

**STRENSALL WITH TOWTHORPE
NEIGHBOURHOOD PLAN**

**STRATEGIC ENVIRONMENTAL ASSESSMENT
SCREENING DETERMINATION
UNDER REGULATIONS 9 AND 11 OF THE ENVIRONMENTAL
ASSESSMENT OF PLANS AND PROGRAMMES
REGULATIONS 2014**

**PREPARED ON BEHALF OF
STRENSALL WITH TOWTHORPE PARISH COUNCIL**



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March 2023

1.0 INTRODUCTION

This statement provides the determination (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)) that the Submission Strensall with Towthorpe Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment. This statement also includes the reasons for this determination (in line with Regulation 11 of the SEA Regulations). In addition, this statement determines that the making of the Submission Strensall with Towthorpe Neighbourhood Plan is unlikely to result in significant effects on any European sites and consequently the plan does not require Habitat Regulations Assessment. This determination statement is also intended to demonstrate that the Strensall with Towthorpe Neighbourhood Plan is compatible with certain European Union and legislative obligations as required by the basic conditions, namely:

- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment; and
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora
- Conservation of Habitats and Species Regulations 2017 (as amended).

This determination has been made on 14th March 2023. Within 28 days of this determination, the parish council will publish this determination statement in accordance with its regulatory requirements (as per Regulation 11 of the SEA Regulations). The statutory consultees will be sent a copy of this statement and copies of the statement will be available for inspection at the City of York Council's website (<https://www.york.gov.uk/NeighbourhoodPlanning>).

2.0 DETERMINATION STATEMENT

A Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) preliminary screening opinion was prepared by the parish council for the draft Pre-Submission Neighbourhood Plan. This opinion, see Appendix 1 to this report, was made available to the statutory environmental bodies (Natural England, Historic England and Environment Agency) for comment starting on 1st July 2019.

Consultation responses were received from all three organisations. Their conclusions are summarised below, and their detailed comments are included in Appendix 2.

2.1 Natural England

"Natural England welcomes the assessment and concurs with the conclusions reached."

2.2 Historic England

"... the letter dated 14 June 2019, (which) confirms that we do not consider that "a Strategic Environmental Assessment is not required". We can confirm that this conclusion stands, in relation to the revised SEA/HRA Screening Report, dated 24 June 2019.

2.3 The Environment Agency

"Having considered the nature of the policies, we consider that it is **unlikely that significant negative** impacts on environmental characteristics that fall within our remit and therefore have **no objections** to the SEA."

This preliminary screening opinion was updated in order to take account of policy wording amendments made in response to comments received during the statutory Regulation 14 consultation period. None of these amendments were considered to be in any way material or to have any implications for the original assessments.

In summary therefore, it is determined that the Submission Strensall with Towthorpe Neighbourhood Plan would not have a significant effect on the environment because:

- as detailed in table 3.2 of the SEA preliminary screening report, the policies were either found to have either minor or no impacts on the environmental criteria set out in Schedule 1 to the Environmental Assessment Regulations. Where minor impacts were considered likely these were largely found to be positive.”

The HRA screening concludes that the Neighbourhood Plan is not predicted to have likely significant effects on any European site, either alone or in combination with other plans and projects. Review of the HRA screening (Appendix 2), undertaken on behalf of City of York Council found that there are no compelling reasons to disagree with this conclusion, stating: *“There is no credible possibility of the Plan adversely affecting the integrity of any European sites and, consequently, this review is able to recommend that the City Council may give effect to the Plan”*. The City of York Council accepts the report and its conclusion.

Based on the preliminary screening opinion prepared by the parish council in June 2019 and having considered the consultation responses from the statutory environmental bodies, the parish council and City of York Council determine that the Submission Strensall with Towthorpe Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment. The councils also determine that the Neighbourhood Plan is not likely to result in significant effects on any European site.

This screening determination is applicable to the submission version of the Neighbourhood Plan.

APPENDIX 1

Strategic Environmental Assessment And Habitats Regulations Assessment Screening Report For the Strensall with Towthorpe Neighbourhood Plan

September 2019

Final Report

Following statutory consultation with
Natural England, the Environment Agency and Historic England

(As Updated January 2021)

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1. Introduction

1.1 There are two key purposes to this document:

- to help ascertain whether the Strensall with Towthorpe Neighbourhood Plan (NP) 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;
- in order to comply with European Directive 92/43/EEC (often referred to as the 'Habitats Directive'), to ascertain whether the plan is likely to have a significant effect on a European protected wildlife site (as defined in the Conservation of Habitats and Species Regulations 2017).

Strategic Environmental Assessment

1.2 The responsible bodies (in this case Strensall with Towthorpe Parish Council, together with City of York Council and Stockton on the Forest Parish Council – NB Strensall with Towthorpe is the lead parish council) are required to consult the statutory bodies, the Environment Agency, Natural England and English Heritage prior to reaching a screening determination and have used a draft of this report as a basis for this consultation.

1.3 A draft report was drafted in May 2019 and circulated to the statutory consultees. Comments were received from Natural England, Historic England and City of York Council. These accompany this report in a separate annex. This final report has been amended in response to this feedback received.

The Habitats Directive

1.4 Under the 'Habitats Directive', an Appropriate Assessment must be undertaken if the plan is likely to have a significant effect on a European protected wildlife site.

1.5 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, which came into force on 28 December 2018, amend the basic condition relating to NDPs prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended), substituting a new basic condition which states:

"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

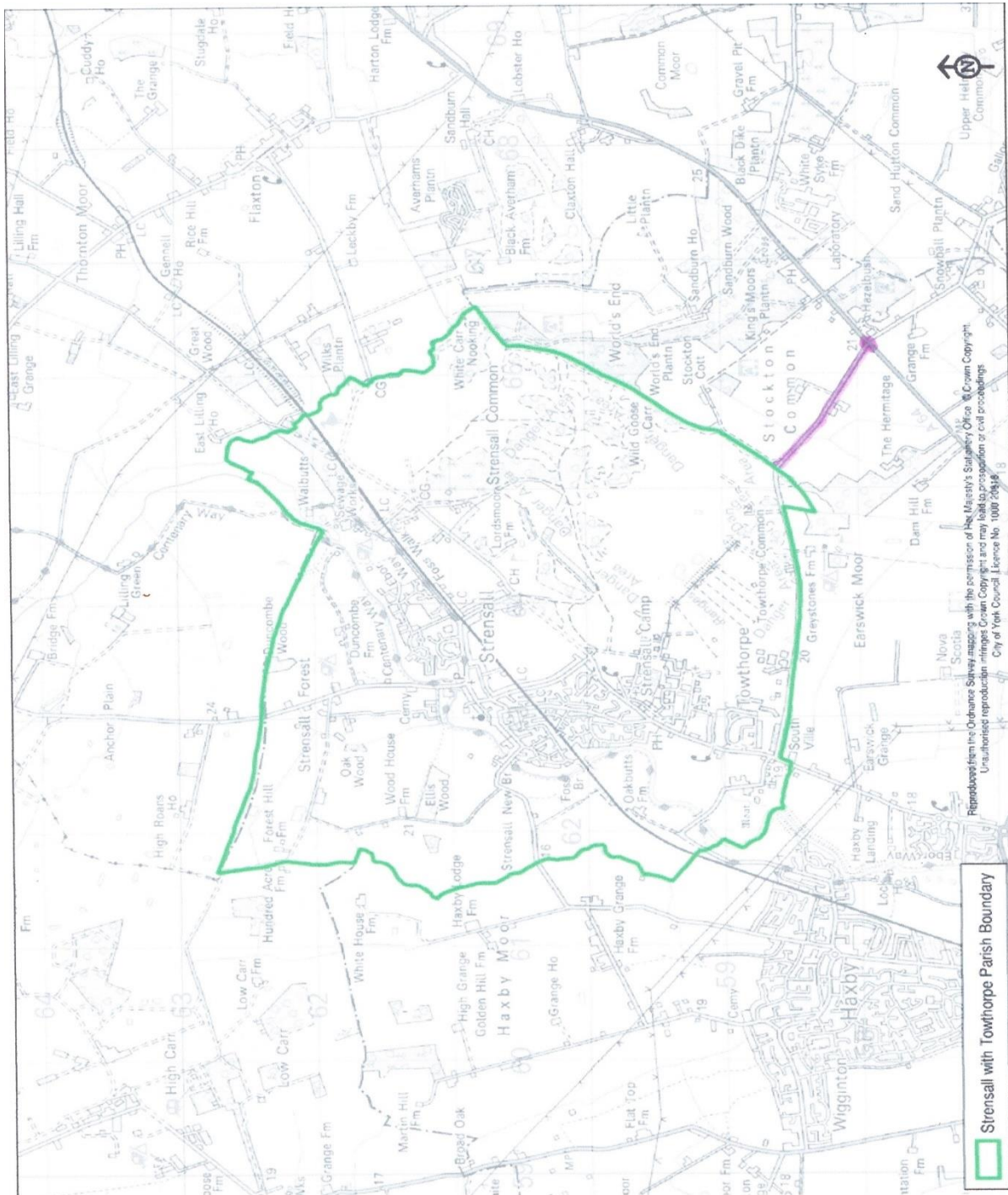
Regulation 14 Consultation

1.6 This report was reviewed following policy wording amendments made in response to comments received during the statutory Regulation 14 consultation period. None of these amendments were considered to be in any way material or to have any implications for the original assessments. As such, both the assessments and conclusions remained unchanged.

Introduction to Strensall with Towthorpe

1.7 The Strensall with Towthorpe NP will cover the plan area shown in Figure 1 below. This area falls entirely within the City of York Council area. It also includes a small area within the parish of Stockton on the Forest.

Figure 1 – Neighbourhood Plan Area (including extension into neighbouring parish in purple)



1.8 The NDP is underpinned by the following aims:

NP Aims

To manage the change expected during the plan period across the designated area of Strensall with Towthorpe Parish, plus the addition of the whole of Towthorpe Moor Lane and the junction of this highway with the York to Scarborough section of the A64 at Hazelbush Crossroads.

If the MoD were to dispose of the Queen Elizabeth Barracks for redevelopment, then the site at Towthorpe Moor Lane will be developed for a range of local employment generating businesses.

Should the Queen Elizabeth Barracks be developed when the barracks are vacated, the neighbourhood plan aims to resolve the tension between car use and the preservation of the special character and appearance of the historic village core.

To provide a framework that enables the Queen Elizabeth Barracks site to be redeveloped or put to a suitable/beneficial use thereby facilitating sustainable development (subject, if necessary, to the impact of the site being appropriately addressed).

Tensions concerning the impact of modern car use on the historic core of the village will be no worse, whilst opportunities to improve pedestrian and cycle safety will have been secured.

Any future development should respect the rural nature of the designated area and be sympathetic and unobtrusive in its design.

The effects of any development must take account of the fragility of Strensall Common (SAC) (SSSI) and measures must be included in any scheme to achieve their protection.

1.9 These aims are supported by 4 objectives (i.e. what the community hope to achieve through the plan):

NP Objectives

1. To contribute to meeting York's Objectively Assessed Housing Need.
2. To maintain the historic identity and character of the village of Strensall and the hamlet of Towthorpe.
3. To manage the potential impact of new housing and employment developments within the designated area so as to help integration and limit potential impacts.
4. To ensure that the housing type and mix best meet the needs of existing and future residents.
5. To protect local greenspace, and enhance open space, sports, social and community facilities.

