

**BURLEY-IN-WHARFEDALE
NEIGHBOURHOOD PLAN**

**Strategic Environmental
Assessment and Habitats
Regulations Assessment
Screening Report Update**

January 2017

Kirkwells

The Planning People

Contents

	Page
1.0 Introduction	4
2.0 Legislative Background	5
3.0 Burley-in-Wharfedale Neighbourhood Plan	7
4.0 Screening Process	9
5.0 SEA Screening Assessment	13
6.0 HRA Screening	20
7.0 Screening Conclusion	27
Appendix 1	Consultation Responses
Historic England	29
Natural England	33
Environment Agency	39

1.0 Introduction

- 1.1 Strategic Environmental Assessment (SEA) is a systematic and comprehensive process for evaluating the environmental effects of a plan or programme in order to ensure that the environmental implications of decisions are taken into account before any such decisions are made. The need for the environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC, known as the SEA Directive.
- 1.2 Under this Directive, Neighbourhood Plans may require SEA but this is very much dependent upon the content of the Plan. For plans which "determine the use of small areas at local level" or are "minor modifications" to existing plans, the Directive only requires SEA where they are likely to have significant environmental effects. The expressions "small area" and "local level" are not defined in the Directive and must be interpreted in relation to the nature and scope of a particular plan. Screening is needed to determine whether such plans are likely to have significant environmental effects.
- 1.3 Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans and to be used in a screening exercise. The findings of the exercise must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.
- 1.4 This Screening Report is an assessment as to whether the contents of the Regulation 14 Consultation Draft Burley-in-Wharfedale Neighbourhood Plan published in August 2016 require a Strategic Environmental Assessment in accordance with the Directive. It also determines whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed likely that there will be significant adverse effects on protected European Sites

(Natura 2000 sites) as a result of the implementation of a plan/project.

2.0 Legislative Background

Strategic Environmental Assessment

- 2.1 The SEA Directive was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)¹. Detailed guidance on these regulations can be found in the Government publication, A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005)².
- 2.2 The Planning and Compulsory Purchase Act 2004 requires local authorities to produce Sustainability Appraisals (SAs) for all Development Plan Documents in order to meet the requirement of the SEA Directive and it is considered best practice to incorporate the requirements of this Directive into a Sustainability Appraisal (National Planning Policy Framework, paragraph 165). As a neighbourhood plan is not a Development Plan Document, it does not legally require a Sustainability Appraisal. However, there are instances where a SEA would need to be undertaken in order to meet the requirements of the SEA Regulations, for example, where:
- A neighbourhood plan allocates sites for development
 - The neighbourhood area contains sensitive natural or heritage assets that may be affected by the policies and 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.
- 2.3 Consequently, to establish whether the neighbourhood plan might give rise to significant environmental effects, it is necessary to screen the plan (see Section 5).

Habitats Regulations Assessment.

¹ http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

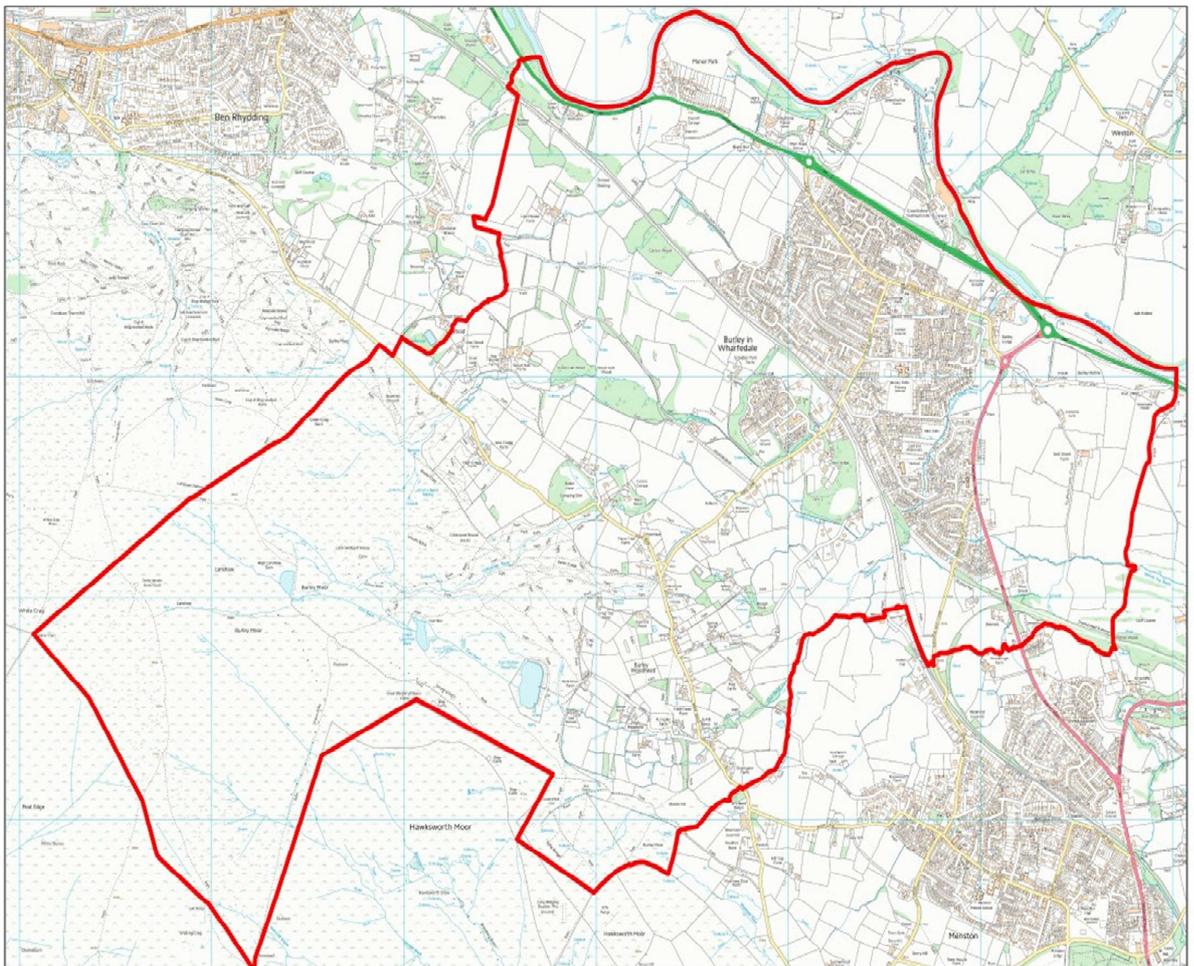
² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practic_alguidesea.pdf

