### Screening Conclusion

5.48 A screening assessment that has been undertaken is set out in this chapter, This assessment is based on a set of screening assumptions, in order to identify the potential for likely significant effects of the Neighbourhood Plan on nearby Habitat sites. Overall, no significant effects are considered likely, this being mainly because the Neighbourhood Plan does not allocate development sites. Those policies which support development are limited to developments within the existing urban area, which do not include any land within or adjacent to the European sites. Furthermore, it should be noted that the Neighbourhood Plan is in conformity with the Calderdale Local Plan and development proposals in the Sowerby area would be subject to the policies in both the Local Plan and the Neighbourhood Plan. The development supported through the Neighbourhood Plan is not over and above that set out in the Calderdale Local Plan. The Calderdale Local Plan was subject to a HRA which concluded that the plan would have no likely adverse effects on the integrity of any Habitat sites.

### Significant effects likely

5.49 None of the policies in the Neighbourhood Plan are considered likely to result in significant effects on the Habitat sites within 15km of Sowerby.

### Significant effects unlikely

5.50 Significant effects are considered unlikely in relation to all of the Neighbourhood Plan policies, this is because the policies will not result in new development over and above that set out in the Calderdale Local Plan, and therefore will not have an effect on Habitat sites. Even those policies (SNPP 8 and SNPP 18) which support developments within the existing urban areas, do not go over and above what is set within the Local Plan. The Calderdale Local Plan was subject to HRA which concluded no adverse impacts on the integrity of Habitat sites would occur.

## 6.0 Conclusion

6.1 The HRA screening of the Sowerby Neighbourhood Plan (2019 to 2032) has been undertaken in accordance with currently available guidance and is based on a precautionary approach as required under the Habitats Regulations.

6.2 The HRA screening has concluded that likely significant effects on the integrity of Habitat sites within 15km of Sowerby from policies in the Neighbourhood Plan will not occur in relation to:

- Physical loss of/damage to habitat
- Non-physical disturbance e.g. noise/vibration or light pollution
- Air pollution
- Recreation and urban impacts
- Water quantity and quality

6.3 Although Policies SNPP 8 and SNPP 18 support development within the existing urban areas, this is not expected to be over and above that set out in the spatial strategy of the Calderdale Local Plan. As such, the Neighbourhood Plan does not propose any additional development; rather it will guide and inform that development as it comes forward. The Calderdale Local Plan was subject to HRA which concluded no adverse impacts on the integrity of Habitat sites would occur. Therefore the Sowerby Neighbourhood Development Plan does not need to be assessed further.

6.4 In conclusion, the Sowerby Neighbourhood Plan (2019-2032) will not give rise to likely significant effects on Habitat sites, either alone or in-combination with other plans or projects, and Appropriate Assessment is therefore not required.

## 7.0 Appendices

### **Appendix 1 - Natura 2000 sites attributes and characteristics**

Natura 2000 sites are designated due to their attributes. These include certain species and habitats listed in the Habitats Directive and or the species listed in the Bird Directive, when in certain abundances. The attributes also contribute and define the integrity of the sites. The attributes of the identified sites for the HRA process are listed below in table 1<sup>10</sup>.