1.10 Table 1 below provides an overview of each of the draft NP policies.

Table 1: An overview of the NP policies	
Policy	What does it do
CP1: Safeguarding Existing Car Parking	The policy protects existing car parking capacity and provides for compensatory provision in the event of loss to development, subject to continuing need.
CP2: Increased Public Car Parking	The policy requires additional car parking to be provided as part of new development, in excess of local planning authority standards in some locations.
CF1: Protection of Community Facilities & Services	The policy protects 11 named facilities against loss through development, with specified exceptions.
CF2: Local Green Space	The policy designates 42 Local Green Spaces and welcomes opportunities for the enhancement of their amenity, recreational and biodiversity value.
DH1: Promotion of Local Distinctiveness	The policy resists development that would have an adverse impact on character/appearance and sets out detailed provisions to promote local distinctiveness in new development, based on a previously prepared village design statement and the 21 character areas identified therein.
DH2: General Design Principles	The policy sets out design principles, covering scale and massing; layout; roof form; materials; and boundary treatments to which all new development is expected to adhere.
DH3: General Shopfront Design	The policy seeks to conserve and re-establish traditional shopfronts in the villages' retail outlets.
DH4: Shopfront Signage	The policy seeks to control shopfront signage and lighting.
DG1: Strensall Park	The policy seeks to control new development in the defined area of Strensall Park, in terms of scale, massing and layout; roof form; materials; chimneys; openings; boundary treatment and spaces. It states additionally that any proposal should ascertain that there will be no adverse effects on the integrity of the Strensall Common SAC/SSSI.
DG2: Alexandra Road	The policy seeks to control new development in the defined area of Alexandra Road, in terms of scale, massing and layout; roof form; materials; chimneys; openings; boundary treatment and spaces. It states additionally that any proposal should ascertain that there will be no adverse effects on the integrity of the Strensall Common SAC/SSSI.
DG3: Howard Road	The policy seeks to control new development in the Howard Road area, in terms of scale, massing and layout; roof form; materials; chimneys; openings; boundary treatment and spaces. It states additionally that any proposal should ascertain that there will be no adverse effects on the integrity of the Strensall Common SAC/SSSI.
DG4: Queen Elizabeth Barracks	The policy seeks to control new development at Queen Elizabeth Barracks, in terms of scale, massing and layout; roof form; materials; chimneys; openings and spaces. It states additionally that any proposal should ascertain that there will be no adverse effects on the integrity of the Strensall Common SAC/SSSI. It also seeks to protect buildings of local historic interest and the site's heritage interest and to secure a photographic record of the existing site prior to any development.
DG5: Development Brief for the Redevelopment of the Queen Elizabeth Barracks	The policy sets an outline brief for development covering SAC/SSSI protection; Green Belt protection; retention of Hurst Hall 'community centre'; retention of sports facilities for community use; meeting of school needs; foul water capacity; public transport provision; travel plan provision; and housing mix.

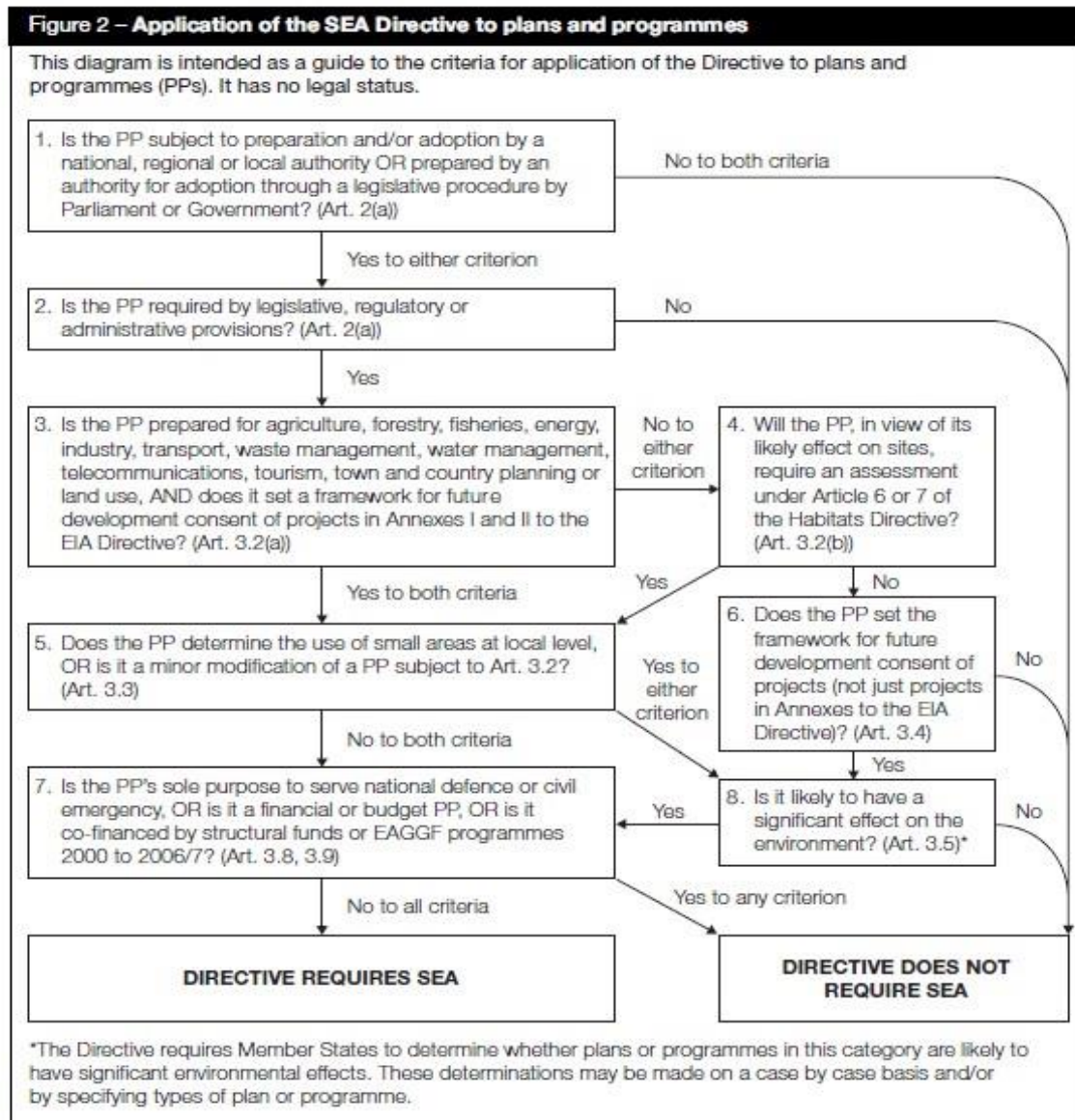
Table 1: An overview of the NP policies	
Policy	What does it do
DG6: Affordable Housing	The policy seeks to secure affordable housing to meet local need and with local connection provision.

2. Legislative Background to SEA

2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, often referred to as the “SEA Regulations”. Detailed guidance on these regulations can be found in the Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005) available to view at:-

<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

2.2 The Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005) includes a useful table intended as a guide to the circumstances where the SEA directive applies to plans and programmes. This is reproduced below:-



2.3 The table below uses the diagram above to help determine whether or not the SEA directive applies to the Strensall with Towthorpe NP:-

Table 2: Application of the SEA Directive to Neighbourhood Plans			
Stage	Response	Outcome	Comment
1. Is the NDP 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))	Yes ✓	Go to question 2	The preparation and adoption of the NDP is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NDP is being prepared by Strensall with Towthorpe Parish Council (as the "relevant body") and will be "made" by City of York Council as the main local planning authority. The preparation of NDPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (referendums) Regulations 2012.
2. Is the NDP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes ✓	Go to question 3	Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provisions of The Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if "made", form part of the statutory Development Plan for the district.
	No	NO SEA required	
3. Is the NDP 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 (see Appendix 2) to the EIA Directive? (Art 3.2(a))	Yes to both	Go to question 5	The Neighbourhood Development Plan has been prepared for town and country planning and land use purposes but does not set the framework for future development consent of projects in Annexes I and II to the EIA Directive (see Appendix 2 of Directive for list).
	No to either ✓	Go to question 4	
4. Will the NDP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	Yes	Go to question 5	The conclusion set out in section 7 of this report states that the draft NDP is not likely to have a significant effect on a European site either alone or in combination with other plans or projects.
	No ✓	Go to question 6.	

Table 2: Application of the SEA Directive to Neighbourhood Plans			
Stage	Response	Outcome	Comment
5. Does the NDP 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)	Yes to either	Go to question 8	Not applicable.
	No to both	Go to question 7.	
6. Does the NDP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes ✓	Go to question 8	The Neighbourhood Development Plan is to be used for determining future planning applications.
	No	Does not require SEA	
7. Is the NDP'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)	Yes to any criteria	Does not require SEA	Not applicable
	No to all criteria	Requires SEA	
8. Is it likely to have a significant effect on the environment? (Art 3.5)	Yes	Requires SEA	Likely significant effects are explored in more detail in section 3 of this report.
	No ✓	Does not require SEA	

2.4 The table above tells us that an environmental assessment of the NDP is only required if it is likely to have a significant effect on the environment. This question is explored in section 3.

3. Criteria for determining likely significance of effects on the environment

3.1 When determining whether a Neighbourhood Development Plan is likely to have significant effects on the environment, the SEA Regulations require that the criteria set out in Schedule 1 of the SEA Regulations be considered. These are given the title “Criteria for determining the likely significance of effects on the environment”. These criteria are split into two categories: those relating to the characteristics of the plan; and those to the characteristics of the effects and area likely to be affected. These are set out in more detail below.

Plan characteristics

- 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 [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

Characteristics of the effects and the plan area

- 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 (for example, 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.