- 2.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. In relation to this, paragraph 1 sets out a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraph 4 indicates that a qualifying body which submits a proposal for a neighbourhood plan must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an assessment is required.
- 2.5 The legislation requires that, where there is a risk of a significant effect on a European site, either individually or in combination with other plans or projects then the plan should progress from HRA screening to an Appropriate Assessment.

3.0 Burley-in-Wharfedale Neighbourhood Plan

- 3.1 The purpose of the Burley-in-Wharfedale Neighbourhood Plan is to provide a set of statutory planning policies to guide development within the parish over the period to 2030 and has been prepared by a steering group on behalf of the qualifying body, Burley-in-Wharfedale Parish Council.

Map showing the Burley-in-Wharfedale Neighbourhood Plan area which is subject to the SEA screening process



@Crown copyright and database rights [2015] Ordnance Survey 100055940

Burley in Wharfedale Parish Council (Licensee) License number 100053469.

3.2 The objectives of the Burley-in-Wharfedale Neighbourhood Plan are:

1. To preserve the character of Burley parish
2. To meet housing needs
3. To provide the right environment for flourishing employment, retail, business and tourism
4. To promote a suitable level of car parking in accessible locations
5. To protect and enhance leisure and open space opportunities
6. To increase access by foot and cycle throughout the Parish and into adjoining areas
7. To improve quality of life and adapt to a changing climate by increasing access to the natural environment
8. To support education, health and community facilities

3.3 In order to deliver these objectives, the Plan set out a number of parish-wide policies. These indicate how new development proposals will be assessed in order to ensure that future growth is sustainable and does not have a detrimental impact upon the parish. Policies also provide protection to important environments and natural assets, including views and local green spaces. The village centre is supported as are community and health facilities. Opportunities to improve routes for walkers, cyclists and horse riders are also promoted in the Plan, along with green infrastructure.

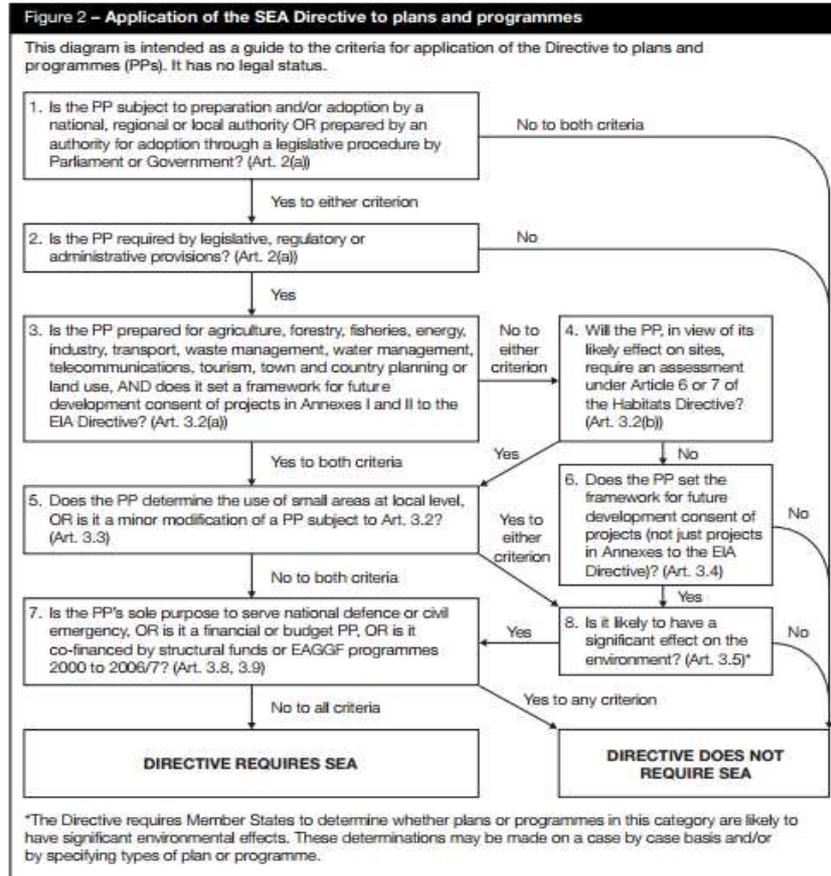
3.4 It is a requirement of the Localism Act 2011 that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Burley-in-Wharfedale lies within the City of Bradford Metropolitan District and must therefore be in general conformity with the 'saved' policies of the Bradford Replacement Unitary Development Plan 2005. The emerging Bradford Core Strategy Publication Draft and Proposed Modifications are also relevant. These plans have been subject to full Sustainability Appraisals which included SEA assessments and the emerging Core Strategy has also been assessed for its impact in terms of the Habitats Regulations. These previously completed Assessments have been taken into account in undertaking this screening assessment of the Burley-in-Wharfedale Neighbourhood Plan.

