

Enquiries to: Sarah Smith

Holme Valley Parish Council
Holmfirth Civic Hall
Huddersfield Road
Holmfirth
HD9 3AS

Dear Councillor Hogley,

Holme Valley Neighbourhood Plan SEA Screening opinion

We recognise all the hard work that is being put into producing your neighbourhood plan and wish to maintain an open dialogue to discuss the plan as it progresses.

We (Kirklees Local Planning Authority) have undertaken a screening assessment of your draft plan and consulted with Historic England, Natural England and the Environment Agency as required by the regulations. Your neighbourhood plan requires a Strategic Environmental Assessment to be undertaken in line with regulations and best practice. The reasons and conclusion are set out below.

Neighbourhood Plan Background

- 1.1 The Holme Valley Neighbourhood Area was approved on the 27 January 2015 by Kirklees Council and on the 13 February 2015 by the Peak District National Park Authority. Further detail including the location and extent of the neighbourhood Area can be viewed on here:
<http://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

Local Plan:

- 1.2 The local plan submitted to the Secretary of State for Communities and Local Government on the 25th April 2017 included a sustainability appraisal (incorporating the requirements of the SEA Directive). This will form the context for any Neighbourhood Plan Strategic Environmental Assessment.

Neighbourhood plan screening assumptions:

- 1.3 Holme Valley Neighbourhood Plan assumptions for the screening:
- The neighbourhood plan will not allocate land for development

- The neighbourhood plan will include policies that set the framework for future development within the extent of the neighbourhood area

1.4 These assumptions are based Holme Valley Neighbourhood Development Plan (NDP) 2016 – 2031 First Draft Plan for Public Consultation June 2018.

Screening opinion Holme Valley Neighbourhood Plan:

1.5 ‘A Practical Guide to the Strategic Environmental Assessment Directive (2005)’ - illustrates the process for screening a planning document to ascertain whether a full SEA is required, the criteria have been extracted and included in the first column in table 1 below, with commentary provided in the second column.

Table 1: Screening opinion Holme Valley Neighbourhood Plan

Assessment Criteria	Assessment	
1. Is the Plan 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? [Article 2(a)]	Yes	Neighbourhood Plans are prepared by Parish Councils or Neighbourhood Forums (as the “qualifying body”) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the Plan has been prepared, and subject to examination and referendum, it will be “made” by Kirklees Council and Peak District National Park Authority as the Local Planning Authorities.
2. Is the Plan required by legislative, regulatory or administrative provisions? [Article 2(a)]	Yes	It is not a requirement for a parish or community group to produce a Neighbourhood Plan however a Neighbourhood Plan, once “made” does form part of the Statutory Development Plan and will be used when making decisions on planning applications.
3. Is the Plan 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 consents or projects in Annexes I and II to the EIA Directive? [Article 3.2(a)]	Yes	Neighbourhood Plans can cover some of the topics identified in this list and they could set the framework for development of a scale that would fall under Annex II of the EIA Directive. However for Neighbourhood Plans, developments which fall under Annex I of the EIA Directive are “excluded development” as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act)

4. Will the Plan, in view of its effects on sites, require a Habitats Regulations Assessment? [Article 3.2(b)]	Yes*	<p>The local plan HRA (March 2017) rules out any adverse effects on Natura 2000 sites</p> <p>It is not the intention of the Holme Valley neighbourhood plan to allocate land however it will include policies within the neighbourhood area that guide development within and adjacent to the South Pennines Special Protection Area (SPA)/Special Area of Conservation (SAC) and would therefore lead to the need to revisit the conclusions in the local plan HRA. (*Subject to HRA screening against the finer level of detail in the Holme Valley Neighbourhood Plan)</p>
5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Article 3.2? [Article 3.3]	No	The Holme Valley Neighbourhood Plan does not allocate land for development.
6. Does the Plan set the framework for future development consents of projects (not just projects that require an EIA)? [Article 3.4]	Yes	It is the intention that the Holme Valley Neighbourhood Plan includes a policy framework to determine planning applications.
7. Is the Plans sole purpose to serve national defence or civil emergency, OR is it a financial or budget Plan OR is it co-financed by structural funds? [Article 3.8, 3.9]	No	The Holme Valley Neighbourhood Plan does not deal with any of these categories of plan.
8. Is the Plan likely to have a significant effect on the environment? (See Figure 2.2) [Article 3.5]	Yes	The intention to include a suite of policies means that when considering the criteria in annex II of the SEA directive, significant effects cannot be ruled out at this stage, and additional work is needed. This approach would be consistent with the SA (SEA) of the local plan.
<p>It is the intention of the Holme Valley Neighbourhood Plan to provide a policy framework for future development. As such there is the potential for significant environmental effects and therefore a more detailed assessment of the environmental impact is required, this would also provide a consistent approach with the local plan Sustainability Appraisal (Strategic Environmental Assessment).</p>		

Consultee Responses (Environmental Assessment Consultation Bodies)

1.6 It is a statutory requirement of the SEA screening process to consult with Historic England, Natural England, and the Environment Agency when forming a view as to whether an SEA is required.¹

¹Environmental Assessment of plans and Programmes Regulations 2004

1.7 A copy of the draft Holme Valley Neighbourhood Plan alongside the Council’s draft SEA screening opinion was sent to the three statutory consultees on 31st July 2018. Their response is set out in the table below and full details are provided in Appendix 2.