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
<ul style="list-style-type: none"> 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 	<p>There is no adopted Local Plan for the City of York. Planning applications are currently determined with reference to the NPPF and, in the case of Green Belt, in the light of Saved Policy SH9 of the Yorkshire and Humber Regional Spatial Strategy 2008. The City of York Council currently refers to the '4th Set of Proposed Changes Version of Draft Local Plan 2005' but this carries limited weight except where consistent with NPPF. A new draft City of York Local Plan was submitted to the Secretary of State in May 2018 for examination. Alongside the City of York Local Plan (once adopted), the Strensall with Towthorpe NP will provide the statutory development plan for the neighbourhood plan area – see Figure 1. This means planning applications will be determined against the policies in both plans. An overview of the plan policies is provided in Table 1 to this report.</p> <p>The key aim of the NP's 14 policies is to shape new development. The plan does not allocate any sites for development. The policies can be categorised into:</p> <p>Protection and enhancement policies in respect of car parking, community facilities and Local Green Space (4 policies)</p> <p>Design and development requirement policies in respect of housing mix, 4 defined geographical areas, shopfronts, shopfront signage and for the Neighbourhood Area generally (9 policies).</p> <p>An outline site development brief.</p>
<ul style="list-style-type: none"> the degree to which the plan or programme influences other plans and programmes including those in a hierarchy 	<p>There is no statutory plan that will sit underneath the Strensall with Towthorpe NP. However, it is expected that future statutory development plans such as neighbourhood plans in neighbouring areas or the City of York Local Plan itself will have regard to the Strensall with Towthorpe NP.</p>
<ul style="list-style-type: none"> the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development 	<p>Before the NP can be made, the plan as a whole, together with its constituent policies, will need to be tested against the basic conditions. This includes a requirement to contribute towards the achievement of sustainable development, as defined in the National Planning Policy Framework. The Neighbourhood Plan aims to contribute to sustainable development at the neighbourhood level using policies which seek to protect and enhance environmental and social assets within the designated area.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
<ul style="list-style-type: none"> environmental problems relevant to the plan or programme 	<p>There are key environmental constraints within and/or in close proximity to the NP area. These are:</p> <p>Biodiversity:</p> <p>1 site of international nature conservation importance, i.e. Strensall Common Special Area of Conservation (SAC), lies entirely within the Neighbourhood Area (NA). In addition, Strensall Common is nationally identified as important as a SSSI. The designations for the SAC and SSSI are both relevant. All parts of the NA which lie outside the SAC fall within SSSI Impact Risk Zones.</p> <p>A second site of international nature conservation importance, i.e. River Derwent SAC, lies some 6.75km east and east south east of the Neighbourhood Area. The River Derwent also has component SSSIs. According to mapping data available on www.magic.defra.gov.uk, no parts of the NA fall within the SSSI Impact Zones for the SAC.</p> <p>A further 3 sites of international nature conservation importance, i.e. Lower Derwent Valley SAC, Special Protection Area and Ramsar site, lie near Wheldrake, some 10.25km south east of the NA. The Lower Derwent Valley also comprises a SSSI. According to mapping data available on www.magic.gov.uk, no parts of the NA fall within the SSSI Impact Zones for the SAC/SPA/Ramsar site.</p> <p>Biodiversity continued - Detailed information on Strensall Common SAC:</p> <p>The Strensall Common SAC covers an area of acidic lowland heath of over 569 hectares north-east of the city of York, entirely within the NA.</p> <p>SAC citation – Strensall Common is an example of acidic lowland heath represented predominantly by Erica tetralix – Sphagnum compactum wet heath, although its extent has been reduced by drainage. It is a noted locality for marsh gentian Gentiana pneumonanthe, narrow buckler-fern Dryopteris carthusiana and the dark-bordered beauty moth Epione vespertaria as it is associated with creeping willow Salix repens on the wet heath. There is also a complex mosaic of wet heaths with Erica tetralix and dry heath elements. The Calluna vulgaris – Deschampsia flexuosa dry heath is noted for petty whin Genista anglica and bird’s-foot Ornithopus perpusillus.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <p>-European dry heaths.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>-Northern Atlantic wet heaths with Erica tetralix (wet heathland with cross-leaved heath).</p> <p>Biodiversity continued - Other biodiversity habitat designations:</p> <p>Lowland Heathland Priority Habitat covers the vast majority of the Strensall Common SAC.</p> <p>Vast majority of the NA identified as within Woodland Priority Habitat Network – two-thirds/one third split between lower and higher spatial priority.</p> <p>Strensall Common and immediately west of; Duncombe Wood; Oak Wood; Ellis Wood and occasional others identified as Deciduous Woodland Priority Habitat.</p> <p>Strensall Common (NB largely high spatial priority); Duncombe Wood; Oak Wood; Ellis Wood and occasional others identified for woodland improvement.</p> <p>Biodiversity continued - Data on Species:</p> <ul style="list-style-type: none"> • North west corner of NA - targeting of corn bunting as Priority Species for Countryside Stewardship. • Northern two thirds of NA - targeting of curlew as Priority Species for Countryside Stewardship. • Western two-thirds of NA, plus north east and eastern tips - targeting of lapwing as Priority Species for Countryside Stewardship. • Most of Strensall Common plus Lordsmoor Farm area to west identified for woodland bird – willow tit. • Northern 80% of NA identified for farmland bird – grey partridge. • All of NA identified for farmland bird – tree sparrow. • North west 75% of NA identified for farmland bird – yellow wagtail. • Strensall Common SAC identified for nesting seabird(s). • Vast majority of NA identified for both arable and grassland assemblage farmland birds. • Manor Fam, Towthorpe – identified in respect of bats as European Protected Species. • All of NA identified as Farm Wildlife Package Area.

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p><i>Biodiversity in summary:-</i></p> <p><i>The value (and sensitivity) of the plan area as well as that of the surrounding area in terms of biodiversity is relevant to the Strensall with Towthorpe Neighbourhood Plan given the designated nature conservation assets within the plan area. As can be seen from Table 1, the planning policies in the Neighbourhood Plan do not allocate sites for development but are focused on shaping development when it comes forward and/or protecting certain land uses. Although there is no specific policy dealing with biodiversity, plan policies build in measures to ensure that no adverse effects on the integrity of Strensall Common SAC occur as a result of any proposed development and that there is protection for existing open space. In addition, the HRA establishes that the policies are not likely to have a significant effect on the integrity of the Strensall Common SAC.</i></p> <p>Soils/Agri-Environment:</p> <p>The whole of the NA is within a Nitrate Vulnerable Zone as at 2017.</p> <p>Forest Hill Farm identified as Countryside Stewardship Management Area (Middle Tier).</p> <p>Strensall Common SAC plus western and Towthorpe fringes subject to Environmental Stewardship Agreement (Entry Level plus Higher Level Stewardship).</p> <p>Lordsmoor Farm and Walbutts/sewage works area subject to Felling Licence Agreement.</p> <p>Strensall Camp area subject to Woodland Grant Scheme.</p> <p>Land north west Flaxton Road (Lordsmoor Farm) identified as largely Grade 3A agricultural land with some Grade 2.</p> <p><i>Soils/agri-environment in summary:-</i></p> <p><i>The soils/agri-environment as described above has limited relevance to the Neighbourhood Plan. No site allocations and no loss of greenfield land through the plan.</i></p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>Water:</p> <p>The north-east to south-west flowing River Foss and its tributary entering at Strensall from the north, are the principal watercourses in the NA.</p> <p>All of the NA is identified as a Countryside Stewardship Water Quality Priority Area (High Priority).</p> <p>All of the NA is also in Priority Areas (High Priority) for Sediment Issues and Phosphate Issues.</p> <p>The north, west and south-west of the NA are identified for Woodland Water Quality (Lower Spatial Priority).</p> <p>The course of the River Foss, together with the Strensall Camp area and Strensall Common (north-east corner) are identified for Woodland Flood Risk (High Spatial Priority).</p> <p>Water in summary:- <i>The water environment as described above has relevance to the Neighbourhood Plan in so far as it is a land use plan. The NP policies themselves are unlikely to trigger additional development and are therefore not expected to impact on the watercourses. The impact of land use on flood risk is addressed at a higher level including the National Planning Policy Framework.</i></p> <p>Air:</p> <p>In relation to habitats, the City of York Local Plan HRA screening report (September 2018) and subsequent HRA Appropriate Assessments (February 2019 and October 2020) – all drawing on an April 2018 Air Quality Assessment appended to those reports/assessments - indicate nitrogen deposition and nitrogen dioxide concentrations of concern in relation to the Strensall Common SAC as a result of proposed allocations for development. However, following a detailed air quality assessment, Appropriate Assessments conclude that adverse effects on the integrity of the European site can be ruled out.</p> <p>In relation to human health, there are no AQMAs within Strensall and no known issues in relation to air quality. Plan policies will not themselves trigger additional development so no impact here.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>Climatic Factors:</p> <p>No known issues.</p> <p>Population:</p> <p>The 2011 Census recorded the parish population at 6,047.</p> <p>The 2011 Census identifies how there are a greater number of residents aged 15 and under (21%) in comparison to the York District average of 16%. There are also a greater number of residents aged 65 and over (21%) in comparison to the District average of 17%. This data shows how there are a greater proportion of younger people and older people in the Parish in comparison to the District average. The average mean age of residents in the Parish at the time of the 2011 Census was 39, broadly in-line with the York District average of 39.5.</p> <p>Population in summary:-</p> <p><i>The characteristics of the population is relevant to planning policies in neighbourhood plans since the purpose of the planning policies is to manage the development and use of land in a way which appropriately meets the needs of the population. The planning polices in this respect will largely register positive impacts (e.g. protecting existing open space, community uses, car parks, ensuring development meets high standards of design).</i></p> <p>Human Health:</p> <p>No known health, wellbeing or social care issues in the NA. There is a doctor’s surgery and dental practice. Health issues and health infrastructure are relevant to any land use plan. The NP seeks to protect existing social infrastructure which would be beneficial to human health including open spaces and community facilities; the NP also seeks to secure affordable housing which would have indirect benefits. The plan therefore may register a range of positive effects.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>Material and Cultural Assets:</p> <ul style="list-style-type: none"> -The Explore Library -St Wilfred’s Church -Durlston Drive Community & Sports Centre -Strensall & Towthorpe Village Hall -Strensall Methodist Hall -Spearehead Hall -Robert Wilkinson Primary Academy -Hurst Hall -The Six Bells Public House -The Half Moon Public House -The Ship Inn <p>Valued community assets in a plan area is relevant to any land use plan coming forward. The plan seeks to protect existing community facilities.</p> <p>Cultural Heritage, including architectural and archaeological heritage:</p> <p>3 conservation areas:-</p> <ul style="list-style-type: none"> -Strensall Village Conservation Area -Strensall Railway Buildings Conservation Area -Towthorpe Conservation Area <p>10 listed buildings – all Grade II (NB ref Historic England records – in reality the listed mile post is no longer in situ, feared stolen).</p> <p>Strensall Common is historically significant as it remains as one of the few remaining “wastes” in the region once covered by the Royal Forest of Galtres.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>There are many additional archaeological/heritage records for the area, further information on which can be found at www.heritagegateway.org.uk These include enclosures, a ditch, Foss Navigation related e.g. locks, a former Quaker Burial Ground and multiple ridge and furrow sites.</p> <p>Cultural Heritage in Summary:-</p> <p><i>The cultural heritage of a plan area is relevant to any land use plan coming forward. It is demonstrated that the plan area has cultural and heritage assets to be considered. The planning policies are focused on protecting or enhancing existing character and heritage assets and are therefore likely to minimise any environmental problems associated with future development.</i></p> <p>Landscape:</p> <p>The plan area is in National Landscape Character Area (NLCA) 28: Vale of York (see below):-</p> <p><i>“The Vale of York is an area of relatively flat, low-lying land surrounded by higher land to the north, east and west. High-quality soils across most of the National Character Area (NCA) mean that arable cultivation is the predominant land use, although some pig and dairy farming takes place in the western parts of the NCA. A key feature of the NCA is the rivers that drain surrounding higher land and run southwards through the Vale on towards the Humber basin. Natural flood plain habitats and associated species are still found within the Lower Derwent Valley (designated as a Special Protection Area, Special Area of Conservation and Ramsar site) although, like other flood plains, this area is threatened due to water quality issues.”</i></p> <p>Landscape in summary:-</p> <p><i>Landscape character and sensitivity is relevant to any emerging land use plan. The policies in the plan seek to protect landscape character and valued open spaces within the settlement.</i></p> <p>The interrelationship between the above:</p> <p>The text under this sub-heading considers how various environmental sensitivities in the plan area interrelate.</p> <p>Various Countryside Stewardship (CS) Agreement Management Areas, Environmental Stewardship Agreements and Woodland Grant Schemes in existence.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>2 areas of land at Strensall Camp and Strensall Common mapped as access land under Countryside Rights of Way (CRoW).</p> <p>The NA is part of the White Rose Community Forest Area – a local authority based joint venture that covers the Leeds City Region – part of an initiative to create England’s Northern Forest.</p> <p>A significant swathe of the NA falls within a sub-regional corridor (Foss), as identified by Natural England in its “Yorkshire & Humber Green Infrastructure Mapping Project” 2009. This intersects with the Northern Heath district corridor identified as part of the same project:-</p> <p><i>Foss:-</i> <i>“The sub-regional Foss corridor runs from the Howardian Hills AONB to York where it joins the Ouse. Within the corridor, the river meanders through farmland and is, for the most part, lined with reasonably dense vegetation which provides a valuable habitat with presence of otter and water vole. The corridor passes no major settlements except York and therefore north of York, the corridor is relatively tranquil. Historically this river was important for navigation purposes and parts of the banks remain canalised today though only about one mile at the south of the river is navigable. Flooding is a major issue and the Foss barrier was constructed in York after the severe floods of 1982. Green infrastructure investment could include flood management measures and improvement of recreation within the corridor.”</i></p> <p><i>Northern Heath:-</i> <i>“This district corridor connects Stamford Bridge and Strensall to the north east of York. Strensall Common is one of the most important areas of lowland heath in northern England. Access is limited due to being Ministry of Defence land, but it maintains an open character. Large areas of plantation woodland could be converted to heathland to buffer and extend the valuable Strensall Common habitats.”</i></p> <p>The Centenary Way (North Yorkshire) runs through the NA – a route devised to celebrate the 100th anniversary of North Yorkshire County Council. It runs across the Howardian Hills and Yorkshire Wolds via Castle Howard and Wharram Percy, linking York and the Foss Walk with the Yorkshire Wolds Way and Cleveland Way National Trails. Meeting the Derwent and Foss, it combines riverside walks in deep valleys with forest tracks.</p>