4.0 Screening Process

4.1 It is the purpose of this report to assess whether the policies and proposals in the Burley-in-Wharfedale Neighbourhood Plan are likely to have 'significant environmental effects'. This screening assessment has been undertaken in two parts:

- The first part assesses whether the neighbourhood plan requires SEA in accordance with the flow chart set out below
- The second part considers whether the neighbourhood plan is likely to have a significant effect on the environment, using criteria set out in Schedule 1 of the EU SEA Directive and the Environmental Assessment of Plans and Programme Regulations 2004 (see section 2)

4.2 Government guidance, as set out in 'A Practical Guide to the Strategic Environmental Assessment Directive', identifies the following approach to be taken in determining whether SEA is required:



4.3 This process has been followed and the findings are set out in the table below:

Table 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Burley-in-Wharfedale, is the Parish Council. It is subject to examination and

Stage	Y/N	Reason
		referendum. If the Plan receives 50% or more 'yes' votes at referendum, it will be 'made' by the local planning authority (City of Bradford MBC)
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The preparation of a Neighbourhood Development Plan is optional. However, once 'made', it will form part of the statutory Development Plan for the area and will be used in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required.
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 consent of projects in Annexes I and II to the EIA Directive? (Article 3.2(a))	Y	The Neighbourhood Plan has been prepared for town and country planning and land use and sets out a framework for future development in Burley-in-Wharfedale. Once 'made', it would form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which may fall under Annex I and II of the EIA directive.
4. Will the Plan, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	?	The Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. However, this requires individual assessment of a Plan (see section 6)

Stage	Y/N	Reason
5. Does the Plan determine the use of small areas at local OR is it a minor modification of a PP subject to Article 3.2? (Article 3.3)	Y	The Neighbourhood Plan determines the use of small sites at the local (neighbourhood) level
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? Article 3.4)	Y	A neighbourhood plan forms part of the Development Plan and will be used in the assessment of planning applications. It, therefore, sets the framework for future developments at a local level.
7. Is the Plan'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? (Article 3.8, 3.9)	N	Not applicable
8. Is it likely to have a significant effect on the environment? (Article 3.5)	?	A neighbourhood plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals in the Plan. An individual screening assessment of the Neighbourhood Plan is required (see section 5)

5.0 Screening Assessment

5.1 The results of the preceding assessment indicate that, depending upon the content of a neighbourhood plan, a Strategic Environmental Assessment may be required. For this reason, neighbourhood plans should be assessed individually in order to determine their likely significant effects on the environment.

5.2 The criteria for determining the likely significant effects referred to in Article 3 (5) of Directive 2001/42/EC are set out in Annex II of the SEA Directive and Schedule 1 of the Regulations. The proposals within individual Neighbourhood Plans will need to be assessed against these criteria:

1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,

- the cumulative nature of the effects,
- the trans-boundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special national 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.

5.3 The policies set out in the Regulation 14 Consultation Draft Burley-in-Wharfedale Neighbourhood Plan (August 2016) have been used to undertake this screening assessment. If the conclusion of the screening exercise is that a SEA is not required, any major changes to the existing policies or introduction of new ones should be subject to a further screening assessment to ensure that significant effects are not likely. Following consultation on the Regulation 14 Consultation Draft Burley-in-Wharfedale Neighbourhood Plan, a number of changes have been made and incorporated in the Submission Neighbourhood Plan. However, the changes are not major and no new policies have been introduced. Consequently, it is not considered necessary to undertake a further screening assessment of the Submission Burley-in-Wharfedale Neighbourhood Plan.

5.4 The table below sets out the assessment of policies in the Regulation 14 Consultation Draft Burley-in-Wharfedale Neighbourhood Plan in relation to the criteria outlined earlier:

Table 2: Assessment of the Likelihood of Significant Effects on the Environment

Criteria for determining the likely significance of effects	Is the Burley-in-Wharfedale NP likely to have a significant environmental effect?	Justification for Screening Assessment
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	<p>The Burley-in-Wharfedale Neighbourhood Plan sets a local policy framework for development proposals. It supports the implementation of policies in the adopted Bradford Replacement Unitary Development Plan and emerging Core Strategy which have already been subject to SEA as part of the Sustainability Appraisal.</p> <p>It sets out specific criteria against which development proposals will be considered (Policies BW1 and BW4) but does not allocate sites for development.</p> <p>The Plan sits within the wider planning policy framework set by the National Planning Policy Framework along with the emerging Bradford Core Strategy and 'saved' policies of the Replacement Bradford Unitary Development Plan, which have been assessed for significant environmental effects through Sustainability Appraisal.</p>
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	The Burley-in-Wharfedale Neighbourhood Plan must be in conformity with the City of Bradford Development Plan. It therefore supports the implementation of higher tier policies at the neighbourhood level and, as such, is not considered to have a significant influence on

Criteria for determining the likely significance of effects	Is the Burley-in-Wharfedale NP likely to have a significant environmental effect?	Justification for Screening Assessment
		other plans and programmes.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	The Burley-in-Wharfedale Neighbourhood Plan contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the Plan protect assets of local environmental value and provide locally distinct planning policies to protect them. It also identifies 9 areas of local green space. The likelihood of significant effects on the environment is, therefore, minimised.
Environmental problems relevant to the plan or programme.	No	Because of the scale of development proposed in the neighbourhood plan, environmental impacts are likely to be small. Environmental concerns relevant to the Plan include the loss of open land and green spaces that separate Burley-in-Wharfedale from other settlements in the Wharfe Valley, and the poor quality design of a number of recent housing developments. These, and other existing environmental problems may be addressed through the implementation of the Plan's policies
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water	No	The Burley-in-Wharfedale Neighbourhood Plan must be in conformity with higher level plans that comprise the City of Bradford Development Plan. This has had regard to European Community legislation on the environment. Consequently, the policies of the

Criteria for determining the likely significance of effects	Is the Burley-in-Wharfedale NP likely to have a significant environmental effect?	Justification for Screening Assessment
protection).		neighbourhood plan are not considered to be relevant to the implementation of EC legislation.
The probability, duration, frequency and reversibility of the effects.	No	Some development will take place over the Plan period meaning that some environmental change will take place. However, the Plan policies, in particular, those relating to design and the protection of landscape, green spaces and green infrastructure are designed to ensure that any new development will be sustainable and any environmental impacts minimised.
The cumulative nature of the effects.	No	The neighbourhood plan's policies are unlikely to have significant cumulative impacts on the local environment
The trans-boundary nature of the effects	No	The policies in the Burley-in-Wharfedale Neighbourhood Plan are unlikely to have significant environmental impacts on neighbouring areas. There may be some positive impacts on adjoining areas through, for example, the protection of the local landscape, views and footpaths.
The risks to human health or the environment (e.g. due to accidents).	No	No significant risks to human health or the environment as a result of the Plan's policies have been identified. In fact, the Plan is likely to improve human health by improving access to green spaces and the countryside.
The magnitude and spatial extent of the effects (geographical area	No	The Burley-in-Wharfedale Neighbourhood Plan is concerned with development within the