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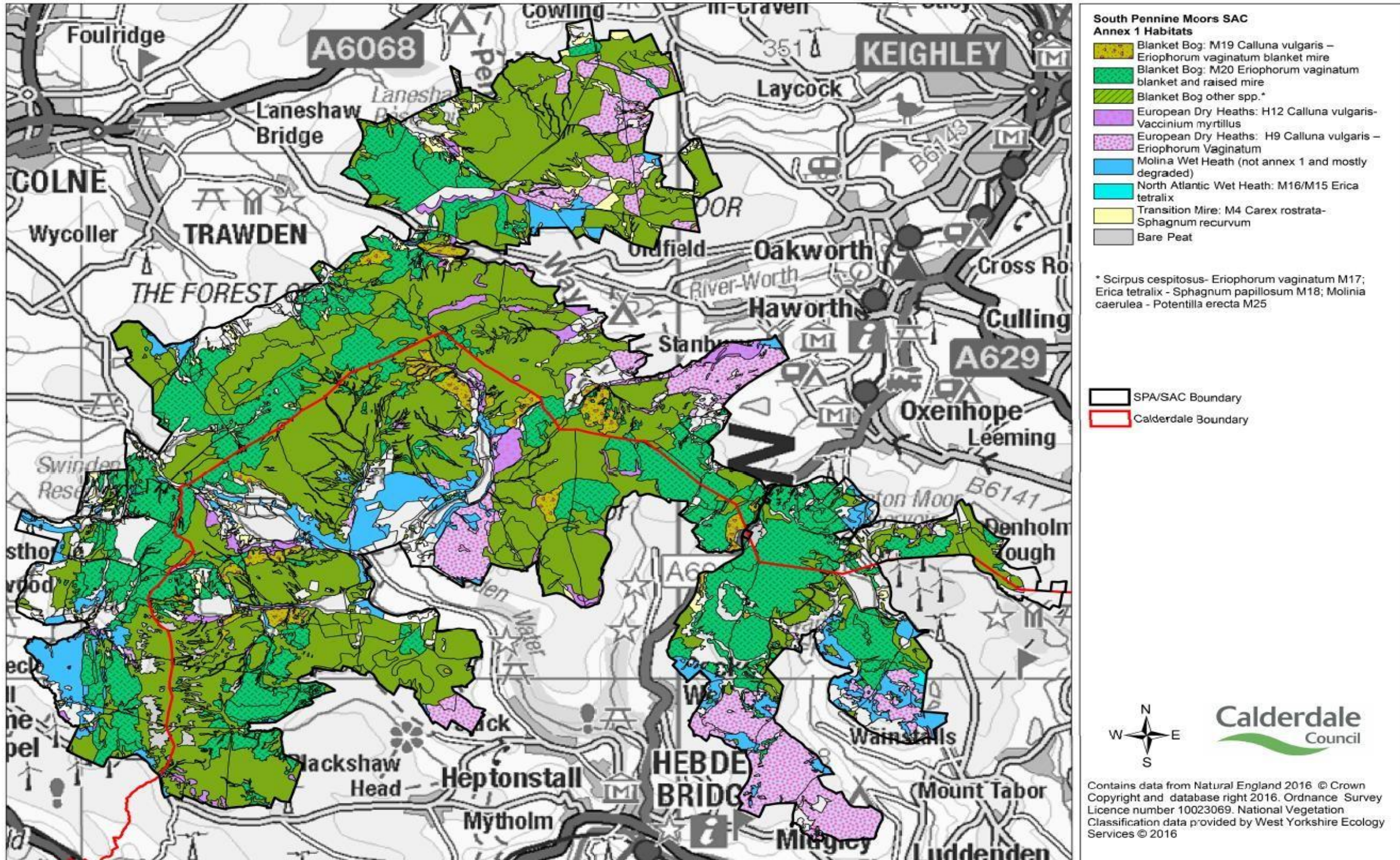
<sup>10</sup> It is important to note that information as to European site qualifying features for the South Pennine Moors are conflicting with different sources citing different species, most recently the 2015 standard data form. This issue was raised with Natural England during the early stages of the Calderdale HRA process who advised that the species listed on the original SPA citation should be used in the assessment. Natural England stressed that the original citations are the only citations to date and therefore hold the only legal stature. They did also advise however that a SPA review was currently being implemented.

