



Leeds Local Plan Update

Leeds Local Plan

Development Plan Document

Habitat Regulations Assessment Screening - Pre-Submission Changes

October 2023

Leeds Local Plan Update No. 1 “Your City, Your Neighbourhood, Your Planet”

Regulation 19 Pre-Submission Changes Draft – Habitat Regulation Assessment Screening (HRA)

This HRA supersedes the version dated September 2022 which supported the initial Regulation 19 Publication draft policies.

Background

1. This Habitats Regulations Assessment (HRA) Screening has been carried out to determine if the policies of the Regulation 19 Pre-Submission Changes Draft Leeds Local Plan Update give rise to any Likely Significant Effects (LSEs), on the integrity of European Sites. These include: Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and, as a matter of Government policy, Ramsar sites. Any effects are assessed both in isolation or in combination with other plans and projects, and the HRA advises on whether further assessment in the form of an appropriate assessment is required. If an appropriate assessment is required, this is because the amendments to policies could lead to LSEs to European Sites if approved and implemented through the evolving Local Plan Update.
2. The need for HRA is set out within the Conservation of Habitats & Species Regulations 2017 (as amended) and concerns the protection of European sites. European sites can be defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to European sites.
3. This report has been prepared having regard to all relevant case law relating to the Habitats Directive and the European Court of Justice case of People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17) as it directly concerns the approach to Stage 1 Likely Significant Effects (Screening) under the Habitats Regulations. The case held that *“it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site”* (paragraph 40). It is important to note that not all mitigation measures are excluded from consideration – only those *“intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage”* (PINS Note 05/2018 Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta).
4. The UK is no longer part of the European Union. However, the latest amendment to the Conservation of Habitats and Species Regulations 2017 (as amended) make it clear that HRA assessments must continue post withdrawal.
5. The Local Plan Update will amend the Council’s Natural Resources and Waste Local Plan and Core Strategy by amending, replacing and introducing new policies on the following topics:

- Carbon Reduction
- Green and Blue Infrastructure
- Flood Risk
- Sustainable Infrastructure
- Place Making

6. This HRA has been undertaken having regard to Government guidance on the use of Habitats Regulations Assessment¹.

European Designations, Conservation Objectives and Qualifying Features (relating to Leeds Metropolitan District)

7. There is only one European site in Leeds – a small part of the South Pennine Moors Phase 2 SPA and SAC (known locally as Hawksworth Moor or Rombalds/Ilkley Moor).
8. However, sites within 10km of the Leeds Metropolitan District (MD) boundary and, due to its strategic significance, the Humber Estuary have also been considered. **Appendix 1** sets out the European Designations, Conservation Objectives and Qualifying Features of potential relevance to the LPU.
9. Information for each site has been obtained from the Joint Nature Conservation Committee website and Natural England. These sites are designated at the European Level as Special Protection Areas (SPAs) and/or Special Areas of Conservation (SACs) and/or Ramsar sites. This means they have a very high level of conservation protection by virtue of their importance as key habitats of national significance.
10. Sites can be designated as both an SPA and a SAC and they are also simultaneously designated for their national importance as Sites of Special Scientific Interest (SSSIs). Within this overall context, it should be noted that the Humber Estuary is identified as a site that may be affected (the Humber Estuary is also a Ramsar site).
11. Although only a small part of the South Pennine Moors Phase 2 SPA and SAC, (known locally as Hawksworth Moor or Rombalds/Ilkley Moor) is located within the Leeds MD boundary (to the far north west of the District), the potential impact on remaining areas of this site (and others) outside the administrative area of Leeds MD must also be assessed.
12. The Humber Estuary is 26.5 km from the Leeds MD boundary and is therefore not close enough for development within Leeds, to *directly* impact on it. However, the potential *indirect* cumulative effect of development has been considered, because of the potential for effects on the River Aire and River Wharfe (that join the River Ouse and ultimately flow into the Humber Estuary).

¹ <https://www.gov.uk/guidance/appropriate-assessment>

13. The list of European sites considered by this HRA Screening are summarised as follows:

- The North Pennine Moors SPA/SAC: This is over 103,000 ha in size and exists in parts of County Durham, Northumberland, Cumbria and North Yorkshire. It is located over 3km north-west of Leeds and is outside the Leeds Metropolitan District boundary
- The South Pennine Moors Phase 2 SPA/SAC: This is part of a wider European Site (South Pennine Moors) which totals 64,000 ha covering other parts of West and South Yorkshire and the Pennine areas of Lancashire. Most of this lies outside the Leeds MD but a small part, known as Hawksworth Moor lies within the Leeds MD.
- Kirk Deighton SAC: This is approximately 4 ha in size and is located to the north of Wetherby. It lies 500 metres outside of the Leeds MD
- Denby Grange Colliery Ponds SAC: This is nearly 19 ha in size. It lies over 7km outside the Leeds MD near the A637 in Wakefield District
- Humber Estuary SPA/SAC (and Ramsar site): This is approximately 37,000 ha covering Humberside and Lincolnshire and is located 26.5km outside of Leeds MD.