Criteria for determining the likely significance of effects	Is the Burley-in-Wharfedale NP likely to have a significant environmental effect?	Justification for Screening Assessment
and size of the population likely to be affected)		neighbourhood area. The geographical area covered by the Plan is 1298 hectares and it has a population of 7338. The potential for environmental impacts is likely to be limited and minimal
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> - 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. 	No	<p>The neighbourhood plan area has a high quality natural and built heritage. Its natural heritage assets include a Site of Ecological Interest along the River Wharfe, a Local Wildlife Site at the disused railway and a Local Nature Reserve at Sun Lane. An eastern section of the South Pennine Moors Phase 2 Special Protection Area/Special Area of Conservation, a site of international importance lies within the neighbourhood plan area.</p> <p>There are 52 Listed Buildings in the area and the village has a designated Conservation Area. The Burley-in-Wharfedale Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage. In fact, under policies BW1 and BW2 it actually provides greater support to enhance the natural and cultural assets of the area.</p>

5.5 On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Burley-in-Wharfedale Neighbourhood Plan will not have significant effects in relation to

any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA.

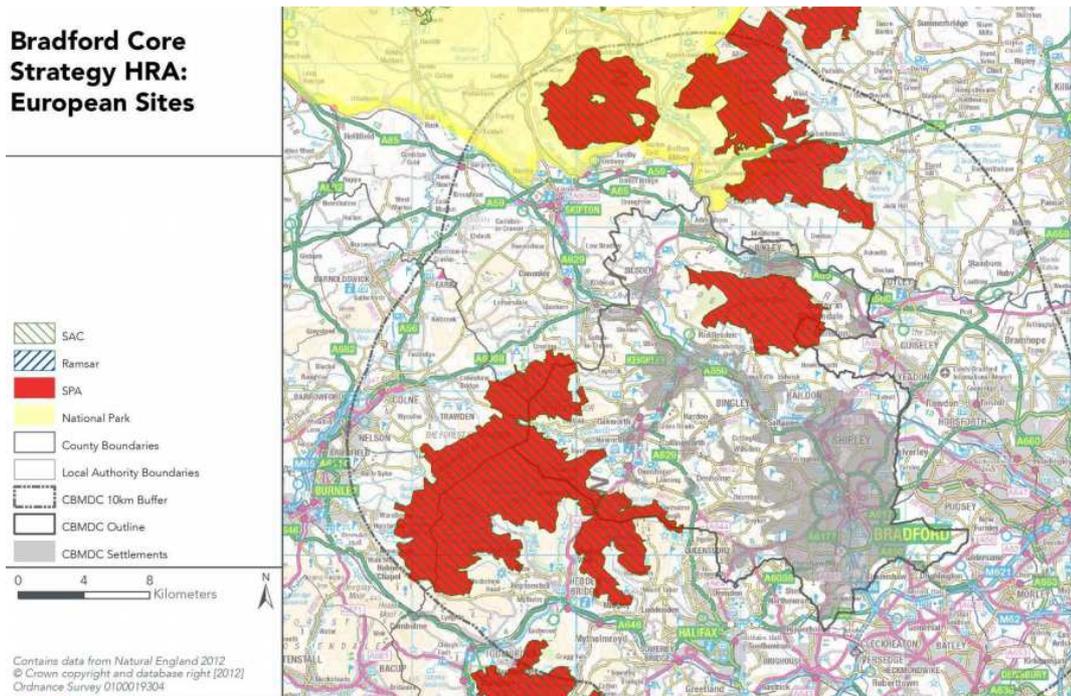
5.6 The main reasons for this conclusion are:

- The Burley-in-Wharfedale Neighbourhood Plan supports the implementation of policies in the adopted Bradford Replacement Unitary Development Plan and emerging Bradford Core Strategy which have already been subject to SEA through the Sustainability Appraisals and assessed as having no significant environmental effects.
- The Burley-in-Wharfedale Neighbourhood Plan is a lower tier plan in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes
- The Plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic
- Through its policies, the Burley-in-Wharfedale Neighbourhood Plan seeks to avoid or minimise negative environmental effects

6.0 HRA Screening

- 6.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of Natura 2000 wildlife sites. This assessment must determine whether a plan would adversely affect, or is likely to affect, the integrity of a site(s) in terms of its nature conservation objectives.
- 6.2 Under Criterion 4 of Table 1: Assessing the Need for SEA, it was concluded that the Neighbourhood Plan may have an impact upon internationally designated sites and as such a 'case by case' assessment is required.
- 6.3 The HRA process is generally divided into three stages. The initial stage of the process is the screening stage and determines if there are any likely significant effects or risk of significant effects possible as a result of the implementation of the plan. If there are significant effects the plan will need to undertake an Appropriate Assessment. The screening process should provide a description of the plan (see earlier) and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
- 6.4 Part of the following Natura 2000 site lies within Burley-in-Wharfedale parish:

South Pennine Moors Special Protection Area/Special Area of Conservation Phase 2:



Source: HRA for the Bradford District Core Strategy: Appropriate Assessment Report, December 2014

South Pennine Moors Phase 2 Special Protection Area (SPA)

- 6.5 The South Pennine Moors were designated as SPA in two phases in 1996 and 1997 and were further extended in 2000. It covers extensive expanses of semi-natural moorland habitat including upland heath and blanket mire.
- 6.6 The SPA is of European importance for several upland breeding bird species, including birds of prey and waders. The conservation objectives for the South Pennine Moors Phase 2 Special Protection Area are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive. The qualifying features are:
- Merlin (breeding)
 - European golden plover (breeding)
 - Breeding bird assemblage

- 6.7 It also supports internationally important breeding populations of regularly occurring migratory species, including common sandpiper, twite, common snipe, curlew, wheatear, whinchat, redshank, ring ouzel, short-eared owl, dunlin and lapwing.
- 6.8 Both merlin and golden plover feed upon farmland or in-bye land on the edge of the moors that is outside of the SPA boundary. This is considered important to the long term conservation of the SPA population of these birds.