Table 3.1: Plan Characteristics	
Plan Characteristics	Strensall with Towthorpe NP
	<p>The Foss Walk long distance path runs through the NA -the walk follows footpaths along or near the river Foss, from its confluence with the Ouse in the historic city of York to its source at Pond Head, four miles from Easingwold the finish. The walk passes through Strensall, Sheriff Hutton, Crayke and Oulston.</p> <p>NB Much of above information ref www.magic.gov.uk</p>
<ul style="list-style-type: none"> the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection). 	<p>There are no conflicts between the Strensall with Towthorpe NP and statutory plans linked to waste, water etc. The Neighbourhood Plan does not seek to implement programmes relating to community legislation.</p>

Table 3.2: Plan effects and area characteristics	
Effects and area characteristics	Strensall with Towthorpe NP
<ul style="list-style-type: none"> the probability, duration, frequency and reversibility of the effects 	<p>In this section, any potential effects of the neighbourhood plan planning policies on the environment are explored, taking in turn each environmental topic. As part of this, the existence and probability of an effect is considered as well as duration, frequency and reversibility. In general, the plan as a whole will be used, alongside higher-level planning policies (Local Plan and NPPF), as a basis for determining planning applications which come forward in the plan area. The planning policies therefore will influence what types of development come forward and how. The planning policies in a neighbourhood plan can also influence where development comes forward and where it does not come forward. The Strensall with Towthorpe NP includes site specific policies which protect open spaces from development (CF2) or which protect certain uses (CP1 and CF1) but as seen in Table 1, there are no policies which allocate specific sites for new development. This itself, limits the likelihood of any significant effects on the environment.</p>

Table 3.2: Plan effects and area characteristics

Effects and area characteristics	Strensall with Towthorpe NP
	<p>Biodiversity – Impact on Strensall Common</p> <p>The impact of the policies on Strensall Common (SAC) has been assessed as part of the HRA screening shown below (section 6). In this assessment, 13 policies were found not to trigger additional development and therefore ruled out as having any effect on the European site. The remaining policy was assessed in terms of impact on ‘aquatic environment’ and of ‘recreational pressure’ and ‘airborne pollution’. The assessment concluded no likely significant effect on Strensall Common arising directly from the NDP policies.</p> <p>Regarding the remaining policy that could trigger additional development or influence the location of development:</p> <p>Policy CP2: Increased Public Car Parking – The NP relates to additional car parking being provided as part of new development, in excess of local planning authority standards. At this stage the location of car parking is unknown but is likely to be contained within the village footprint as identified on the Proposals Map. Impacts on biodiversity would need to be assessed at planning application stage. Conclusion that no negative effect.</p> <p>Biodiversity – Other Assets of Value</p> <p>In addition to the SAC there are other assets within the designated area which may be affected through future development proposals. The impacts of the current policies in triggering development that affects other biodiversity assets in the plan area are minor and it is considered that consideration for other assets will be required in accordance with the general design policies set out in the plan. Overall, there is likely to be a positive impact on biodiversity as a result of the plan.</p> <p>Soil/Agri-Environment</p> <p>No specific effects identified. The Neighbourhood Plan policies themselves are unlikely to trigger additional development. The plan is not expected to impact on known watercourses. The plan does support the use of sustainable drainage systems (Policy DH1) and a foul sewerage strategy should development come forward on Strensall Barracks (DG5) which will be positive in the management of water/foul water in any future development schemes. The impact of land use planning on flood risk is not addressed in the Neighbourhood Plan but is addressed at a higher level through the National Planning Policy Framework.</p>

Table 3.2: Plan effects and area characteristics	
Effects and area characteristics	Strensall with Towthorpe NP
	<p>There will be no loss of greenfield land through the plan policies.</p> <p>Water</p> <p>The Neighbourhood Plan does not allocate sites for development and policies themselves are unlikely to trigger additional development and are therefore not expected to impact on the watercourses. The impact of land use planning on flood risk is addressed at a higher level including the national level through the National Planning Policy Framework.</p> <p>Air</p> <p>No specific effects identified. There are no known existing problems relating to air quality for humans and the Neighbourhood Plan policies will not themselves trigger additional development and are therefore not expected to impact on existing air quality.</p> <p>Air quality impact on Strensall Common from the Neighbourhood Plan has been assessed as part of HRA screening which concluded no likely significant effects under the HRA legislation.</p> <p>Impact on Climatic Factors</p> <p>Policy DH1 supports any new buildings being environmentally future-proofed through building design and use of appropriate materials. It also supports sustainable drainage systems. Both of these will have a positive impact on adapting and mitigating climate change in the long-term if implemented.</p> <p>Population</p> <p>The plan includes a number of policies which would materially benefit the population, with regard to additional car parking provision (CP2); protection of community facilities (CF1); protection/enhancement of Local Green Space (CF2); and affordable housing to meet local need (DG6). The NP would therefore probably register a range of positive impacts throughout the plan period on the population.</p>

Table 3.2: Plan effects and area characteristics

Effects and area characteristics	Strensall with Towthorpe NP
	<p>Human Health</p> <p>The Neighbourhood Plan seeks to protect existing social infrastructure which would be beneficial to human health including open spaces and community facilities; the plan also seeks to secure affordable housing which would also have indirect health benefit to human population. The NP would therefore probably register a range of positive impacts throughout the plan period, on the population. Whilst such effects are important, effects emanating from the plan itself cannot be considered significant considering the existing backdrop of a land use planning system being in place.</p> <p>Material and Cultural Assets</p> <p>Policy DG5 (Development Brief for the Redevelopment of the Queen Elizabeth Barracks) seeks to retain existing community centre and sports facilities for wider community use and secure provision of additional, and improve public transport. This could result in positive impacts for the users of the NA’s assets and the wider community and for sustainable transport provision.</p> <p>Policy CP2 (Increased Public Car Parking) provides for additional car parking capacity in the villages. This could result in minor positive impacts for car using patrons of the NA’s assets.</p> <p>Policy CF2 (Local Green Space) protects 42 sites, many of which are playing fields, sports grounds or offer similar sporting/ recreational opportunities.</p> <p>These effects are probable and will last throughout the plan period but are not significant.</p> <p>Cultural Heritage, including architectural and archaeological heritage</p> <p>Policy DH1 (Promotion of Local Distinctiveness) expects the provisions set out to be adhered to throughout the area – this in order to resist adverse impacts on character and appearance and to promote local distinctiveness.</p>

Table 3.2: Plan effects and area characteristics	
Effects and area characteristics	Strensall with Towthorpe NP
	<p>Policy DH2 (General Design Principles) expects the principles set out to be adhered to particularly within the NA’s conservation areas and with regard to listed buildings, as well as generally throughout the area – this in order to respect existing architectural and historical character and appearance.</p> <p>Policies DH3 (Shopfront Design) and DH4 (Shopfront Signage) seek to protect shopfront character and appearance, notably within applicable conservation areas.</p> <p>Policy DG4 (Queen Elizabeth Barracks) expects the heritage interest of the site to be preserved as part of any redevelopment, and for a photographic record to be taken before any demolition/redevelopment.</p> <p>Positive effects on cultural heritage, as a result of the Neighbourhood Plan policies, are probable throughout the plan period and likely to endure where they are considered and applied. The effects are only identified to be minor as opposed to be significant considering the existing backdrop of a planning system being in place which protects heritage assets.</p> <p>Landscape</p> <p>Policy CF2 (Local Green Space) protects 42 sites, many of which are locally significant as amenity green space.</p> <p>Policies DH1 (Promotion of Local Distinctiveness); DH2 (General Design Principles); DG1 (Strensall Park); DG2 (Alexandra Road) and DG3 (Howard Road) work to protect/add to the local landscape, notably generous gardens and mature trees.</p> <p>The Neighbourhood Plan policies seek to ensure that due consideration for the existing built and natural landscape are considered in any future planning applications. When applied, the policies are likely to have a positive impact on proposals which will endure for the long-term.</p> <p>The interrelationship between the above:</p> <p>Policy CF2 (Local Green Space) could have a minor positive impact by protecting land within the River Foss and Northern Heath Green Infrastructure corridors. Any effect linked to this policy would last during the plan period.</p>

Table 3.2: Plan effects and area characteristics	
Effects and area characteristics	Strensall with Towthorpe NP
	Provisions in Policies DH2, & DG1-4 concerning the Strensall Common SAC/SSSI will have positive effects in relation to maintaining the integrity and quality of the Northern Heath corridor.
<ul style="list-style-type: none"> the cumulative nature of the effects 	<p>Cumulatively, the policies relating to additional car parking, community facilities/services, Local Green Space, local distinctiveness, design principles and affordable housing could have positive benefits in relation to population, material/cultural assets, human health, cultural heritage, landscape and interrelationships between the foregoing.</p> <p>No negative effects have been identified in relation to soil/agri-environment, water, air, climatic factors or biodiversity.</p>
<ul style="list-style-type: none"> The trans-boundary nature of the effects 	The neighbourhood plan relates to the designated Neighbourhood Area (ref Figure 1), comprising the parish of Strensall and Towthorpe, plus a small area of Stockton-on-the-Forest parish. The policies included with the plan predominantly help to shape any development proposed through future planning applications. The plan does not allocate any sites for development. It is anticipated that the effects of the policies will be contained within the geographical area and population within the designated plan area. None of the policies are likely to have or lead to cross-boundary effects.
<ul style="list-style-type: none"> the risks to human health or the environment (for example, due to accidents) 	There are no significant risks to human health anticipated as a result of the Neighbourhood Plan. The Neighbourhood Plan should help to improve human health and the environment through its inclusion of policies which address affordable housing, the allocation of additional local green space and the protection of nature conservation designations from adverse effects.
<ul style="list-style-type: none"> the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) 	The neighbourhood plan relates to the designated Neighbourhood Area (ref Figure 1), comprising the parish of Strensall and Towthorpe, plus a small area of Stockton-on-the-Forest parish. The policies included with the plan predominantly help to shape any development proposed through future planning applications. The plan does not allocate any sites for development. It is anticipated that the effects of the policies will be contained within the geographical area and population within the designated plan area. None of the policies are likely to have or lead to cross-boundary effects.

Table 3.2: Plan effects and area characteristics	
Effects and area characteristics	Strensall with Towthorpe NP
<ul style="list-style-type: none"> the value and vulnerability of the area likely to be affected due to:- <ul style="list-style-type: none"> special natural characteristics or cultural heritage exceeded environmental quality standards or limit values intensive land-use 	<p>The Strensall Common SAC is highly valued and protected as a European site. All of NA is within SSSI Impact Risk Zone. The impact of the policies on the European sites have been assessed as part of the HRA screening shown below. As identified already in this assessment, they are not likely to be affected by the plan policies.</p> <p>Priority habitats and species are present within the NA, but largely in the NA's countryside areas (or the protected SAC), and outside the villages where the NP policies will impact. No specific effects identified. These priority habitats are not likely to be affected by the plan policies.</p> <p>As explained above there are a number of cultural assets in the plan area, including listed buildings and conservation areas. A number of the NP's policies provide for the protection of the NA's cultural heritage assets in relation to any new development. Some positive effects identified.</p>
<ul style="list-style-type: none"> the effects on areas or landscapes which have a recognised national, Community or international protection status 	<p>The plan area is in National Landscape Character Area (NLCA) 28: Vale of York. Any effects on the landscape directly from the NP are minimal since the NP does not propose sites for development. There are likely to be minor positive impacts due to Policy CF2 (Local Green Space), which protects 42 sites, many of which are locally significant as amenity green space, and due to policies which seek to protect existing landscape quality. This includes Policies DH1 (Promotion of Local Distinctiveness); DH2 (General Design Principles); DG1 (Strensall Park); DG2 (Alexandra Road) and DG3 (Howard Road) which work to protect/add to the local landscape, notably generous gardens and mature trees.</p>

4. SEA Conclusions

4.1 The assessment in tables 3.1 and 3.2 indicate a range of possible minor positive environmental effects as a result of the draft plan policies. No likely significant environmental effects have been identified.