**Table 1: European site (within 15k buffer) qualifying features**

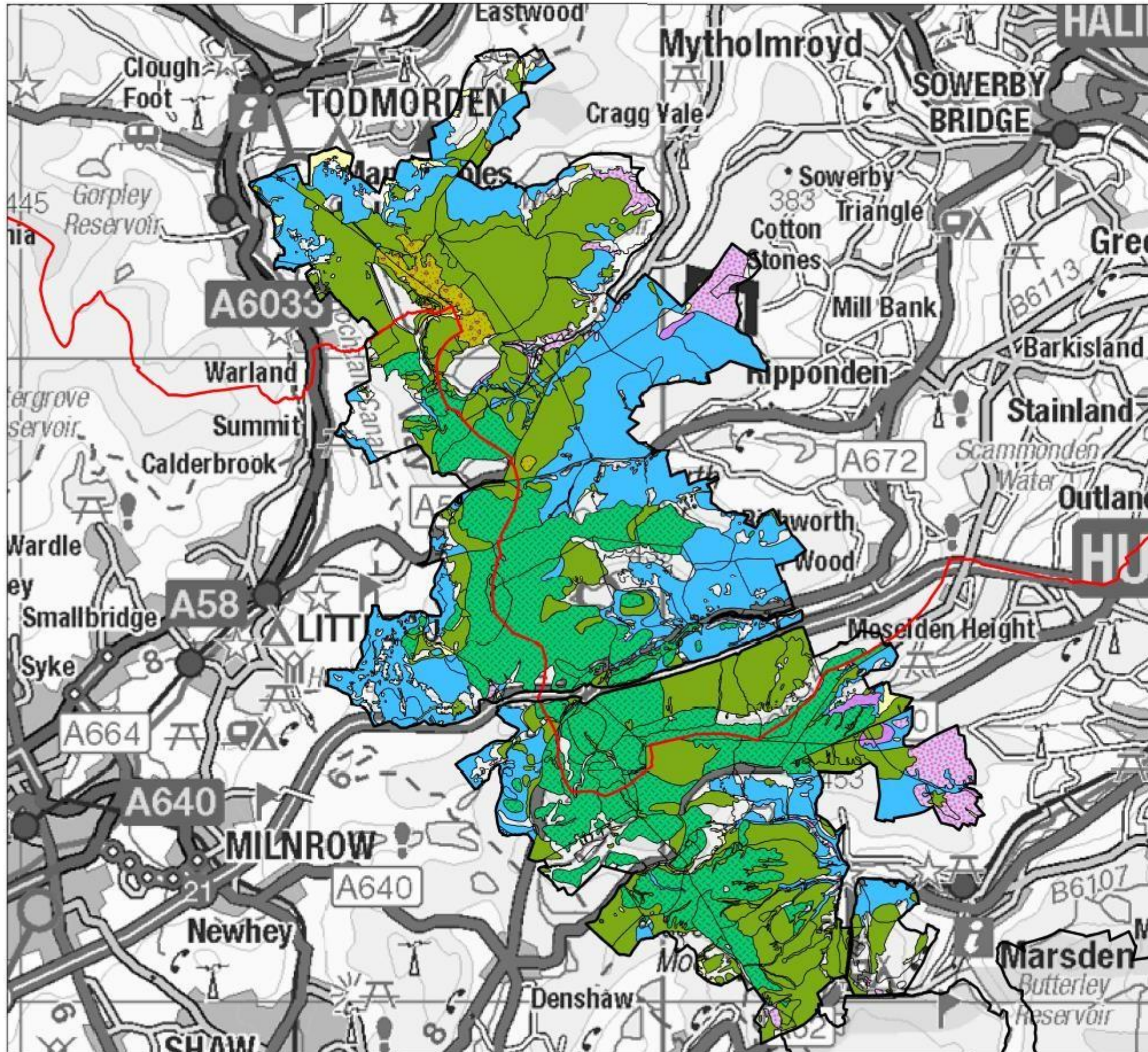
South Pennine Moors SAC <sup>1</sup>	South Pennine Moors Phase 2 SPA <sup>2</sup>	Peak District Moors (South Pennine Moors Phase 1) SPA	Denby Grange Colliery Ponds SAC <sup>4</sup>	Rochdale Canal SAC <sup>5</sup>
<b><u>Annex I habitats (primary selection reason)</u></b>	<b><u>Article 4.1: Annex I Birds (breeding)</u></b>	<b><u>Article 4.1: Annex I Birds (breeding)</u></b>	<b><u>Annex II species (primary selection reason)</u></b>	<b><u>Annex II species (primary selection reason)</u></b>
4030 European dry heaths	A098 <i>Falco columbarius</i> (Merlin)	A098 <i>Falco columbarius</i> (Merlin)		
7130 Blanket bogs (priority feature)	A140 <i>Pluvialis apricaria</i> (Golden Plover)	A082 - <i>Circus cyaneus</i> (Hen Harrier)	1166 <i>Triturus cristatus</i> (Great crested newt )	1831 <i>Luronium natans</i> (Floating water-plantain )
91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	<b><u>Article 4.2: Regularly occurring migratory birds - internationally important assemblage of breeding birds</u></b>	A140 <i>Pluvialis apricaria</i> (Golden Plover)  A103 - <i>Falco Peregrinus</i> (Peregrine Falcon)		
<b><u>Annex I habitats present as a qualifying feature (not a primary selection reason)</u></b>	Common Sandpiper <i>Actitis hypoleucos</i>	<b><u>Article 4.2: Regularly occurring migratory birds - internationally important assemblage of breeding birds</u></b>		
4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> (cross-leaved heath)	Short-eared Owl <i>Asio flammeus</i>	No species are listed on the Peak District Moors SPA citation as qualifying under Article 4.2		
7140 Transition mires and quaking bogs	Dunlin <i>Calidris alpina schinzii</i>			
	Twite <i>Carduelis flavirostris</i>			
	Common Snipe <i>Gallinago gallinago</i>			
	Curlew <i>Numenius arquata</i>			
	Northern Wheatear <i>Oenanthe oenanthe</i>			
	Golden Plover <i>Pluvialis apricaria</i>			
	Whinchat <i>Saxicola rubetra</i>			
	Redshank <i>Tringa tetanus</i>			
	Ring Ouzel <i>Turdus torquatus</i>			
	Lapwing <i>Vanellus vanellus</i>			
<sup>1</sup> JNCC (2016a)	<sup>2</sup> SPA citation	<sup>3</sup> SPA citation	<sup>4</sup> JNCC (2016b)	<sup>5</sup> JNCC (2016c)

**Figure 2a:** Habitat and vegetation mapping of the South Pennine Moors SAC (upper) adapted from the National Vegetation Classification survey. *(Data supplied by West Yorkshire Ecology Services)*




















**South Pennine Moors SAC  
Annex 1 Habitats**

-  Blanket Bog: M19 Calluna vulgaris – Eriophorum vaginatum blanket mire
-  Blanket Bog: M20 Eriophorum vaginatum blanket and raised mire
-  Blanket Bog other spp.\*
-  European Dry Heaths: H12 Calluna vulgaris- Vaccinium myrtillus
-  European Dry Heaths: H9 Calluna vulgaris – Eriophorum Vaginatum
-  Molinia Wet Heath (not annex 1 and mostly degraded)
-  North Atlantic Wet Heath: M16/M15 Erica tetralix
-  Transition Mire: M4 Carex rostrata- Sphagnum recurvum
-  Bare Peat

\* Scirpus cespitosus- Eriophorum vaginatum M17; Erica tetralix - Sphagnum papillosum M18; Molinia caerulea - Potentilla erecta M25

-  SPA/SAC Boundary
-  Calderdale Boundary



**Figure 2b:** Habitat and vegetation mapping of the South Pennine Moors SAC (lower) adapted from the National Vegetation Classification survey. *(Data supplied by West Yorkshire Ecology Services)*

A detailed breakdown of the five identified Natura 2000 sites applicable to this HRA process are shown in Appendix 3 of the Local Plan<sup>11</sup>. This identifies the site qualifications, habitat classification and coverage, current threat and pressures and the conservation objectives of the sites.