South Pennine Moors Special Area of Conservation (SAC)

- 6.9 The South Pennine Moors SAC was selected for its representation of three Annex 1 habitat types (European dry heaths, Blanket bogs, and Old sessile oak woodlands) while a further two were subsequently identified as being present as qualifying features within the SAC (Northern Atlantic wet heaths, and Transition mires and quaking bogs).
- 6.10 The emerging Bradford Core Strategy has been subject to Habitats Regulations Assessment, the most recent being that undertaken in relation to the Core Strategy Proposed Modifications³.
- 6.11 In terms of the Special Protection Area, this Assessment concluded that the recreational impacts and urban edge effects from housing proposed in the Core Strategy risks reducing Annex 1 and migratory bird populations, habitat viability and range within the South Pennine Moors Phase 2 SPA. The release of greenfield sites for development (of any type) could result in a loss of supporting habitat for SPA birds, particularly within around 2.5km of the SPA boundary.
- 6.12 However, it is considered that the Core Strategy establishes a reasonable and pragmatic strategic approach to reducing the risk of

³ <https://www.bradford.gov.uk/NR/rdonlyres/5B161A14-EA96-44EC-A25F-E525096AA3E8/0/HabitatsRegulationsAssessmentNovember2015.pdf>

adverse effects in Policy SC8, which enables the HRA to demonstrate that adverse effects are capable of being avoided and/or mitigated. Work to continue towards implementing these measures will be undertaken during preparation of the Allocations DPD to ensure that:

- (a) Delivery and funding mechanisms are established through a Supplementary Planning Document to ensure that additional recreational sites are brought forward to divert recreational pressures away from the European sites, coupled with strategic access management and monitoring measures; and
- (b) Greenfield sites to be released for development (of any type) do not include areas of important supporting habitat regularly used by foraging SPA birds, and that a sufficiently robust network of offsite foraging habitats continues to exist.

6.13 Taking into account the strategic approach to reducing and managing the identified risks, and the potential for more detailed assessment in a lower tier plan (the Allocations DPD), it can be concluded that the Core Strategy (Proposed Modifications) will not result in adverse effects on the ecological integrity of the South Pennine Moors Phase 2 SPA as a result of these impacts.

6.14 Traffic-related atmospheric pollution could affect the extent, structure and composition of the habitats of Annex 1 and migratory bird species. There is currently insufficient data to make a fuller assessment. It is envisaged that more detailed traffic modelling will be undertaken during the pre-allocations testing stage which will precede development of the Allocations DPD, to ensure that traffic growth resulting from new development does not add significantly to levels of traffic and atmospheric pollution on roads within 200m of the European sites.

6.15 In relation to the South Pennine Moors Special Area of Conservation, the Assessment concludes that there is a risk of loss of Annex 1 habitat extent, structure and function due to increased recreational use and consequent erosion and trampling, an increased threat of fire and risks from the consequences of fly-tipping and invasion of alien species, as well as changes induced by deposition of atmospheric pollutants.

- 6.16 However, it is considered that the Core Strategy establishes a reasonable and pragmatic strategic approach to reducing the risk of adverse effects in Policy SC8, which enables the HRA to demonstrate that adverse effects are capable of being avoided and/or mitigated. Taking into account the strategic approach to reducing and managing the identified risks, and the potential for more detailed assessment in a lower tier plan (the Allocations DPD), it can be concluded that the Core Strategy (Proposed Modifications) will not result in adverse effects on the ecological integrity of the South Pennine Moors SAC as a result of these impacts.
- 6.17 It is envisaged that more detailed traffic modelling will be undertaken during the pre-allocations testing stage which will precede development of the Allocations DPD, to ensure that traffic growth resulting from new development does not add significantly to levels of traffic and atmospheric pollution on roads within 200m of the European sites.
- 6.18 Strategic Core Policy SC8: Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and Their Zone of Influence is clearly critical to the assessment of the impact of risks to the South Pennine Moors SPA/SAC. As set out in the Proposed Modifications, this states that:

Zone A is land up to 400m from the South Pennine Moors Special Protection Area (“SPA”) and South Pennine Moors Special Area of Conservation (“SAC”) boundary;

Zone B is land up to 2.5km from the SPA and SAC boundary; and.

Zone C is land up to 7km from the SPA and SAC boundary.

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all Zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC.

In conducting the above assessment the following approach will apply:

In Zone A, no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA or SAC.

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

In Zone C, in respect of residential developments that result in a net increase of one or more dwellings, it will be considered how recreational pressure on the SPA or SAC, that such development might cause, will be effectively mitigated.

The mitigation may be:

- (i) such that the developer elects to offer, either onsite and / or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace and/or other appropriate measures; or**
- (ii) in the form of a financial contribution from the developer to:**
 - 1. the provision of additional natural greenspace and appropriate measures to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace;**
 - 2. the implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors;**
 - 3. a programme of habitat management and manipulation and subsequent monitoring and review of measures.**

To mitigate impacts on the SPA and SAC European sites due to the increase in population, an SPD will an approach will be adopted that sets out a mechanism for the calculation of the financial Planning contributions, by reference to development types, the level of predicted recreational impact on the SPA or SAC, and the measures upon which such contributions will be spent.

- 6.19 The Habitat Regulations Assessment concludes that, taking into account the range of avoidance and mitigation measures incorporated into this strategic plan, it can be concluded that the Core Strategy will not result in adverse effects on the ecological integrity of the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA. The Core Strategy can therefore be considered compliant with the Habitats Regulations in respect of these sites.