5. Legislative Background to HRA

5.1 The application of Habitats Regulation Assessment to land use plans is a requirement of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations); the UK's transposition of European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (widely referred to as the Habitats Directive). Article 6(3) of the Habitats Directive requires that any plan (or project) which is not directly connected with or necessary to the management of a European site (also known as a Natura 2000 site), but would be likely to have a significant effect on such a site, either individually or in combination with other plans and projects, shall be subject to an 'appropriate assessment' of its implications for the European site, in view of the site's conservation objectives. The plan-making body shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the site concerned.

5.2 European sites provide ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats of exceptional importance within the European Union (which, in effect still includes the UK). These sites consist of Special Areas of Conservation (SACs), designated under the Habitats Directive, and Special Protection Areas (SPAs), designated under European Union Directive 2009/147/EC *on the conservation of wild birds* (the Birds Directive). The government also expects authorities to treat Ramsar sites, designated under the Convention of Wetlands of International Importance, UNESCO 1971, as if they are European sites.

5.3 In April 2018, a notable legal judgment¹ held that mitigation measures should be disregarded when carrying out HRA screening. Subsequently, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, which came into force on 28 December 2018, amend the basic condition relating to Neighbourhood Plans prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended), substituting a new basic condition which states:

"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

5.4 This means that NDPs need to be assessed in order to ensure that regulation requirements are not breached. The first stage is to screen an NDP to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

¹ CASE C 323/17 COURT OF JUSTICE OF THE EUROPEAN UNION

6. HRA Screening for the Strensall with Towthorpe NP

6.1 This section of the report:

- identifies the European sites within 20 km of the plan area;
- looks at the impact risk zones defined by Natural England for these European sites to see if the plan area falls within these;
- summarises the reasons for designation and conservation objectives for each of the sites which have an impact risk zone stretching into the plan area;
- screens the NDP for its potential to impact upon European sites;
- assesses the potential for in-combination effects from other projects and plans in the area.

European Sites within 20 km of the NDP area

6.2 There are 5 European sites applicable to the Strensall with Towthorpe plan area:

- a) The Strensall Common Special Area of Conservation (SAC), lies entirely within the Neighbourhood Area. It covers an area of acidic lowland heath of over 569 hectares.
- b) The River Derwent SAC, lies some 6.75km east and east south east of the Neighbourhood Area. The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna, and covers some 911 hectares.
- c) The Lower Derwent Valley SAC, Special Protection Area (SPA) and Ramsar site, lie near Wheldrake, some 10.25km south east of the NA:-
 - The Lower Derwent Valley SAC covers some 916 hectares and contains a greater area of high-quality examples of lowland hay meadows than any other UK site and encompasses the majority of this habitat type occurring in the Vale of York.
 - The Lower Derwent Valley SPA covers some 1,089 hectares. It consist of extensive areas of traditionally managed, species-rich, alluvial flood-meadow, supporting internationally/nationally important populations of bird species.
 - The Lower Derwent Valley Ramsar site represents one of the most important examples of traditionally managed species-rich alluvial flood meadow habitat remaining in the UK. These grasslands, which were formerly widespread, are now very restricted in distribution due to agricultural improvement. The river and these floodlands play a substantial role in the hydrological and ecological functioning of the internationally important Humber basin. Covers some 915 hectares.

Natural England Defined Impact Risk Zones

6.3 Natural England have defined Impact Risk Zones around the European sites to reflect the particular sensitivities of the features for which they are notified and indicate the types of development proposals which could potentially have adverse impacts. Having consulted

www.magic.gov.uk and Natural England directly, Natural England have confirmed that, considering the nature and scale of the plan, it is reasonable to only consider impacts on the Strensall Common SAC. In reaching this opinion, they have also considered the pathway implications on the River Ouse and River Humber SAC/SPA of the River Foss running through the Neighbourhood Area (ref Natural England supplementary consultation response in the annex to this report).

The reasons for designation and conservation objectives for each of the European sites whose zone of influence the plan area lies within

The Strensall Common Special Area of Conservation (SAC)

6.4 The citation for the Strensall Common Special Area of Conservation (SAC) is included as Appendix 1 to this document. The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- European dry heaths.
- Northern Atlantic wet heaths with *Erica tetralix* (wet heathland with cross-leaved heath).

6.5 The Conservation Objectives for the Strensall Common Special Area of Conservation (SAC) are published by Natural England. They are:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- *The extent and distribution of the qualifying natural habitats*
- *The structure and function (including typical species) of the qualifying natural habitats, and,*
- *The supporting processes on which the qualifying natural habitats rely*

What possible impacts on the European Sites should be considered as part of the HRA screening on the NDP?

6.6 The HRA Screening Report of April 2018 and subsequent Habitats Regulations Assessments of the City of York Local Plan provide useful context to the HRA screening for the Strensall with Towthorpe NDP. An Appropriate Assessment report was initially published in February 2019, with a revised and updated report published in October 2020.

6.7 The reports identified three potential impacts in relation to the Strensall Common SAC's relevant wet and dry heath features, that could result from the Local Plan policies and allocations:-

- Aquatic environment;
- Recreational pressure;
- Airborne pollution.

6.8 The relevant findings of the screening element of the assessment in relation to these potential impacts and features were that:-

- likely significant effects could be ruled out alone for 158 of 163 policies and allocations which could therefore be excluded from any further scrutiny. This included the following types of policies:-
 - those setting out general criteria for testing the acceptability of proposals;
 - those referring to proposals but not actually making proposals for any particular sites;
 - protection and safeguarding policies in relation to the environment, assets, facilities.
- likely significant effects could not be ruled out for 3 policies because of anticipated increases in recreational pressure, changes to the hydrological regime and the effect of air pollution on the adjacent Strensall Common SAC:-
 - Policies SS19 and H59 – housing development at Queen Elizabeth Barracks;
 - Policy E18 – provision of employment land adjacent to the Strensall Common SAC.

6.9 The 3 policies for which likely significant effects could not be ruled out were then subject to Appropriate Assessment. The following conclusions were made in the April 2018 report:-

- No adverse impact on the integrity of the Strensall Common European site in terms of impacts on the aquatic environment. No residual effects and no need for an in combination assessment.
- With policy amendments covering the establishment of a permanent, suitably-staffed wardening service that could focus on the management of people to ensure good behaviours, no adverse impact on the integrity of the Strensall Common European site in terms of recreational pressure. No residual effects and no need for an in combination assessment.
- No adverse impact on the integrity of the Strensall Common European site in terms of airborne pollution. No residual effects and no need for an in combination assessment.

6.10 The February 2019 HRA report was published following completion of visitor surveys in 2018. This time, adverse effects on the integrity of the European site from Policies SS19/ST35 and H59 was found not possible to be ruled out (given the doubts surrounding the effectiveness of mitigation measures and taking into account visitors surveys undertaken in summer 2018) and policies SS19/ST35 and H59 are proposed to be removed from the plan in order for the plan as a whole to meet HRA requirements. The subsequent October 2020 HRA report, drawing on further visitor surveys carried out in 2019, reached the same conclusion.

Screening the NDP for its potential to impact upon the European sites

6.11 Article 6(3) of the Habitats Directive requires that plans “likely to have a significant effect, thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment”. As part of this screening exercise, it therefore needs to be established whether there are likely significant effects from the Neighbourhood Plan.

6.12 To assist with the HRA screening work, guidance has been sought from The Habitats Regulations Assessment Handbook (referred to now as the HRA Handbook) from England and Wales published by DTA Publications and continually maintained to reflect ongoing legislative changes etc. This guidance is not publicly available and is provided on a subscription basis; it is however widely recognised as a good source of practical guidance on the implementation of the Habitats Directive.

6.13 Under the HRA legislation (does not apply to the SEA legislation) the term ‘likely’ has been interpreted in practice (demonstrated through case law) to be ‘possible’. A precautionary approach is therefore required when screening plans under the HRA legislation. A **significant** effect is an effect that would undermine the conservation objectives for a European site. There must be a causal connection or link between the plan being screened and the qualifying features of a European site. Paragraph 6.5 therefore identifies the qualifying features of the Strensall Common SAC.

6.14 A useful exercise is to undertake a pre-screening exercise of the Neighbourhood Plan policies so that those policies where it is clear there could be no likely significant effect on a European site (regardless of other information) can be screened out at the earliest possible stage and allow further work to be focused on the most applicable planning policies. The HRA Handbook produced by DTA Publications Ltd refer to this as a pre-screening check and identifies a range of possible pre-screen categories:

Table 6.1: DTA Publications Pre-Screening Categories	Screen in/Screen out
Category A: General statements of policy /general statements	Screen out.
Category B: Policies listing general criteria for accepting the acceptability/sustainability of proposals	Screen out
Category C: Proposal referred to but not proposed by the plan	Screen out
Category E: policies or proposals that steer change in a way as to protect European sites from adverse effects	Screen out
Category F: policies that cannot lead to development or other change	Screen out
Category G: policies that could not have any conceivable adverse effect on a site	Screen out
Category H: policies the actual effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of plans or projects)	Screen out
Category I: Policies or proposals which may have a significant effect on a site alone	Screen in
Category J: Policies or proposals unlikely to have a significant effect alone but need to check for likely significant effects in combination	Check
Category K: policy or proposal not likely to have a significant effect alone or in combination (could be screened out after the in-combination test)	Check
Category L: policy likely to have a significant effect in combination (screen in after the in-combination test)	Check
Category M: Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European Site	Screen in

6.15 The table below (Table 6.2) lists every policy in the draft plan, provides a summary of what it does and, in the third column, identifies whether or not it is a policy that can be ruled out of the HRA screening assessment by reference to the pre-screening categories shown in Table 6.1. The table below this (Table 6.3) then focuses only on those policies of the plan which cannot be eliminated in this pre-screening check.