Consultation Body	Comment
Historic England	<p>We note that your assessment of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive] has led you to conclude that preparation of a Strategic Environmental Assessment <u>is</u> required.</p> <p>We would add that provided that the Neighbourhood Plan does not promote any quantum of development, we consider that additional wording in the plan to provide clarity regarding the avoidance of impacts on the historic environment and individual heritage assets should be sufficient to avoid the need for onerous assessment. This will of course depend upon how the plan evolves but is worth bearing in mind. The timing of the neighbourhood plan with the adoption of the Kirklees Local Plan is also of importance if the Neighbourhood Plan is to rely on higher level policy.</p>
Natural England	<p>Natural England welcomes the screening assessment provided and broadly concurs with the conclusions reached. However we would add that, provided that the Neighbourhood Plan does not promoting any quantum of development, we consider additional wording in the plan to provide clarity regarding the avoidance of impacts on the South Pennines SPA and SAC should be sufficient to avoid the need for onerous assessment. However this will of course depend upon how the plan evolves but is worth bearing in mind. The timing of the neighbourhood plan with the adoption of the Kirklees Local Plan is also of importance if the Neighbourhood Plan is to rely on higher level policy.</p>
Environment Agency	<p>We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.</p> <p>Having considered the nature of the policies in the plan, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.</p>

Conclusion

1.8 In considering the scope of the Holme Valley Neighbourhood Plan against the criteria from the guidance document “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM, 2005) and responses from the consultation bodies, it is concluded that the neighbourhood plan will need a more detailed Environmental Assessment in line with the SEA Directive.

Yours sincerely,

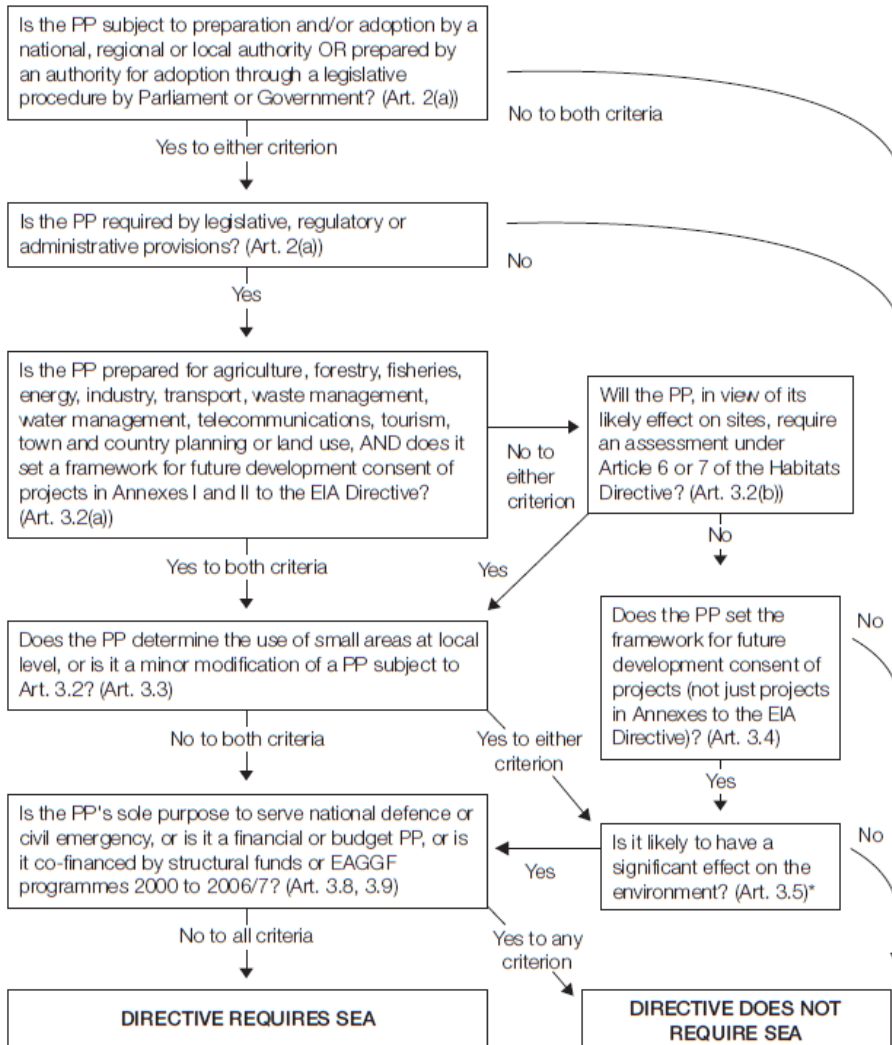
A handwritten signature in black ink, appearing to read 'Karl Battersby', written in a cursive style.