- 6.20 It can therefore be concluded that, as the policies in the Burley-in-Wharfedale Neighbourhood Plan are in general conformity with those in the emerging Bradford Core Strategy, no further work is necessary in terms of meeting the requirements of the Habitats Regulations Assessment.

7.0 Conclusions and Recommendations of the Screening Assessments

- 7.1 This report sets out the assessment of the need for the Burley-in-Wharfedale Neighbourhood Plan to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.
- 7.2 The assessment of both of these requirements has been undertaken on the Regulation 14 Consultation Draft Neighbourhood Plan which was published in August 2016. The content of the Neighbourhood Plan has not changed significantly in the submission version of the Plan published in January 2017 and therefore there is considered to be no need for a further screening exercise to be undertaken.

Strategic Environmental Assessment (SEA)

- 7.3 In relation to the requirement for the Burley-in-Wharfedale Neighbourhood Plan to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.

Habitat Regulations Assessment (HRA)

- 7.4 In terms of the requirement for the Burley-in-Wharfedale Neighbourhood Plan to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that, as the policies in the Burley-in-Wharfedale Neighbourhood Plan are in general conformity with those in the emerging Bradford Core Strategy, no further work is necessary in terms of meeting the requirements of the Habitats Regulations Assessment.

APPENDIX 1

Responses from:

Historic England

Natural England

Environment Agency



Historic England

YORKSHIRE

Mr. Ian Orton,
Parish Clerk,
Burley Parish Council,
Queens Hall
Main Street
Burley
LS29 7BT

Our ref: Y/HP/NP/WY/BRD/BIW/CTB
Your ref:

Telephone: 01904 601 879
Mobile: 0755 719 0988

15 January 2016

Dear Mr. Orton,

**Burley-in-Wharfedale Neighbourhood Plan
Strategic Environmental Assessment Screening Opinion Consultation**

We write in response to your e-mail of Monday 21 December 2015, seeking a Screening Opinion for the Burley-in-Wharfedale 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 Burley-in-Wharfedale Neighbourhood Plan and the associated Strategic Environmental Assessment (SEA) and Habitat Regulations Screening Report, December 2015.

The Draft Neighbourhood Plan and Screening Report indicate that within the plan area there is a wide range and number of designated cultural heritage assets. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

Given the likely significant effects (both positive and negative¹) upon the historic environment, Historic England therefore advises that a Strategic Environmental Assessment will be required.

To explain why we have given this advice, in evaluating whether or not what is being proposed is likely to have an environmental effect and, more importantly, whether those effects are likely to be significant, we have based our evaluation, in part, upon the judgement in the case of Case C-268/11, *Sweetman v An Bord Pleanala* [2013] 3 CMRL 18.

¹ "A Practical Guide to the Strategic Environmental Assessment Directive" (DOPM, Sept. 2005), page 10, Figure 1, item 5.



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

Please note that Historic England operates an access to information policy.

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



Although, admittedly, the judgement was in respect of the Habitats Regulations Assessment, nevertheless, it is considered that the reasoning is transferable, in principle, to SEAs. In the judgement, it was considered that the term "likely" should be considered as "a possibility", and that "significant" simply meant something more than "de minimis". This conclusion was as reiterated in another case considering the Newick (East Sussex) NP, that "likely significant" is a low threshold.

We would emphasise that the impact of Neighbourhood Plan and its policies upon cultural heritage can positive or negative¹. We note that the Table 2 of the Screening Report addresses only "adverse" impact upon cultural heritage (page 18). As such it does not address the full spectrum of impact, and for this reason, we cannot support the conclusion of Screening Report, para. 7.3, that an "SEA will not be required".

Historic England strongly advises that the conservation and archaeological staff of the Bradford City 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 have copied this response to Bradford City Council's Development Plan Group, for their information.

Yours sincerely



Dear

I am writing with reference to your letter of 15 January to Mr Orton, Parish Clerk to Burley Parish Council in connection with the SEA Screening Report.

I understand that you have concerns that the policies and proposals in the draft Burley-in-Wharfedale Neighbourhood Plan are likely to have significant effects upon the historic environment and therefore require SEA. However, I would be grateful if you would clarify your reasoning, in the context of Schedule 1 of the Environmental Assessment Regulations (Annex II of the SEA Directive), for reaching the decision that SEA is required.

In particular, I would like you to explain why you consider that the judgment in the case of Case C-258/11, *Sweetman v An Bord Pleanala* [2013] 3 CMRL 16 is relevant to a SEA screening opinion. This case involved the impact of a proposed road development, clearly a very significant development, on the integrity of a European site and was determined in the context of the need for Appropriate Assessment under the Habitats Directive. The ruling specifically sets out how the Habitats Directive should be interpreted. For, example, the term 'likely' should be interpreted as a 'possibility' but only in terms of a significant effect on a European site generating the need for an Appropriate Assessment under the Habitats Directive. As the SEA Screening Report has been prepared in the context of the SEA Directive and Government guidance in respect of this, I would therefore welcome your clarification as to how this judgment relates to the SEA Directive in terms of assessing the likely significance of effects as set out in Annex II.

I am also rather confused about the reference to the Newick NP as I cannot find the case to which you refer. As I understand it, no SEA was undertaken in respect of this neighbourhood plan. Instead, Sustainability Appraisal was prepared and this included screening for SEA. This screening concluded that the NP would not have any significant environmental effects not already considered in Lewes' District Council's SA, a conclusion very similar to that in the Burley SEA Screening Report in the context of Bradford Council's SA. Perhaps you could send me a link to this case?

Finally, it is recognised that the impact of the NP upon cultural heritage can be positive or negative. Table 2 sets out the criteria for determining the likely significance of effects in accordance with the SEA Directive and Government guidance. So far as I can see, there is no requirement under guidance to set out the full spectrum of impact although this might be seen as good practice. In terms of the environment, it is about the value and vulnerability of the area likely to be affected due to its special natural characteristics or cultural heritage. I would therefore like to understand further your concerns about this table and whether your objection to the conclusion that no SEA is required could be overcome by the inclusion of more detail in the table. In this regard, examples of good practice would be very helpful.