Table 6.2: Pre-Screening Check			
Policy	What does it do	Implications for HRA purposes and screening category	Can policy be eliminated for likely significant effects at this stage?
CP1: Safeguarding Existing Car Parks	Protects existing car parking capacity and provides for compensatory provision in the event of loss to development, subject to continuing need.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category G	Yes Screened out.
CP2: Increased Public Car Parking	Requires additional car parking to be provided as part of new development, in excess of local planning authority standards in some locations.	This policy could lead to provision of additional car parking, particularly in the village area CP2-1. Category J	No
CF1: Protection of Community Facilities & Services	Protects 11 named facilities against loss through development, with specified exceptions.	The policy protects existing facilities. This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category F	Yes Screened out
CF2: Local Green Space	Designates 42 Local Green Spaces and welcomes opportunities for the enhancement of their amenity, recreational and biodiversity value.	This policy protects open space within the village of Strensall. It does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. The policy also supports enhancement opportunities. All designated Local Green Spaces (LGS) are within/ close to existing built-up areas, i.e. broadly to the north and west of the European site. Within LGS, development is encouraged which would enhance the local green space functions of designated sites – by the nature of LGS such	Yes Screened out

Table 6.2: Pre-Screening Check			
Policy	What does it do	Implications for HRA purposes and screening category	Can policy be eliminated for likely significant effects at this stage?
		development would need to be in conformity with national and local Green Belt policy. This policy is likely to support recreational behaviour away from the Common and therefore have a positive impact in relation to the European designated site. Category E	
DH1: Promotion of Local Distinctiveness	The policy resists development that would have an adverse impact on character/appearance and sets out detailed provisions to promote local distinctiveness in new development, based on a previously prepared village design statement and the 21 character areas identified therein.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category B	Yes Screened out
DH2: General Design Principles	Sets out design principles, covering scale and massing; layout; roof form; materials; and boundary treatments to which all new development is expected to adhere.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category B	Yes Screened out
DH3: General Shopfront Design	Seeks to conserve and re-establish traditional shopfronts in the villages' retail outlets.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category B	Yes Screened out
DH4: Shopfront Signage	Seeks to control shopfront signage and lighting.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category B	Yes Screened out

Table 6.2: Pre-Screening Check			
Policy	What does it do	Implications for HRA purposes and screening category	Can policy be eliminated for likely significant effects at this stage?
DG1: Strensall Park	Seeks to control new development in the defined area of Strensall Park, in terms of scale, massing and layout; roof form; materials; chimneys; openings; boundary treatment; spaces and a requirement of no adverse effects on the integrity of the Strensall SAC/SSSI.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category E	Yes Screened out
DG2: Alexandra Road	Seeks to control new development in the defined area of Alexandra Road, in terms of scale, massing and layout; roof form; materials; chimneys; openings; boundary treatment; spaces and a requirement of no adverse effects on the integrity of the Strensall SAC/SSSI.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category E	Yes Screened out
DG3: Howard Road	Seeks to control new development in the Howard Road area, in terms of scale, massing and layout; roof form; materials; chimneys; openings; boundary treatment; spaces and a requirement of no adverse effects on the integrity of the Strensall SAC/SSSI.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category E	Yes Screened out
DG4: Queen Elizabeth Barracks	Seeks to control new development at Queen Elizabeth Barracks, should it be subject to redevelopment, in terms of scale, massing and layout; roof form; materials; chimneys; openings; spaces and a requirement of no adverse effects on the integrity of the Strensall SAC/SSSI. It also seeks to protect buildings of local historic interest and the site's heritage interest and to secure a photographic record of the existing site prior to any development.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NP being in place. Category E	Yes Screened out
DG5: Development Brief for the Redevelopment	Sets an outline brief for the Barracks should it be subject to re-development. The policy does not allocate the site but seeks to	This policy does not lead to additional development that would not otherwise come forward without the NP	Yes Screened out

Table 6.2: Pre-Screening Check			
Policy	What does it do	Implications for HRA purposes and screening category	Can policy be eliminated for likely significant effects at this stage?
of the Queen Elizabeth Barracks	shape the development should it be proposed. The policy seeks to specifically ensure proposals do not adversely affect the integrity of Strensall Common SAC/SSSI; protects the Green Belt; seeks retention of Hurst Hall 'community centre'; seeks retention of sports facilities for community use; meets school needs; provides foul water capacity; considers public transport provision and travel planning; and meets the needs of the population through an appropriate housing mix.	being in place. However, should the principle of development be accepted, either as part of the development management process or via the Land Allocations process then the additional detail in this policy will apply. Detailed proposals at this stage would need to consider the implications for development in this location. Category E	
DG6: Affordable Housing	Seeks to secure affordable housing to meet local need and with local connection provision.	This policy does not guide where development can come forward or lead to additional development that would not otherwise come forward without the NDP being in place. Category H	Yes Screened out

6.16 Table 6.3 below focuses on NP Policy CP2: Increased Public Car Parking. The policy is therefore scrutinised further below in order to assess whether the policy has no likely significant effect or a likely significant effect.

6.17 Here, in order to establish whether there is a likely significant effect, it is necessary to consider whether the policy could possibly undermine the conservation objectives for the Strensall Common SAC. There must be a causal connection or link between the plan being screened and the qualifying features of the European site. As identified in Paragraph 6.5, the qualifying features of the Strensall Common SAC are:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- *The extent and distribution of the qualifying natural habitats*
- *The structure and function (including typical species) of the qualifying natural habitats, and,*

- *The supporting processes on which the qualifying natural habitats rely*

6.18 Here it is helpful to draw on the HRA work that has been undertaken for the City of York Local Plan, since this is a land use plan which whilst operating at a significantly more strategic level also deals with land use planning. The City of York Local Plan HRA identifies the following impact pathways that relate to the conservation objectives on the Strensall Common SAC.

- Aquatic Environment
- Recreational Pressure
- Airborne Pollution

6.19 Table 6.3 therefore scrutinises the relationship of Policy CP2: Increased Public Car Parking against these impact pathways.

Table 6.3: Possible impacts on the Strensall Common Special Area of Conservation (SAC)

Strensall with Towthorpe NP Policy	1. Aquatic environment	2. Recreational pressure	3. Airborne pollution	No likely significant effect	Likely significant effect
<p>CP2: Increased Public Car Parking</p>	<p>This policy encourages <u>additional car parking in development proposals and designates one specific area in Strensall Village as shown on the Proposals Map. The area defined (CP2-1) is within the centre of the village and is therefore</u> some distance from the SAC and separated by the York to Scarborough railway line, identified on the Proposals Map. The likely scale and nature of this type of development make it highly unlikely that direct hydration or water quality impacts on the European site would result. <u>The impacts of further proposals for car parking are unknown but will only be supported where they meet the policies set out in the plan, including ensuring no adverse effects on the integrity of the Common. Effects on the aquatic environment would therefore need to be considered as part of future proposals.</u></p>	<p>This policy encourages <u>additional car parking in development proposals and designates one specific area in Strensall Village as shown on the Proposals Map. The area defined (CP2-1) is within the centre of the village and is at some distance from the SAC and separated by the York to Scarborough railway line, identified on the Proposals Map. Concerns in relation to recreational pressure would only arise if additional car parking is located in proximity to the SAC and is an attractive place to then access the common. The location of the designated car parking is in the centre of the village is at a minimum 500m from the edge of the Common and therefore, the likely scale and nature of this type of development make it highly unlikely that direct impacts on the European site would result. The impacts of further proposals for additional car parking are unknown</u></p>	<p>This policy encourages development in generally unknown locations, with the exception of one specific area in Strensall Village, at some distance from the SAC and separated by the York to Scarborough railway line, identified on the Proposals Map.</p> <p>This site is in the existing built up area of Strensall Village where there are existing fumes emanating from cars (being parked or moving).</p> <p>The likely scale and nature of this type of development make it highly unlikely that direct impacts, in terms of increased airborne pollution, on the European site would result.</p> <p>This policy encourages <u>additional car parking in development proposals and designates one specific area in</u></p>	<p>✓ Category H</p>	

Table 6.3: Possible impacts on the Strensall Common Special Area of Conservation (SAC)

Strensall with Towthorpe NP Policy	1. Aquatic environment	2. Recreational pressure	3. Airborne pollution	No likely significant effect	Likely significant effect
		<p><u>but will only be supported where they meet the policies set out in the plan, including ensuring no adverse effects on the integrity of the Common. Recreational pressure issues would therefore need to be considered as part of future proposals.</u></p>	<p><u>Strensall Village as shown on the Proposals Map. The area defined (CP2-1) is within the centre of the village and is at some distance from the SAC and separated by the York to Scarborough railway line. The City of York HRA includes an assessment for air pollution in relation to Strensall Common as a result of the overall development within the Local Plan (inclusive of the proposed sites to be removed in Strensall – ST35 and H59). This assessment is relevant as it identifies that it is the traffic flow and roads adjacent to the Common that may cause potential effects on it’s integrity and therefore provides detailed consideration for Towthorpe Lane and Flaxton Road. The overall assessment concluded that air pollution as a result of the Local Plan would not affect the integrity of the Common.</u></p>		

Table 6.3: Possible impacts on the Strensall Common Special Area of Conservation (SAC)

Strensall with Towthorpe NP Policy	1. Aquatic environment	2. Recreational pressure	3. Airborne pollution	No likely significant effect	Likely significant effect
			<p><u>Relevant to the neighbourhood plan is the location of the designated additional car parking, which is shown to be within the centre of the village. This can be accessed avoiding the routes considered to potentially impact on the Common through the air quality assessment and is unlikely to cause additional journeys to be made to exacerbate air pollution adjacent to the common.</u></p> <p>The likely scale and nature of this type of development make it highly unlikely that direct impacts, in terms of increased airborne pollution, on the European site would result. <u>The impacts of further proposals for additional car parking are unknown but will only be supported where they meet the policies set out in the plan, including ensuring no adverse effects on the integrity of the</u></p>		

Table 6.3: Possible impacts on the Strensall Common Special Area of Conservation (SAC)

Strensall with Towthorpe NP Policy	1. Aquatic environment	2. Recreational pressure	3. Airborne pollution	No likely significant effect	Likely significant effect
			<p><u>Common. Air pollution issues would therefore need to be considered as part of future proposals.</u></p>		

An assessment of the potential for in combination effects from other projects and plans in the area

6.20 Article 6(3) of the Habitats Directive requires that plans “likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment”. It is therefore necessary to consider in combination effects from other projects or plans in the area.

6.21 In-combination effects cannot however exist if there is no adverse impact from the subject plan that could possibly contribute towards the creation of a significant effect (or contribute towards undermining the conservation objectives of the Strensall Common SAC).

6.22 The screening assessment above has identified that none of the draft planning policies are likely to have significant effect on the Strensall Common SAC alone. Policy CP2: Increased Public Car Parking is a policy where there could be a theoretical impact with regards to air pollution, but any link between this policy and the conservation objectives of Strensall Common SAC is considered to be a de minimus or trivial effect. As such, it is not plausible to regard this policy as one which contributes to a significant effect, in combination with other plans and programmes.

6.23 There is therefore no need to consider other plans and programmes in the consideration of the in-combination assessment for likely significant effects from the draft Neighbourhood Plan.

7 HRA Conclusions

7.1 The assessment undertaken in section 6 of this report concludes the draft NDP is not likely to have a significant effect on a European site either alone or in combination with other plans or projects. This was the preliminary view reached prior to consulting Natural England. Feedback from the consultees received has resulted in changes and updates to the HRA screening work but the overall conclusions remain the same.

8 Glossary of Terms

Appropriate Assessment	Appropriate Assessment is the legal term used to indicate what must be done where a plan is screened in for further appraisal following the identification of likely significant effects
Basic Conditions	A set of requirements that a neighbourhood plan needs to meet in order to proceed to referendum and be made
The Habitats Directive	EC Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora'

Appendix 1 – Strensall Common Special Area of Conservation Citation

Name: Strensall Common

Unitary Authority/County: York

SAC status: Designated on 1 April 2005

Grid reference: SE651598

SAC EU code: UK0030284

Area (ha): 569.63

Component SSSI: Strensall Common SSSI

Site description: Strensall Common is an example of acidic lowland heath represented predominantly by *Erica tetralix* – *Sphagnum compactum* wet heath, although its extent has been reduced by drainage. It is a noted locality for marsh gentian *Gentiana pneumonanthe*, narrow buckler-fern *Dryopteris carthusiana* and the dark-bordered beauty moth *Epione vespertaria* as it is associated with creeping willow *Salix repens* on the wet heath. There is also a complex mosaic of wet heaths with *Erica tetralix* and dry heath elements. The *Calluna vulgaris* – *Deschampsia flexuosa* dry heath is noted for petty whin *Genista anglica* and bird's-foot *Ornithopus perpusillus*.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- European dry heaths.
- Northern Atlantic wet heaths with *Erica tetralix* (wet heathland with cross-leaved heath).