Karl Battersby
Strategic Director Economy and Infrastructure

Appendices

Appendix 1: Application of the SEA Directive to plans and programmes

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



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

Source: A Practical Guide to the Strategic Environmental Assessment (ODPM, 2005)

Appendix 2 Environmental Bodies Consultation

Responses

Historic England



Historic England

YORKSHIRE

Ms. Sarah Smith,
Planning Policy Group,
Investment and Regeneration Service,
Kirklees Council,
PO Box B93, Civic Centre 3,
Off Market Street,
Huddersfield,
HD1 2JR

Our ref: PL00477622
Your ref:
01904 601 879
Telephone 0755 719 0988
Mobile

10 September 2018

Dear Ms. Smith,
**Holme Valley Draft Neighbourhood Development Plan
Strategic Environmental Assessment Screen Opinion Consultation**

We write in response to your e-mail of Wednesday 5 September 2018, seeking a Screening Opinion for the draft Holme Valley 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 with the draft Holme Valley Neighbourhood Plan.

The Draft Neighbourhood Plan indicates that within the plan area there are a significant number of designated cultural heritage assets, including 1 Grade II* and 499 Grade II Listed Buildings, 4 Scheduled Monuments, and 13 Conservation Areas (11 of which do not have Conservation Area Appraisals and Management Plans). There are also many other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

We note that your assessment of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive] has led you to conclude that preparation of a Strategic Environmental Assessment is required.

We would add that provided that the Neighbourhood Plan does not promote any quantum of development, we consider that additional wording in the plan to provide clarity regarding the avoidance of impacts on the historic environment and individual heritage assets should be sufficient to avoid the need for onerous assessment. This will of course depend upon how the



Historic England, 37 Tanner Row, York YO1 6WP
Telephone 01904 60 1948 HistoricEngland.org.uk

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Correspondence or information which you send us may therefore become publicly available.



plan evolves but is worth bearing in mind. The timing of the neighbourhood plan with the adoption of the Kirklees Local Plan is also of importance if the Neighbourhood Plan is to rely on higher level policy.

The views of the other three 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 Holme Valley Neighbourhood Plan, dated July 2018. 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 Kirklees Council and the West Yorkshire Archaeological Advisory Service are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

We look forward to your consultation on the draft SEA Scoping in due course, should you remain of the view that an SEA is required.

Yours sincerely



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



Historic England, 37 Tanner Row, York YO1 6WP
Telephone 01904 60 1948 HistoricEngland.org.uk

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Sarah Smith

From: Ash, Merlin (NE) <Merlin.Ash@naturalengland.org.uk>
Sent: 05 September 2018 18:23
To: Sarah Smith; ian.smith@historicengland.org.uk; tim.crawshaw@environment-agency.gov.uk
Cc: Consultations (NE); sp-yorkshire@environment-agency.gov.uk; yorkshire@historicengland.org.uk; John Buddle
Subject: RE: Holme Valley Parish Council Neighbourhood Development Plan - Kirklees Council SEA Screening opinion comments request

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sarah,

Apologies for the delay in getting back to you. Thank you for consulting Natural England on the screening of Holme Valley Parish Council Neighbourhood Development Plan with regards to Strategic Environmental Assessment and Habitats Regulations Assessment. Natural England welcomes the screening assessment provided and broadly concurs with the conclusions reached. However we would add that, provided that the Neighbourhood Plan does not promoting any quantum of development, we consider additional wording in the plan to provide clarity regarding the avoidance of impacts on the South Pennines SPA and SAC should be sufficient to avoid the need for onerous assessment. However this will of course depend upon how the plan evolves but is worth bearing in mind. The timing of the neighbourhood plan with the adoption of the Kirklees Local Plan is also of importance if the Neighbourhood Plan is to rely on higher level policy.

We hope this advice is helpful. If you have any further queries please do not hesitate to contact me.

Yours sincerely,

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

Environment Agency

Sarah Smith

From: Crawshaw, Tim <Tim.Crawshaw@environment-agency.gov.uk>
Sent: 12 September 2018 13:14
To: Sarah Smith
Subject: RE: Historic England Sustainability Appraisal and Strategic Environmental Assessment Advice

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sarah,

Thank you for the helpful guidance note you sent over, was a good read.

I have done a comprehensive search using our Environment Agency screening tool, please find our response below.

Dear Sarah Smith

Holme Valley Neighbourhood Plan SEA Screening Opinion

Thank you for your consultation of the above mentioned document

We have the following comments to make.

Strategic Environmental Assessment

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

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

We have no further comments to make in this instance

If you have any questions or need any further clarification, please contact me on the details below.

Yours sincerely

Tim Crawshaw

Tim Crawshaw

Sustainable Places – Planning Advisor

Environment Agency | Foss House, Kings Pool, 1-2 Peasholme Green, YO1 7PX

tim.crawshaw@environment-agency.gov.uk

Tel: 020 84748679