### **Habitat Communities**

In terms of Habitats the Natura 2000 sites most likely to be impacted by the plan are those that fall directly within the boundary of a Plan. Figure 2 shows the detailed habitat vegetation mapping of the South Pennines SAC modified from the National Vegetation Classification survey data supplied by West Yorkshire Ecology. This is the most detailed habitat survey data available at the time of the HRA production. The mapping also shows a further breakdown of the habitats to species level. These key habitats are listed and described below<sup>13</sup>. It is important to note that whereas Old sessile oak woods with Ilex and Blechnum are features on the SAC citation, these habitats are not known to be found within the Calderdale SAC area.

#### *A Blanket Bog (priority feature)*

Blanket bog is the dominant habitat community found on the South Pennine Moors SAC. It is a peatland habitat restricted to cool, wet climates. In the UK it is one of the most extensive seminatural habitats. Depths typically range from 0.3 – 5m but can often extend to greater than 5m. In terms of being defined as a EC Habitats Directive Priority Habitat, the habitats have to be defined as 'Active' and therefore supporting a significant area of vegetation that would be normally peatforming (JNCC, 2001). Communities often occur alongside blanket bog flush, fen and swamp. The total coverage of blanket bog is not agreed, however it is estimated that England supports approximately 215,000 ha. Historical trends show that blanket bog has reduced by approximately 20 % during the last century, which is attributed to drainage and heavy grazing, peat cutting and atmospheric pollution in the Pennines. This habitat supports a high species richness including terrestrial and aquatic vertebrates and invertebrates. They are especially important for supporting Eurasian golden plover *Pluvialis apricaria*, which is listed as qualifying species for the South Pennine Moors Phase 2 SPA. Importantly, blanket bog is considered a significant carbon store acting as an important habitat for climate change mitigation.

#### *B Northern Atlantic wet heaths (Upland Heathland)*

Northern Atlantic wet heaths occur on acidic, nutrient-poor substrates, such as shallow peats or sandy soils with impeded drainage. The vegetation is typically dominated by mixtures of cross-leaved heath *Erica tetralix*, heather *Calluna vulgaris*, grasses, sedges and *Sphagnum* bog-mosses. This habitat supports an important assemblage of birds, in particular Merlin *Falco columbarius* which is listed as qualifying species for the South Pennine Moors Phase 2 SPA. In the uplands they occur most frequently in gradients between dry heath, or other dry acid habitats and Blanket bogs. This habitat type is estimated to cover an estimated 450,000 ha in Great Britain with the majority in Scotland. The habitat is recognised as being internationally important because they are largely confined within Europe. As with blanket bog there has been a considerable loss of this habitat in recent times, accounting for the loss of approximately 20% during the last century which is largely attributed to heavy grazing by sheep and afforestation.

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<sup>11</sup> <https://www.calderdale.gov.uk/v2/sites/default/files/Local-Plan-Report-Appendix-1-4-updated-2019.pdf> <sup>13</sup>  
Information adapted from Maddock (2011) unless stated otherwise.

*C European dry heaths (grass moorland)<sup>12</sup>*

This habitat type accounts for the second most abundant within the Natura 2000 sites found in Calderdale, especially in the south of the district. European dry heaths are usually found on freelydraining, acidic to circumneutral soils with generally low nutrient content. Ericaceous dwarf-shrubs dominate the vegetation, the most common of which is heather *Calluna vulgaris*. The majority of dry heaths are semi-natural, deriving from woodland through a long history of grazing and burning. Dry heaths in upland areas are often managed as grouse moors. This habitat is still widely distributed within its current range, and no evidence of substantive loss for the South Pennines is recorded. The main pressures on this habitat are a result of over-grazing, invasive species (namely the heather beetle *Lochmaea suturali*), burning and air pollution. Throughout the South Pennine Moors, its cover occurs mainly on the lower slopes of the moors on mineral soils or where peat is thin. They support a rich invertebrate fauna, especially moths, and important bird assemblages (designated under the SPA).