Many thanks for your time

Regards

Margaret Whewell



Historic England

YORKSHIRE

Mrs. Margaret Whewell,
Kirkwells Town Planning Consultants,
Lancashire Digital Technology Centre,
Bancroft Road,
BURNLEY,
BB10 2TP

Our ref: Y/HP/NP/WY/BRD/BW/CTB

Your ref:

Telephone 01904 601 879

Mobile 0755 719 0988

07 March 2016

Dear Mrs. Whewell,

**Burley-in-Wharfedale Neighbourhood Plan
Strategic Environmental Assessment Screening Opinion Consultation**

We write in response to your e-mail of Monday 3 February 2016, in connection with our Screening Opinion for the Burley-in-Wharfedale Neighbourhood Plan.

In relation to the case cited, we confined ourselves to the interpretation of "significant impact", rather than addressing the detailed matters relating to Case C-258/11, *Sweetman v An Bord Pleanala* [2013] 3 CMRL 16, as was explained in our letter. We are seeking further clarification on the Newick NP, in the light of the matters you raised.

That being said, we have now reviewed this advice, in the light of your query, due to the potentially onerous impact it would have. We have also been our reviewing advice at a national level, and although this review is not yet complete, we can confirm that we do not consider that there is any direct physical impact arising from the policies contained within the draft Neighbourhood Plan. We can now therefore advise that we consider that an SEA will not be required in relation to the Burley-in-Wharfedale Neighbourhood Plan.

We have copied this response to Bradford City Council's Development Plan Group and Burley Parish Council, for their information.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Whewell'.

Date: 29 January 2016
Our ref: 175757



Customer Services
Hornbeam House
Creswick Business Park
Electra Way
Creswick
Crawthorpe
CV11 6GJ

T 0300 060 3900

Ian Orion
Burley Parish Council
Queens Hall
Main Street
Burley LS29 7BT

BY EMAIL ONLY

Dear Ian

Planning consultation: Burley-in-Wharfedale Neighbourhood Plan Informal Consultation Draft and Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report.

Thank you for your consultation on the above dated 31 December 2015 which was received by Natural England on the same date.

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.

Burley-in-Wharfedale Neighbourhood Plan Informal Consultation Draft

Designated sites

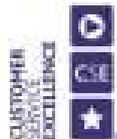
Nidderdale Area of Outstanding Natural Beauty (AONB) is adjacent to the northern edge of the neighbourhood plan boundary. An impact risk has been identified for any development proposals with significant impacts on landscape within 2km of Nidderdale AONB. Therefore proposals within this buffer should consider the potential impacts on the natural beauty and special qualities of the AONB with adverse effects avoided or mitigated for.

The following Site of Special Scientific Interest (SSSI) is triggered by Natural England's Impact Risk Zones (IRZs). Therefore an assessment to clarify whether there are any potential impacts on the SSSI's interest features is recommended. The IRZs can be viewed on the MAGIC website (<http://magic.defra.gov.uk/>). Further information on the SSSI can be found using the following link (<http://www.sssi.naturalengland.org.uk/special/sssi/search.cfm>).

- South Pennine Moors SSSI. This site is also part of the South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Phase 2 Special Area of Conservation (SPA).

Ben Rhydding Gravel Pits Local Nature Reserve (LNR)/Site of Ecological or Geological Importance (SEGI), River Wharfe, Otley & Mid Wharfedale/Wetherby SEGI and Sun Lane, Burley In Wharfedale LNR are located within the neighbourhood plan boundary. You should ensure you have sufficient information to fully understand the impact of the plan on the local wildlife sites. Yorkshire Wildlife Trust or Bradford Metropolitan District Council may be able to provide further information in relation to these sites. Local environmental record centres also hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nlbr.org.uk/nlbr.php>.

Page 1 of 4



Natural England is accredited to the Cabinet Office Service Excellence Standard

We advise that the neighbourhood plan includes criteria based policies for the protection and enhancement of the international, national and locally designated sites present. This is in line with para 113 of the NPPF which makes it clear that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological network. The neighbourhood plan should always seek to avoid environmental impacts by directing development away from the most sensitive areas with mitigation considered only when this is not possible.

BAP (Biodiversity Action Plan) Priority Habitat

Natural England note that there is BAP Priority Habitat within the boundary of the neighbourhood plan. The value of these areas and their contribution to the ecological network of local, national and internationally protected sites should be considered when locating new development. The neighbourhood plan should, in accordance with paragraph 117 of the NPPF, encourage the preservation, enhancement and creation of priority habitats where these opportunities exist.

Green Infrastructure

The neighbourhood plan is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into the neighbourhood plan. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

Protected species

You should consider whether your plan has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England ([Natural England Standing Advice](#)).

Soil and Agricultural Land Quality

The neighbourhood plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our well-being and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Policy BW4 – Meeting Future Housing Needs

- The five housing allocations should be clearly labelled on Map 3 as it is currently not possible to determine the location of each allocation.
- The policy states 164 units will be allocated but in paragraph 4.15 it states there will be 78. An additional two preferred sites are identified in paragraph 4.15 totalling 78 units, however the total number of units for preferred sites is given as 224 later in the same paragraph. These numbers should be consistent, or if there are reasons for the differences these should

- be clearly explained.
- It is stated that the preferred sites are located on Map 3, however this is not the case. As with the housing allocations, these sites should also be clearly labelled so it is possible to distinguish between them.
- Map 3 shows two areas coloured pink but there is no key to explain what these refer to and so this should be provided.

Habitats Regulations Assessment (HRA) Screening Report

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 (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into 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.

It is Natural England's view that likely significant effects cannot be ruled out, particularly as the neighbourhood plan is to progress before a local plan has been adopted and so it is not possible to rely on the mitigation included within it and the neighbourhood plan proposes development which has not been included in the Habitats Regulations Assessment for the local plan. It is possible to draw upon the evidence base for the Core Strategy HRA and it is recommended that the Parish Council seeks such information from the City of Bradford Metropolitan District Council.