Appendix 2 – Statutory Consultee Responses

NATURAL ENGLAND

Date: 27 August 2019 Our ref: 288154

Strensall with Towthorpe Parish Council The Village Hall, Northfields, Strensall, York
consultation@plan4strensall.co.uk

BY EMAIL ONLY

Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ T 0300 060 3900

Dear Strensall with Towthorpe Parish Council

Strensall with Towthorpe Neighbourhood Plan July August Consultation and Strategic Environmental Assessment and Habitats Regulations Assessment Screening

Thank you for your consultation on the above dated 28 June 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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish Councils where they consider our interests would be affected by the proposals made.

Neighbourhood Plan Natural England welcomes the consideration given the Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) across the plan policies as well as the references to the recent Visitor Survey report undertaken for the City of York Council Local Plan.

We have no further specific comments to make however we refer you to the general advice set out in appendix 1 of this letter below.

Strategic Environmental Assessment Habitats Regulations Assessment Screening Natural England welcomes the assessment and concurs with the conclusions reached.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours faithfully

Merlin Ash

Yorkshire and Northern Lincolnshire Team

Date: 14 June 2019 Our ref: 283548

Mike Dando On behalf of Strensall with Towthorpe Parish Council mike.dando2@btopenworld.com

BY EMAIL ONLY

Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ T 0300 060 3900

Dear Mike Dando

Strensall with Towthorpe NDP - Informal Consultation on SEA & HRA Screening Opinion Report

Thank you for your consultation on the above dated 23 May 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.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (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 note that the plan makes reference to allocations from the draft York Local Plan but is only seeking to shape any development coming forward rather than promoting it.

Natural England also notes that the neighbourhood plan may come forward ahead of the York Local Plan. We advise that the neighbourhood plan should be reviewed once the York Local Plan is adopted to ensure conformity. For example we note that York are currently consulting on a modification to remove allocation ST35 from the plan.

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Habitats Regulations Assessment Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations').

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites.

This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.

Natural England concurs with the conclusions of the assessment.

For any queries relating to the specific advice in this letter please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Merlin Ash

Yorkshire and Northern Lincolnshire Team Natural England

E-MAIL CORRESPONDENCE 18TH JUNE 2019

Dear Mike,

Apologies for the delay in getting back to you and for missing your call.

No I think you're report is right. We are of the opinion that considering the nature and scale of the plan it is reasonable to only consider impacts on Strensall Common SAC. For completeness and association with the York Local Plan HRA, you may wish to refer to these sites in the identification of sites section. However this is not critical.

I hope this advice is helpful.

Kind regards

Merlin

Merlin Ash
Lead Adviser
Yorkshire and Northern Lincolnshire Team
Natural England
Foss House, 1-2 Peasholme Green, York, YO1 7PX
Tel: 02080 266382

www.gov.uk/natural-england

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Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Mike Dando [<mailto:mike.dando2@btinternet.com>]

Sent: 18 June 2019 16:16

To: Ash, Merlin <Merlin.Ash@naturalengland.org.uk>

Subject: RE: Strensall with Towthorpe NDP - Informal Consultation on SEA & HRA Screening Opinion Report

Importance: High

Dear Merlin

Many thanks for your response letter – I am pleased to hear that you concur with the conclusions of our screening assessments.

As a result of comments received by another consultee, I do have some queries regarding other European sites that we have either considered and then discounted or failed to consider at all in our HRA screening work. These are as follows:-

-River Derwent SAC – we considered this site and discounted it on the basis that the plan area is outside the applicable impact risk zone – this based on an assessment using magic.gov.uk (Report P28).

-The Lower Derwent SAC/SPA/Ramsar Site – we considered this site and discounted it on the basis that the plan area is outside the applicable impact risk zone – this based on an assessment using magic.gov.uk (Report P28).

-River Ouse & River Humber SAC/SPA – not considered. It has been suggested that because the River Foss runs through the plan area and is a ‘pathway’ to the SAC/SPA, it should have been considered.

The fact that you have agreed with our assessments’ conclusions suggests that you are content that our report has covered all European sites relevant to the plan area. I would however very much appreciate your confirmation that we have indeed covered all relevant European sites in our report, and in particular the fact that the Strensall Common SAC is the only one which we needed to consider in detail.

I am happy to have a conversation about the above if you think this is necessary or would be useful.

Thank you and regards

Mike

Mike Dando
Directions Planning Consultancy Limited
07539 669201

ENVIRONMENT AGENCY

RECEIVED BY E-MAIL 2ND SEPTEMBER 2019

From: "Dennison, Claire" <claire.dennison@environment-agency.gov.uk>

To: "Kathryn Jukes" <k.jukes@directionsplanning.co.uk>

Subject: FW: Strensall and Towthorpe Neighbourhood Plan - SEA Screening Report Consultation

Dear Kathryn

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 policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies, we consider that it is **unlikely that significant negative** impacts on environmental characteristics that fall within our remit and therefore have **no objections** to the SEA.

Kind Regards

Claire Dennison
Sustainable Places Planning Advisor

MY CONTACT DETAILS:

Direct Dial : 02030256425 (internal 56425)

Email: Claire.Dennison@environment-agency.gov.uk

TEAM CONTACT DETAILS:

Tel: 020 302 56862 (Internal 56862)

Email: sp-yorkshire@environment-agency.gov.uk

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

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<https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions> or speak to your local Sustainable Places team.

HISTORIC ENGLAND

RECEIVED BY E-MAIL 3RD SEPTEMBER 2019

From: Broadwith, Craig [<mailto:Craig.Broadwith@HistoricEngland.org.uk>]

Sent: 03 September 2019 09:13

To: Kathryn Jukes

Cc: Keith Marquis (keithmarquis@talktalk.net)

Subject: RE: Strensall and Towthorpe Neighbourhood Plan consultation

Dear Kathryn,
Thank you for your e-mail.

You are correct that we responded to the consultation on the HRA/SEA Screening Report, submitted by your colleague Mike Dando which we received on 23 May 2019, to whom we responded directly. We attach a copy of the letter dated 14 June 2019, which confirms that we do not consider that "[a Strategic Environmental Assessment is not required](#)".

We can confirm that this conclusion stands, in relation to the [revised](#) SEA/HRA Screening Report, dated 24 June 2019.

I trust this resolves the matter. If you require a formal letter confirming this conclusion, please let us know.

Regards,

Craig Broadwith
Historic Places Adviser - Yorkshire
Partnerships Team - North East & Yorkshire
Historic England, 37 Tanner Row, York, YO1 6WP
Tel: 01904 601 879 Mob: 07557 190 988 Internal: 7879



Historic England

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HISTORIC ENGLAND YORKSHIRE

Mike Dando, Directions Planning Consultancy Limited, 23 Victoria Avenue, Harrogate, HG1 5RD

Our ref: PL00586047

Your ref:

Telephone 01904 601 879

Mobile 0755 719 0988

14 June 2019

Dear Mr. Ratcliffe,

Strensall-with Towthorpe Neighbourhood Development Plan Strategic Environmental Assessment Screening Opinion Consultation

We write in response to your consultation, seeking a Screening Opinion for the Strensall-with Towthorpe Neighbourhood Plan.

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 Ulleskelf 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 policies contained within the draft Neighbourhood Plan "will have no significant environmental effects". Therefore the preparation of a Strategic Environmental Assessment is not required for the Strensall-with Towthorpe 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 Strensall-with Towthorpe 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 York City Council and the North 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 Pre-submission Draft of the Strensall-with Towthorpe Neighbourhood Plan in due course.

Yours sincerely

Craig Broadwith Historic Places Adviser E-mail: Craig.Broadwith@HistoricEngland.org.uk



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Review of Strensall with Towthorpe Neighbourhood Plan

For: York City Council

Date: 17 June 2021



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1. Summary

- 1.1.1 Strensall with Towthorpe Parish Council (the '*Town Council*') has submitted the Habitats Regulations Assessment ('*HRA*') (January 2021), of its Neighbourhood Plan (the '*Plan*') to the City of York Council (the '*City Council*'). The Council is the competent authority and may only give effect to the Plan once it has ascertained that it will not adversely affect the integrity of a European site. York is also in the process of formal consultation on its emerging local plan (the '*Local Plan*'). The City Council has commissioned Fleming Ecology to review the Parish Council's HRA.
- 1.1.2 The HRA concludes that likely significant effects can be ruled out alone or in-combination and that there is no need for an appropriate assessment or mitigation. This review has found that there are no compelling reasons to disagree with this conclusion. There is no credible possibility of the Plan adversely affecting the integrity of any European sites and, consequently, this review is able to **recommend that the City Council may give effect to the Plan.**
- 1.1.3 Although this review has been prepared to help the City Council discharge its duties under the Habitats Regulations, the City Council is the competent authority and it must decide whether to accept this report or otherwise.

2. HRA and the Regulations

- 2.1 The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their local plans on the internationally important sites for biodiversity in and around their administrative areas. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as 'European sites'.
- 2.2 The screening test is defined in Regulation 105(1) which states:
"Where a land use plan ... (a) is likely to have a significant effect on a European site ... (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, the plan-making authority ... must ... make an appropriate assessment ... in view of that site's conservation objectives".
- 2.3 Regulation 105(5) defines the level of evidence required as follows (emphasis added):
A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations ...
- 2.4 The task is achieved by means of an HRA. This asks very specific questions of a plan. Firstly, it must be 'screened' to identify if there is a risk that certain policies or allocations may have a 'likely significant effect' on a European site, alone or (if necessary) in-combination with other plans and projects. If the risk of likely significant effects can be ruled out, then the plan may be adopted; but if they cannot, the plan must be subjected to the greater scrutiny of an 'appropriate assessment' to find out if the plan will have an 'adverse effect on the integrity' of the European sites; if this cannot be ruled out, the plan cannot be adopted. If necessary, a plan should be amended to avoid or mitigate any likely conflicts. This usually means that some policies or allocations will need to be modified. This review takes full account of up-to-date law, case law, policy, and best practice.

3. Case law

- 3.1 Interpretation of the Regulations is provided by case law. Definitions relevant to this review are provided below.



‘Likely’ in the context of ‘a likely significant effect’ is a low threshold and simply means that there is a risk or doubt regarding such an effect¹;

‘Significant’, in the same context, means ‘any effect that would undermine the conservation objectives for a European site ...’²

- 3.2 In addition, Boggis³ clarifies there should be “credible evidence that there was a real, rather than a hypothetical, risk” that the conservation objectives of a European site could be undermined so requiring only the assessment of plausible effects and not the extremely unlikely.
- 3.3 The People Over Wind case⁴ in April 2018 allowed the CJEU set out clear guidance as to the role of mitigation measures in an HRA. In taking a different approach from decisions in the UK courts, the court held that measures embedded within a plan or project specifically to avoid or reduce the magnitude of likely significant effects should not be taken into account at the screening stage but reserved for the appropriate assessment.

4 Review of HRA

- 4.1 The outcome of the review is presented in the Table 1 below. The table identifies key elements of the HRA and provides relevant comment against each. The document submitted by the Parish Council comprises both the HRA and the Strategic Environmental Assessment (the ‘SEA’). For the avoidance of doubt, this review makes no formal comment on the relative merits or otherwise of the SEA; any observations are made where they may support the observations made on the HRA. Similarly, it makes no comment on the policies within the Plan except where this is relevant to the issue in question.
- 4.2 Overall, and although there was some confusion in terminology throughout the HRA, there can be confidence that the correct tests have been applied and that the findings of case law have informed the process and outcomes. Consequently, given the scale and nature of the Plan, the HRA can be considered fit for purpose and satisfy the requirements of Regulation 105(5).
- 4.3 The endorsement of Natural England shown in Appendix 2 of the SEA/HRA is noted and provides further confidence in this outcome.