*D Old sessile oak woods with Ilex and Blechnum<sup>15</sup>*

Old sessile oak woods is a habitat type comprising predominantly of Oak (*Quercus robur* and/or *Q. petraea*) and birch (*Betula pendula* and/or *B. pubescens*). It is often found in areas of base-poor soils in areas of at least moderately high rainfall. The remaining examples of this habitat type in Great Britain are fragmentary, and have been substantially modified by human activity. Within the South Pennines, this habitat type is found around the fringes of the upland heath and bogs. It should be noted that this type of habitat is not found within the Natura 2000 sites that are within Calderdale's boundary.

*E Transition mires and quaking bogs*

This habitat type relates to vegetation that in floristic composition and general ecological characteristics is transitional between acid bog and Alkaline fens, in which the surface conditions range from markedly acidic to slightly base-rich.

**Bird Communities<sup>13</sup>**

In order to assess the impact of the plan of the qualifying bird species it is important to investigate the current population status, trends and wider ecology of the SPA bird species<sup>14</sup>.

*A Merlin*

The Merlin is listed as an Annex 1 (breeding) species under the Birds Directive and qualifying features for the South Pennine Moors Phase 2 SPA designation. They are small, agile falcons, and have been of long-standing conservation concern in Britain (Ewing et al, 2008). In Britain they mostly breed in heather moorland areas, mainly in the uplands. Their range also extends to some lowland moorland. The estimated European breeding population of the species is approximately 10,166,612, however as shown in the table below the UK population accounts for less than 10% of this and is in moderate

<sup>12</sup> Information adapted from the JNCC accessed at:  
<http://jncc.defra.gov.uk/ProtectedSites/SACselection/habitat.asp?FeatureIntCode=H4030> <sup>15</sup>

Information adapted from the JNCC accessed at:  
<http://jncc.defra.gov.uk/protectedsites/sacselection/habitat.asp?FeatureIntCode=H91A0>

<sup>13</sup> All bird population estimates are for breeding pair numbers

<sup>14</sup> Information adapted from Stroud et al (2001) (JNCC The UK SPA network: its scope and content) as well as additionally cited research.

long-term decline. Ewing et al (2008) attributed most of this decline to northern England. In recent years habitat loss, related to the conversion of heather moorland to grass moorland, has been identified as the main reason for a reduction in breeding range. Almost half of the UK population is found within UK SPA, therefore highlighting their importance for the species. Ewing et al (2008) estimated 29 breeding pair are found within the Southern Pennines. However a recent survey by Natural England of the birds of the South Pennine Moors SPA only showed 13 sightings.

Species	UK Population Estimate	Trend classification
<i>Falco columbarius</i>	1,100	Moderate long-term decrease
*Data taken from Hayhow et al (2014) (RSPB - The state of the UK's birds 2017)		

#### *B Golden Plover*

Golden plovers are listed as an annex 1 (breeding) species under the Birds Directive and qualifying features for the South Pennine Moors Phase 2 SPA designation. They are ground nesting birds which primarily breed on heather moorland, blanket bog and acidic grasslands. Individuals often fly about 1–4 km from the nest in order to forage (Pearce-Higgins & Yalden, 2003). Adjacent pastures with abundant earthworms and tipulid larvae are important for feeding adults. As shown in the table below the UK population is relatively high, however in recent years the number of breeding pairs has decreased. The UK's SPA site supports, on average, 5,907 pairs, which accounts for an estimated 26% of the UK breeding population. The South Pennines provide habitat for an estimated 3.2% of the UK Golden Plover population and is therefore significant for the conservation of the species (Pearce-Higgins & Yalden, 2003). A recent survey by Natural England of the birds of the South Pennine Moors SPA only showed 259 sightings. Reductions in the UK have been attributed to a reduction of moorland burning, resulting in the development of tall vegetation that is avoided by breeding birds, and reduced predator control.

Species	UK Population Estimate	Trend classification
<i>Pluvialis apricaria</i>	38,000-59,000 pairs	Moderate long-term decrease
*Data taken from Hayhow et al (2014) (RSPB - The state of the UK's birds 2017)		

#### *C South Pennine Moors Internationally Important Assemblage of Birds*

As well as the two listed Article 4.1: Annex I Birds (breeding) species listed in the SPA citation, twelve other species are also listed as components of the Internationally Important Assemblage of Birds within the South Pennine Moors (Phase 2) SPA citation. These can be sub-divided into the following groups;

#### *D Breeding waders*

Under article 4.2 of the Birds Directive the Common Sandpiper, Dunlin, Common Snipe, Curlew, Golden Plover, Lapwing and Redshank have been listed and identified within the internationally important assemblage of birds. The Dunlin is found in upland and moorland habitats, which marks the species UK distribution. The species has an estimated breeding population of 9150 pairs. Defra (2015) states the species status is in weak long term decline, but showing stable trends in recent

years. Of the UK population 74% is found with SPA sites, with the South Pennine Moors accounting for approximately 140 breeding pairs.

The Curlew preferred breeding habitats are fens, peat-bogs, heathlands, coastal marshes, large swampy river valleys, and damp steppe, however it has also adapted well to agricultural grasslands and arable fields (EC – Environment, 2007). The estimated breeding population in the UK is 33,000. Defra (2015) states that the species is in a stable population trend with little to no long-term or short-term change in the UK. SPA's in the UK account for approximately 12% of the population. However there is not significant breeding abundances of the species in the South Pennine Moors.