The HRA of the Core Strategy (Proposed Modifications) identifies the potential for adverse effects with respect to new housing allocations in proximity to the South Pennine Moors SPA and SAC, particularly in relation to urban edge effects within 400m (fly-tipping, invasive species, cat predation and increased risk of fire), loss of feeding areas used by SPA birds within 2.5km, and recreational disturbance/trampling up to 7 km from the site. Mitigation has been identified and incorporated into the Core Strategy, informed by bird survey work, to ensure the Core Strategy directs development away from areas used by SPA birds, and incorporates avoidance/mitigation measures to reduce urban edge effects and recreational disturbance/trampling.

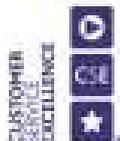
Strategic Environmental Assessment (SEA) Screening Report

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that it cannot be ruled out that there would likely to be significant environmental effects from the proposed plan.

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>). 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 it cannot be ruled out that the allocations/preferred sites contained within the plan will have significant effects on sensitive sites that Natural England has a statutory duty to protect as these have not been assessed. As we have no evidence of these effects having been assessed within a Local Plan, we consider that there should now be an assessment in order to determine the potential impact on these sensitive sites and what possibilities exist for the avoidance/mitigation of the effects.

The following sites have been identified as being potentially significantly affected by the plan policies/allocations/preferred sites:

- South Pennine Moors SSSI
- South Pennine Moors SAC
- South Pennine Moors Phase 2 SPA
- Nidderdale AONB

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 or 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/SA 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.

Table 2 states that the neighbourhood plan allocates four sites for housing. This is contradictory to the five listed in the neighbourhood plan and only two of the sites appear to be the same as those named in the neighbourhood plan. These inconsistencies should be resolved.

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

Date: 20 October 2016
Our ref: 195665



Ian Orton
Parish Clerk
Burley Parish Council
Queens Hall
Main Street
Burley
LS29 7BT
clerk@burleyparishcouncil.co.uk

Customer Services
Hornbeam House
Crawe Business Park
Electra Way
Crawe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Ian Orton

Planning consultation: Formal Public Consultation on the Burley in Wharfedale Draft Neighbourhood Development Plan (Regulation 14 Town and Country Planning, England, Neighbourhood Planning (General) Regulations 2012)

Thank you for your consultation on the above dated 08 September 2016 which was received by Natural England on the same date

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.

Strategic Environmental Assessment and Habitats Regulations Assessment Screening
Natural England broadly agree with the conclusions of the Strategic Environmental Assessment and Habitats Regulations Assessment screening report however we have the following comments to make.

We note that the neighbourhood plan is reliant on the unadopted Bradford Core Strategy and includes reference to the housing target for the area and the Key Diagram in figure 1. Should the draft Core Strategy not be adopted this would cause issues for the neighbourhood plan we advise that you consult Bradford Council on this issue and consider reviewing the plan when the draft Core Strategy is adopted or withdrawn. We are particularly concerned with regards to the avoidance and mitigation measures, in the draft Core Strategy, concerning impacts on the South Pennine Moors Special Area of Conservation and Special Protection Area.

In addition we note that para 6.6 of the Habitats Regulations Assessment screening refers to the incorrect qualifying species. This para should state that the conservation objectives for the South Pennine Moors Phase 2 Special Protection area are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive and that the qualifying features are:

- A098 *Falco columbarius*; Merlin (Breeding)
- A140 *Plover apricaria*; European golden plover (Breeding)
- Breeding bird assemblage

For more information please see the conservation objectives and citation available from our website at <http://publications.naturalengland.org.uk/publication/4885083764817920?category=5758332488908800>

However, on the basis that the plan is no longer proposing or supporting any development allocations or any quantum of growth we are satisfied in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan and agree with the conclusion of no likely significant effects.

Regulation 14 Draft Neighbourhood Plan

Natural England are disappointed to note that the plan makes no reference to natural environmental designations that may be affected by development in the plan area. As advised in our response dated 29 January 2016 (our ref 175757) we would expect the plan to make reference to the South Pennine Moors Special Area of Conservation, South Pennine Moors Phase 2 Special Area of Conservation and South Pennine Moors Site of Special Scientific Interest which overlaps the western side of the plan area. For more information and access to mapping information please see the following sources of information:

- Mapping: <http://magic.defra.gov.uk/>
- European Designated Sites (Pennine Moors Special Area of Conservation, South Pennine Moors Phase 2 Special Area of Conservation) :
<http://publications.naturalengland.org.uk/category/5758332488908800>
- Nationally Designated Sites (South Pennine Moors Site of Special Scientific Interest):
https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1007196&SiteName=south_pennine_moors&countyCode=&responsiblePerson=

Natural England also expect the plan to make reference to the Nidderdale Area of Outstanding Natural Beauty which borders the plan area to the north and east and is a nationally designated landscape. Mapping information is available from Magic while more information is available from the AONB Management Plan:

- Mapping: <http://magic.defra.gov.uk/>
- Nidderdale AONB Management Plan:
http://www.nidderdaleaonb.org.uk/ckfinder/userfiles/files/Man%20Plan-Annual%20Review/ManagementPlan2014-2019_Final.pdf

Finally Ben Rhydding Gravel Pits Local Nature Reserve (LNR)/Site of Ecological or Geological Importance (SEGI), River Wharfe, Otley & Mid Wharfedale/Wetherby SEGI and Sun Lane, Burley In Wharfedale LNR are located within the neighbourhood plan boundary. For more information we advise that you consult Bradford Council and the West Yorkshire Ecological Records Centre <http://www.ywt.org.uk/what-we-do/biodiversity/local-record-centres> .

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

Dear Neighbourhood Planning Team

Burley in Wharfedale Neighbourhood Plan

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

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.

Should you require any additional information, or wish to discuss these matters further, please contact me on the number below.

Yours faithfully

Sustainable Places - Planning Advisor

Kirkwells

The Planning People

For more information on the contents of this document contact:

Margaret Whewell

Kirkwells

Lancashire Digital Technology Centre

Bancroft Road

Burnley

Lancashire

BB10 2TP

01282 872570

margaretwhewell@kirkwells.co.uk