Table 1 Point by point review of key elements of the HRA

HRA paragraph	Comment	Reason to reject the HRA?
1.0	This introductory paragraph of the HRA states that no HRA is necessary.	No This could be a fundamental flaw as all development plans are subject to HRA. However, it is assumed that the author intended to identify that there was no need for an ‘appropriate

1 Waddenzee: European Courts C-127/02 Waddenzee 7th September 2004, reference for a preliminary ruling from the Raad van State at para. 44 and Sweetman, above.

2 Waddenzee at paras. 44, 47 and 48.

3 Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

4 People Over Wind and Sweetman v Coillte Teoranta (C 323/17) [2018] PTSR 1668



HRA paragraph	Comment	Reason to reject the HRA?
		<p>assessment'. This would accurately reflect the subsequent findings of the HRA.</p> <p>Therefore, it is presumed this is a simple error as the correct terminology is used elsewhere.</p>
1.1	The text confuses terminology employed in the tests for likely significant and adverse effects, or 'screening' and appropriate assessment, respectively	<p>No.</p> <p>The key purpose of an HRA is to provide the evidence to allow, following an appropriate assessment (if one is necessary), a competent authority to be able to ascertain that an 'adverse effect on the integrity of a European site' can be avoided.</p> <p>Here, the HRA suggests the key purpose is to remove 'likely significant effects' which is the result of the screening exercise.</p> <p>Again though, it is presumed this is a simple error as the correct terminology and process is used elsewhere.</p>
1.8	The HRA quotes the overall aim of the Plan in full.	<p>No.</p> <p>The 'Aim' in the Plan is vague and open to interpretation but only represents the aspirations of the Parish Council.</p> <p>Residential development at Queen Elizabeth Barracks (QEB) has been removed from the current edition of the emerging Local Plan. This also introduces a 400m buffer around the SAC where residential development will be restricted.</p> <p>In contrast the Council's emerging Local Plan does allocate employment uses for the site on Towthorpe Lane.</p> <p>Whilst the Parish Council's aspirations at Towthorpe Lane are broadly in line with the City Council's Local Plan, the Aim at QEB could be considered to be in conflict with it. However, this policy only represents the Parish Council's aspirations, it does not lead to development and so cannot result in a significant or adverse effect. In addition, it also acknowledges that any development must take account of the SAC.</p>
Table 3.1 (p17)	Biodiversity This describes the European sites in the area as part of the SEA process.	<p>No.</p> <p>The description of the SAC though rather superficial, is broadly correct.</p>
Table 3.1 (p18)	Biodiversity Data on species	<p>Although the source document has not been checked, it is presumed the reference to Strensall Common supporting nesting sea birds is a mistake</p>



HRA paragraph	Comment	Reason to reject the HRA?
Table 3.1 (p19)	Biodiversity in summary Whilst part of the SEA, this refers to the outcome of the HRA	No. This again confuses the terminology of the test for likely significant and adverse effects. Given its location in the SEA, no comment offered.
Table 3.1 (p20)	Air This refers to the air quality analysis carried out for the City Council's Local Plan	No. This is broadly correct (and the correct terminology used) but no other comment offered given its location in the SEA
Table 3.2 (p26)	Effects and area characteristics This highlights that the plan does not allocate specific sites for new development	No. The SEA could usefully have made reference to the removal of residential allocations at Queen Elizabeth Barracks (QEB) and H59 from the City Council's Local Plan. However, this table does confirm that no new development is proposed on any specific sites. This is of considerable importance to the subsequent HRA. It draws on the HRA of the City Council's Local Plan to identify the key threats to Strensall Common SAC comprise recreational pressure, air pollution and the 'aquatic environment'. In turn, the Parish Council's HRA is referred to and the correct terminology use to confirm that the Plan was found not to have likely significant effects. This is noted as is the identification of one policy, CP2 that merited specific mention. Subsequent sections of this table addressed air pollution and made a direct assessment. No similar assessment appears to have been made of recreational pressure or the aquatic environment.
4	SEA conclusions	No comment made
5	Legislative background to HRA	No. This gives a broadly accurate description of the HRA process though as produced after the UK left the EU some of the terminology is wrong as is the UK's relationship to the EU. This does not affect the outcome however.
6.2	HRA Screening – screening in European sites	No. The HRA employs reasonable thresholds (a 20km radius) to screen in the European sites potentially at risk. It then adequately describes the qualifying features of Strensall Common SAC, the Rover Derwent SAC and



HRA paragraph	Comment	Reason to reject the HRA?
		the Lower Derwent Valley SPA/SAC/Ramsar though some features are omitted eg lamprey and bullhead populations of the River Derwent. These do not affect the overall outcome of the HRA though.
6.3	SSSI Impact Risk Zones	<p>No.</p> <p>The HRA then employs the SSSI Impact Risk Zones to define whether possible impacts could arise. Whilst this can be a relatively blunt instrument which really should only be used to local authorities and others to identify where Natural England should be consulted, it is reasonable to rely on it here given the scale and content of the Plan.</p> <p>It concludes that the only European site at risk is Strensall Common. This is a reasonable conclusion given the scale and content of the Plan.</p>
6.4/6.5	Strensall Common SAC	<p>No.</p> <p>As required by contemporary Government Guidance, the conservation objectives for Strensall Common are identified.</p>
6.6-6.10	Possible impacts	<p>No</p> <p>The HRA correctly draws on contemporary Government Guidance to make use of the HRA of the findings of the City Council’s emerging Local Plan to identify the three credible risks: recreational pressure, air pollution and the aquatic environment.</p> <p>The description of these is broadly correct in so far as they relate to Strensall Common.</p> <p>The HRA then adequately describes the changing conclusions of the City Council’s Local Plan HRA as it evolved due to the provision of new evidence.</p>
6.11-6.14	Screening	<p>No.</p> <p>The tests required of a screening exercise are adequately described, providing confidence that earlier confusion with terminology was a simple oversight. Useful reference is also made to the Habitats Regulations Assessment Handbook and its recommendations appeared to have been followed.</p>
Table 6.2	Pre-screening check	<p>No.</p> <p>The approach adopted here follows best practice.</p> <p>In terms of CF2, the HRA suggests that the provision of 42 Local Green Spaces could provide an</p>



HRA paragraph	Comment	Reason to reject the HRA?
		<p>alternative destination for visitors and so reduce recreational pressure on Strensall Common. This could be interpreted as a suggestion that Policy CF2 represents mitigation which, according to People Over Wind, must be reserved for the appropriate assessment. However, it is clear that in the context provided, this is merely stating an opinion which may or may not be correct, and it is not used to influence the assessment of any other policies. Whilst the statement may be considered slightly careless, it does not affect the outcome of the HRA and can be put to one side and the conclusion that this policy can be screened out, is reasonable.</p> <p>In terms of Policies DG1-5, it identifies that these policies would only apply if development was to be consented at the locations adjacent to Strensall Common. They relate only to the design of any future development and cannot lead to development themselves. Therefore, it is reasonable that they can be screened out.</p> <p>Following the 'pre-screening' of all policies, it concludes, by drawing on the evidence provided and the City Council's Local Plan HRA that only one policy, CP2 that intends to increase car parking provision within the village, cannot be screened out. This is reserved for formal screening.</p> <p>The outcomes, ie those screened in and those screened out of any further assessment appear to be reasonable, evidence-based and suitably precautionary.</p> <p>Whilst allocation of the specific categories (ie A, B C etc) could be debated, there is, in practice, considerable overlap between several and those selected do not affect the outcome of the HRA.</p>
6.16-6.19	Policy CP2 - Screening	<p>No.</p> <p>This adequately describes the screening assessment process which informs the assessment in Table 3</p>
Table 6.3	Screening exercise	<p>No.</p> <p>This table describes the function of CP2 and the broad location of where additional parking is desired. In returning to the main threats identified, it provides adequate evidence and reasonable assumptions to rule out effects on the local hydrological regime, air pollution and recreational pressure. These are taken in turn below:</p> <p><u>Hydrological effects (Aquatic environment)</u></p>



HRA paragraph	Comment	Reason to reject the HRA?
		<p>In brief, this relies simply on distance from the SAC and the policy wording that any proposals would have to pass the test of a project-level HRA should they ever come forward.</p> <p>Likely significant effects were ruled out.</p> <p>Given the distance and scale of the proposals this is a reasonable outcome. Indeed, given the very modest construction footprint of a car park, it is arguable that effects on the aquatic environment could have been removed from consideration earlier in the process.</p> <p><u>Air pollution</u></p> <p>The assessment concludes that likely significant effects can be ruled out.</p> <p>It arrives at this conclusion largely on the basis of the City Council's Local Plan HRA, the removal of development from H59 and QEB, reliance policy requirements for development to be subject to a project-level HRA and the modest change to traffic flows expected given that its purpose would only be to attract local visitors. The City Council's Local Plan HRA concluded that adverse effects on the integrity of the SAC would be avoided.</p> <p>Whilst relevant, the HRA could have drawn on other sources to make a more compelling assessment.</p> <p>For instance, it is not clear that the air pollution assessment has followed the Wealden decision where there is no '<i>de minimis</i>' threshold. However, from the evidence provided, it describes a situation where any increase in traffic that could arise would be likely to use roads that lie greater than 200m from the SAC boundary.</p> <p>It is accepted best practice that beyond 200m any increase in air pollution becomes indistinguishable from existing background levels.</p> <p>Given this evidence, the outcome of the HRA (that likely significant effects could be ruled out) appears to be reasonable. Changes in traffic flows would not be appreciable and the distance of roads likely to be used is greater than 200m from the SAC.</p> <p><u>Recreational pressure</u></p> <p>The HRA concludes that likely significant effects can be ruled out.</p> <p>It arrives at this outcome on evidence drawn from the City Council's Local Plan HRA and, in particular, that it is only development of this sort within 400m of</p>



HRA paragraph	Comment	Reason to reject the HRA?
		<p>Strensall Common that could be considered to result in an increase in visitor numbers to the SAC.</p> <p>The HRA notes that the nearest car park would be at least 500m from the European site</p> <p>Given that the car parks are only anticipated to attract local residents rather than new visitors and that the location is separated from the SAC by a railway line, restricting access even further, the outcome, that likely significant effects can be ruled out can be considered reasonable.</p> <p><u>Overall</u></p> <p>The previously identified threats, recreational pressure, aquatic environment and air pollution have all been subjected to a screening exercise and the test for likely significant effects. The approach has been precautionary and restricted itself to only those that provide credible risks. Evidence has been used to provide the objective information and the conservation objectives referred to (albeit elsewhere) to explore if these could be undermined.</p> <p>The outcome, that likely significant effects can be ruled out appears to be reasonable.</p> <p>It is noted that the HRA identifies that future development proposals will have to be supported by a project-level HRA. This may or may not be necessary, given the scale of the car parks, but will be a matter for the City of York Council.</p>
6.20-6.23	In-combination assessment	<p>No.</p> <p>The need for an in-combination assessment has been ruled out in the HRA.</p> <p>Whilst the distinction between likely significant effects alone or in-combination appears to have been lost slightly in the HRA and the terminology again rather confused, it is the opinion of this review that there is sufficient evidence that the effects above can be taken to be 'alone'. Given that likely significant effects have been ruled out 'alone' there can be no cumulative effect with other plans or projects and, therefore, the conclusion that there is no need for an in-combination assessment is reasonable.</p>
7	HRA conclusion	<p>The conclusion that likely significant effects can be ruled out alone or in-combination is considered to be reasonable. The HRA has broadly followed best practice, adopted a precautionary approach and has carried out the correct tests.</p>



HRA paragraph	Comment	Reason to reject the HRA?
Appendix 2	Natural England	Natural England's endorsement of the HRA is noted. The findings of this review agree with this.

B F Fleming
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17 June 2021