Common Sandpiper, Snipe, Lapwing and Redshank are not found in high enough breeding abundances to UK SPA to meet the 1% population thresholds for their citation, however they are still categorised within the South Pennine Moors Internationally Important Assemblage of Birds for their reliance on the sites for foraging. Of these species Defra (2015) states that the common sandpiper, lapwing and redshank are in weak long term decline as well as strong short-term decline. Snipe is listed as being in strong long-term and short-term decline. Therefore the integrity of the SPA is important to help mitigate the decline of the species.

#### *E Breeding passerines*

Under article 4.2 of the Birds Directive the Northern Wheatear, Ring Ouzel, Whinchat and Twite have been listed and identified within the internationally important assemblage of birds. These four species have very different breeding requirements associated with the heathland, acid grassland and scrub habitats found within the SPA.

The estimated UK breeding population of Twite is 7,842 and has experienced major long-term decrease (Hayhow et al, 2014). McGhie et al (1994) produced a comprehensive study of breeding ecology of Twite commissioned by English Nature which focused on Twite nesting on the South Pennines in West Yorkshire. They found that nests were predominantly located in areas of bracken and heather moorland, but the birds travelled up to 4km from the nest site to forage on fields with un-ripened dandelion seeds and sorrel seeds. Their long term population decrease is attributed to conversion to farmland and farming practices. Hayhow et al (2014) highlights the strong need to protect and sympathetically manage habitat for this vulnerable species.

The Northern Wheatear often nest in areas of short grazed grassland where there is grass root caterpillars to forage. Numbers of Wheatear have declined in the UK and it is an Amber listed species.

Whinchats are often found in low scrub, with low gorse scrub being the preferred nesting habitat. They feed in areas of short grass and regularly by roadside verges. Defra (2015) lists the Whinchat is in strong long-term decline and weak short-term decline.

The Ring Ouzel is considered a rare UK breeding bird often found in rock outcrops and steep valley sides. It has an estimated population of 5,332 and in major long-term population decrease by approximately 74% (Hayhow et al, 2014). Therefore it is important to protect the integrity of the SPA in relation to the conservation of the species.

#### *F Breeding Owls*

The Short-eared Owl is the only owl listed. It is important to note that whilst not originally being in high enough abundances to be listed as **Article 4.1** as a site qualifying feature, it has such been

established that its abundance does qualify, and has since been listed on the JNCC site page for the South Pennine Moors (Phase 2) SPA<sup>15</sup>.

The Short-eared owl is a small to medium sized owl which frequently occupies moor, heath, afforested hillsides, marsh and bog habitat. The species is an opportunistic feeder, heavily reliant upon vole and mice populations, upon which its distribution and nesting success tend to revolve. Short-eared Owls have a scattered breeding distribution in Western Europe, occurring in upland, moorland and heathland areas of Britain, the Low Countries, Denmark and Germany. The UK breeding population is estimated to be approximately 1,100, which is relatively low compared to the rest of Europe. Numbers and local distribution also fluctuate greatly in association with periodic cyclical changes in populations of prey species. The UK's SPA site for Short-eared Owls supports, on average about 13 pairs. This amounts to about 13% of the British breeding population.

## **Appendix 2: Screening assumptions and evidence base used to establish likely significant effects**

In order to establish if and what part of the Plan may have significant effects on the identified Natura 2000 sites, the HRA has screened each Plan policy. Where proximity factors need to be accounted for, GIS software has been used. In order to assess the sites in this way, the following evidence has been drawn upon in order to establish set distances and likely effects.

EU case law currently demands certainty provided by science, however it is argued that science can never rule out uncertainty (Opdam et al, 2009). In order to screen the plan, a wide evidence base has been reviewed for the most up-to-date information relating to the impacts of development and land-use planning on both European Natura 2000 sites and the identified sites within the scope of the Plan. As well as this, primary data has been commissioned and collected to further inform the evidence base of the HRA. This information has been used to establish the screening assumptions presented in this section. Importantly, the information also seeks to establish the baseline information for the assessment process.

The table below show a range of potential impacts that development and their related activities can have on Natura 2000 sites.

