

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

SEA and HRA SCREENING REPORT

PRE-SUBMISSION CONSULTATION DRAFT PANNAL AND BURN BRIDGE NEIGHBOURHOOD DEVELOPMENT PLAN

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

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

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

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

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

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

Despite the UK leaving the EU on the 31st January 2020, the SEA Regulations will continue to apply as before unless and until new legislation is introduced.

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

A copy of the Pre-Submission Consultation Draft was sent to the environment assessment consultation bodies as part of the April 2022 consultation and Historic England were the only organisation to respond who concluded that a SEA was not required for the Pannal and Burn Bridge Neighbourhood Plan.

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

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

SCHEDULE 1

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

CRITERIA FOR DETERMINING THE LIKELY
SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

1. The characteristics of plans and programmes, having regard, in particular, to—
 - (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
 - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - (d) environmental problems relevant to the plan or programme; and
 - (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—
 - (a) the probability, duration, frequency and reversibility of the effects;
 - (b) the cumulative nature of the effects;
 - (c) the transboundary nature of the effects;
 - (d) the risks to human health or the environment (for example, due to accidents);
 - (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
 - (f) the value and vulnerability of the area likely to be affected due to—
 - (i) special natural characteristics or cultural heritage;
 - (ii) exceeded environmental quality standards or limit values; or
 - (iii) intensive land-use; and
 - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

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

Criteria for determining the likely significance of effects on the environment (Schedule 1)	Likely to have significant environmental effects	Consideration of effects
1 (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The Neighbourhood Plan (NP) will set a policy framework for the determination of planning applications for future development projects. Once made the NP will form part of the Harrogate District Local Plan
1 (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	A neighbourhood plan is only able to provide policies for the area it covers. These policies need to have regard to national policy and be in general conformity with the Harrogate District Local Plan 2014 – 2035.
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Pannal and Burn Bridge Neighbourhood Plan seeks to have a positive impact on local environmental assets with an emphasis on the protection and enhancement of the public realm, green spaces and historic buildings. The achievement of sustainable development is one of the basic conditions to be met by the NP and is at the heart of the plan’s vision and aims.
1 (d) environmental problems relevant to the plan or programme	No	It is not considered that there are any particular environmental problems relevant to the plan.
1 (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	This criterion is unlikely to be directly relevant in regard to the Neighbourhood Plan.
2 (a) the probability, duration, frequency and reversibility of the effects;	No	The Plan provides a framework for guiding development and only specifically identifies land for the development of a park and stride car park and also open space at Almsford Bridge. It is likely that some other development will occur during the duration of the Plan within the area therefore an element of environmental change will take place. However, the Plan policies are designed to encourage new development that is sustainable and has the least negative and greatest positive environmental impacts.

2 (b) the cumulative nature of the effects;	No	Apart from the land identified for the small park and stride car park and Almsford Bridge open space, the Neighbourhood Plan does not allocate any sites for development and the main aim of the plan is to provide a framework for guiding development. There are unlikely to be significant impacts on the local environment. The effects of the NP need to be considered alongside the Harrogate District Local Plan which it is required to be in general conformity with. It is not considered that the NP introduces additional effects over and above those already considered in the SA for the Harrogate District Local Plan as it does not propose additional development.
2 (c) the transboundary nature of the effects;	No	The Neighbourhood Plan and the policies within are unlikely to have an impact beyond the Neighbourhood Area boundary.
2 (d) the risks to human health or the environment (for example, due to accidents);	No	No obvious risks have been identified.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The NP is concerned with development within the Pannal and Burn Bridge Neighbourhood Area. The potential for environmental impacts are likely to be limited, minimal and local.
2 (f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use	No	The NP is unlikely to adversely affect the value and vulnerability of the area in relation to its special natural characteristics or cultural heritage. The policies within the plan seek to provide greater protection of the character of the area. Apart from the land identified for the small park/ stride car park and Almsford Bridge open space, the NP does not allocate sites, as such there are unlikely to be any intensive land-use concerns.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	It is not considered that the draft policies in the NP will adversely affect areas or landscapes which have a recognised national, community or international protection status. The plan does not specifically allocate land for development however does identify support for park and stride in the SLA and adjacent to the conservation area and listed church so clarification may be needed on this.