<b>Potential impacts and activities adversely affecting Natura 2000 sites</b>	
<b>Broad Categories and examples of potential impacts of Natura 2000 sites</b>	<b>Examples of activities responsible for Impacts</b>
<b>Physical loss</b> <ul style="list-style-type: none"> <li>• Removal (including offsite effects, e.g. foraging habitat)</li> <li>• Mine collapse</li> <li>• Smothering</li> <li>• Habitat degradation</li> </ul>	<ul style="list-style-type: none"> <li>• Development (e.g. housing, employment infrastructure, tourism)</li> <li>• Infilling (e.g. of mines, water bodies)</li> <li>• Alterations or works to disused quarries</li> <li>• Structural alterations to buildings (bat roosts)</li> <li>• Afforestation</li> <li>• Tipping</li> <li>• Cessation of or inappropriate management for nature conservation</li> </ul>

<sup>15</sup> <http://jncc.defra.gov.uk/page-2001>



# SOWERBY NEIGHBOURHOOD PLAN

<p><b>Physical damage</b></p> <ul style="list-style-type: none"> <li>• Sedimentation / silting</li> <li>• Prevention of natural processes</li> <li>• Habitat degradation</li> <li>• Erosion</li> <li>• Trampling</li> <li>• Fragmentation</li> <li>• Severance / barrier effect</li> <li>• Urban edge effects</li> <li>• Fire</li> </ul>	<ul style="list-style-type: none"> <li>• Flood defences</li> <li>• Dredging</li> <li>• Mineral extraction</li> <li>• Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving)</li> <li>• Development (e.g. infrastructure, tourism, adjacent housing etc.)</li> <li>• Vandalism</li> <li>• Arson</li> <li>• Cessation of or inappropriate management for nature conservation</li> </ul>
<p><b>Non-physical disturbance</b></p> <ul style="list-style-type: none"> <li>• Noise</li> <li>• Vibration</li> <li>• Visual presence</li> <li>• Human presence</li> <li>• Light pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Development (e.g. housing, industrial)</li> <li>• Recreation (e.g. dog walking, water sports)</li> <li>• Industrial activity</li> <li>• Mineral extraction</li> <li>• Navigation</li> <li>• Vehicular traffic</li> <li>• Artificial lighting (e.g. street lighting)</li> </ul>
<p><b>Water table/availability</b></p> <ul style="list-style-type: none"> <li>• Drying</li> <li>• Flooding / stormwater</li> <li>• Water level and stability</li> <li>• Water flow (e.g. reduction in velocity of surface water)</li> <li>• Barrier effect (on migratory species)</li> </ul>	<ul style="list-style-type: none"> <li>• Water abstraction</li> <li>• Drainage interception (e.g. reservoir, dam, infrastructure and other development)</li> <li>• Increased discharge (e.g. drainage, runoff)</li> </ul>
<p><b>Toxic contamination</b></p> <ul style="list-style-type: none"> <li>• Water pollution</li> <li>• Soil contamination</li> <li>• Air pollution</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Agrochemical application and runoff</li> <li><input type="checkbox"/> Navigation</li> <li><input type="checkbox"/> Oil / chemical spills</li> <li><input type="checkbox"/> Tipping</li> <li><input type="checkbox"/> Landfill</li> <li><input type="checkbox"/> Vehicular traffic</li> <li><input type="checkbox"/> Industrial waste / emissions</li> </ul>
<p><b>Non-toxic contamination</b></p> <ul style="list-style-type: none"> <li>• Nutrient enrichment (e.g. of soils and water)</li> <li>• Algal blooms</li> <li>• Changes in salinity</li> <li>• Changes in thermal regime</li> <li>• Changes in turbidity</li> <li>• Air pollution (dust)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Agricultural runoff</li> <li><input type="checkbox"/> Sewage discharge</li> <li><input type="checkbox"/> Water abstraction</li> <li><input type="checkbox"/> Industrial activity</li> <li><input type="checkbox"/> Flood defences</li> <li><input type="checkbox"/> Navigation</li> <li><input type="checkbox"/> Construction</li> </ul>
<p><b>Biological disturbance</b></p> <ul style="list-style-type: none"> <li>• Direct mortality</li> <li>• Out-competition by non-native species</li> <li>• Selective extraction of species</li> <li>• Introduction of disease</li> <li>• Rapid population fluctuations</li> <li>• Natural succession</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Development</li> <li><input type="checkbox"/> Predation by domestic pets</li> <li><input type="checkbox"/> Introduction of non-native species</li> <li><input type="checkbox"/> Hunting</li> <li><input type="checkbox"/> Agriculture</li> <li><input type="checkbox"/> Changes in management practices</li> <li><input type="checkbox"/> Collision and displacement as a result of wind turbine development</li> </ul>



Historic England

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08 May 2019





Dear Mr. Chris Cole,

**Sowerby Neighbourhood Development Plan  
Strategic Environmental Assessment Screening Opinion Consultation**

We write in response to your e-mail of Thursday 18 April 2019, seeking a Screening Opinion for the Sowerby Neighbourhood Plan 2019-2034, 1 February 2019.

For the purposes of this consultation, Historic England will confine its advice to the question, "Is it likely to have a significant effect on the environment?" in respect to our area of concern, cultural heritage. Our comments are based on the information supplied within the Sowerby 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 are also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with your conclusion that the preparation of a Strategic Environmental Assessment is not required for the Sowerby Neighbourhood Plan.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made. We should like to stress that this opinion is based on the information available in the Sowerby Neighbourhood Plan.

To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.



We would be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Historic England strongly advises that the conservation and archaeological staff of the Calderdale Council and the West Yorkshire Archaeological Advisory Service are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

We look forward to receiving a consultation on the Submission Draft of the Sowerby Neighbourhood Plan in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read "CB", is written over a faint, repeating watermark of the word "electronic" in a light grey font.

Craig Broadwith  
Historic Places Adviser  
E-mail: [Craig.Broadwith@HistoricEngland.org.uk](mailto:Craig.Broadwith@HistoricEngland.org.uk)



**SOWERBY  
NEIGHBOURHOOD  
PLAN**

Date: 22 May 2019  
Our ref: 280529



Philip Dawes BA (Hons) MA MSc  
Planning Policy Officer  
Regeneration and Strategy

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**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Dawes

**Planning consultation:** Calderdale Council Sowerby Neighbourhood Plan SEA Screening Opinion

Thank you for your consultation on the above which was received by Natural England on 18 April 2019

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.

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769918711. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Kate Wheeler  
Yorkshire and Northern Lincolnshire Area



**SOWERBY  
NEIGHBOURHOOD  
PLAN**

Date: 24 October 2019  
Our ref: 296813



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Dear Mr Dawes

**Planning consultation: HRA Screening (Calderdale) Sowerby Neighbourhood Plan**

Thank you for your consultation on the above which was received by Natural England on 03 October 2019

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.

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.



For any queries relating to the specific advice in this letter please contact Kate Wheeler on 07769918711. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Kate Wheeler  
Yorkshire and Northern Lincolnshire Area

Philip Dawes

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**From:** Dennison, Claire <claire.dennison@environment-agency.gov.uk>  
**Sent:** 28 October 2019 11:02  
**To:** Philip Dawes  
**Subject:** RE: Calderdale Council Sowerby Neighbourhood Plan: SEA / HRA Screening Opinion

Good Morning Phil

Apologies for not getting back to you last week as promised but I was off poorly after Monday. Please find our comments below on Sowerby Neighbourhood plan.

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

#### **Strategic Environmental Assessment**

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

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

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

#### **Draft Plan**

We have **no objections** to the draft plan, we are pleased to see you have thought of putting Environmental Protection aspects within your plan.

We fully support policies

#### **SNPP6**

Ecology this is mainly in relation to bats which are not within are remit.

#### **SNPP7**

Flooding this has a lot to do with surface water flooding which The Lead Local Flood Authority is now the responsible authority for commenting on the surface water drainage arrangements. We therefore recommend you consult your LLFA regarding the proposed management of surface water within the Plan. You could also describe what is expected of developers in terms of surface water run-off rates (for both brownfield and Greenfield sites) and sustainable drainage systems.

Additional things to look at in relation to flood risk

- Emphasise that inappropriate development will not be considered acceptable in areas of high flood risk.
- Highlight, where necessary, the need to undertake the sequential and exception tests.
- Promote a sequential approach to development layout, to ensure the highest vulnerability development is located in areas at lowest flood risk.
- Address the potential impacts of climate change on flood risk.
- Where possible, expect development to result in a betterment to the existing flood risk situation. (Covered with Surface water but not any other form of flooding)
- Ensure that new development does not increase flood risk to others

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A sequential approach to flood risk will also need to be taken when allocating sites.

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.

#### **SNPP10 Biology**

We support the protection of wildlife and newts etc., Developers must be aware if any grey crested newts are spotted within the site then they must contact the Environment agency to discuss further action required for the site,

#### **Water quality**

Proper management is important to protect water quality, both for groundwater and surface water resources.

Drainage misconnections can occur in new developments, redevelopments, extensions or through refurbishment. Developers must ensure that they do not connect any foul drainage (including sinks, showers, washing machine/dishwasher outlets and toilets) to a surface water sewer, as this can send polluted water into watercourses. Similarly, developers should ensure that they do not connect surface water drainage (e.g. roof gutter downpipes) into foul sewers as this can cause overloading of the foul sewer during heavy rainfall.

Polluted surface water flows from areas like car parks or service yards should always have sufficient pollution prevention measures in place to ensure the protection of groundwater and watercourses from specific pollutants like petrol (hydrocarbons) and suspended solids. Developers should follow appropriate pollution prevention guidance when designing formal drainage for large areas of hardstanding.

Ideally, applicants should introduce more 'surface' or 'green' drainage solutions to aid improvements in water quality, such as swales along hardstanding boundaries, or a more advanced reed bed system for



larger sites. These solutions are easier to access and maintain than engineered solutions like petrol/oil interceptors, which require regular maintenance to ensure they operate correctly.

We would welcome a policy which requires a net gain in biodiversity through all development,

Kind Regards

Claire Dennison  
Sustainable Places Planning Advisor

**MY CONTACT DETAILS:**

Direct Dial : 02030256425 (internal 56425)  
Email: [Claire.Dennison@environment-agency.gov.uk](mailto:Claire.Dennison@environment-agency.gov.uk)

**TEAM CONTACT DETAILS:**

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**Environment Agency, Lateral, 8 City Walk,  
Leeds, LS11 9AT**

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