14. The LPU is a selective update of the Leeds Local Plan which is amending, replacing and providing new policies in the Core Strategy for:

- Carbon Reduction
- Green and Blue Infrastructure
- Flood Risk
- Sustainable Infrastructure
- Place Making

Screening Stage considerations for Likely Significant Effects

15. Based upon Natural England Site Improvement Plans, there are several impact pathways that require consideration regarding the LPU and European sites. These are:

- Water quality (surface water runoff)
- Water quality (discharge of treated sewage effluent)
- Hydrological changes, including water abstraction
- Recreational pressure – any increase in human activity and dog walking can lead to impacts on habitats because of increased visitors to a site (i.e., trampling) or can alter behaviour (e.g., alterations in feeding behaviour, avoidance of certain areas and use of sub optimal areas etc.) and physiological changes to species (e.g., an increase in heart rate).
- Air quality – the release of pollutants from vehicle emissions with a resulting concentration of oxides of nitrogen (known as NOx) in the atmosphere, which can

cause acidification and the rate of the resulting nitrogen deposition which can act as a fertilizer

- Climate change – direct impacts of climate change of the 32 priority habitats in the UK Biodiversity Action Plan, seven were assessed to be at high risk from the direct impacts of climate change with only standing waters, floodplain and grazing marsh being applicable to Leeds – the others being either mountain or coastal habitats

16. Planning policy has the potential to affect these pathways and make effects more likely in a number of ways as follows:

Water Quality Surface Water Run Off

- Development within Leeds MD could lead to the conversion of previously undeveloped land to hardstanding and therefore increase surface water runoff, which could reach some European Sites. Surface water could become contaminated by sediment, plastic and chemicals from development sites and roads. Leeds District has two main rivers the Aire and the Wharfe. The Aire and Wharfe catchments flow through Leeds, with the Aire catchment ultimately feeding into the Humber Estuary, as well as minor water courses. Therefore, the European sites that are susceptible to surface water runoff are possibly the Humber Estuary. However this is 40km outside of the MD.

Water Quality (Discharge of Treated Sewage Effluent)

- Development within Leeds MD may lead to increased sewage production, particularly if it is residential. There is therefore a risk that an increase in the volume of treated sewage effluent from the wastewater treatment works that serve Leeds could degrade water quality (i.e. through increased phosphorus discharge) of river based European Sites when in the absence of environmental mitigation and adequate wastewater treatment work permits. Therefore, European sites that are susceptible to surface water runoff are possibly the Humber Estuary.

Hydrological Changes, including Water Abstraction

- Development within Leeds MD may lead to increased water use within the area and potentially increased water abstraction, particularly, although not exclusively, associated with increased housing. Increased water abstraction could lead to a reduction in the volume of freshwater in rivers. Abstraction is managed by the Water Resources Management Plan (WRMP) Yorkshire Water Services Ltd April 2020.
- The rivers have Abstraction Licensing Strategies managed by the Environment Agency. The WRMP carried out an HRA screening assessment and concluded that no adverse effect on integrity of any European Sites would occur from delivery of the WRMP. Since the purpose of the WRMP is to set out how the water company intends to meet public water supply requirements up to 2045 it covers the period of the Leeds LPU. As such a conclusion of no LSE of the Local Plan through this pathway can be drawn.

Recreational Pressure

- Increased residential development within Leeds MD may increase the number of visitors to European Sites. In general recreational pressure is likely to arise from habitat destruction via abrasion and vegetation trampling or where features (i.e. breeding and wintering birds) are easily disturbed by human presence.
- The Council's Site Allocations Plan identified the prospect for LSE in relation to the South Pennine Moors (Phase 2) SPA and SAC arising from recreational pressures. These were impacts on qualifying bird species and breeding bird assemblage through recreational impacts i.e. increased disturbance to qualifying bird species and bird assemblage from increased visitor numbers to the SPA resulting from any allocations within 7km of the SPA boundary. Also identified were recreational impacts through increased disturbance to qualifying habitats from increased visitor numbers to the SAC resulting from any allocations within 7km of the SAC boundary. These LSEs were considered further by way of an Appropriate Assessment (AA). The AA concluded that measures that improved alternative recreational destinations would mitigate effects.

Air Quality

- Development within the Leeds MD is likely to increase the number of vehicles operating within the MD. As a result, increased air pollution is expected from vehicle emissions relative to a situation without growth. Pollutants released from vehicles may be carried directly by wind currents and deposited to European Sites or pollutants may become soluble and taken up during evaporation and deposited to European Sites at precipitation. This generally occurs within 200m of significant roads, so the potential for development to contribute to traffic to roads within 200m of European Sites alone and in combination with neighbouring authorities is of relevance.

Climate Change

- Climate change includes both global warming driven by human emissions of greenhouse gases and the resulting large-scale shifts in weather patterns. The changing climate is beginning to have an impact on ecosystems and this impact is expected to increase and accelerate in the future, threatening the conservation of biodiversity. Changes can be summarised as follows: Changes in phenology (biological lifecycles), which may lead to loss of synchrony between species; Changes in species distribution, including the arrival of non-native species and potentially loss of species for which suitable climate conditions disappear; Changes in community composition; Changes in ecosystem function; and Loss of physical space due to sea level rise and increased storminess.
- Indirect impacts of climate change on European Sites can include: water resource issues and catchment management with increased water abstraction and flood control; woodlands with increased planting for carbon sequestration or production of biomass for renewable energy generation. These drivers could promote more intensive management systems or tree planting on semi-natural habitats.

17. In **Table 1** below each amended LPU policy is analysed for its effect on European sites. Green shading in the final column indicates that the policy has been deemed not to lead to an LSE on any European Sites due to the absence of any mechanism for an adverse effect. Orange shading indicates that a pathway of impact potentially exists, and further investigation will be required as the Local Plan Update process evolves.

18. In carrying out this screening assessment it is noted that of the 35 policies to be screened:

- a. No policies are promoting specific sites for development
- b. Only one policy designates areas that may lead to additional development – Policy EN3 which establishes areas of opportunity for renewable energy. This is a strategic policy, and the designations are broad; with much detail to assess at individual planning application stage. However, it is possible to ascertain where any potential effects may occur, or which European sites, if any, may be affected. Therefore, the broad locations have been screened to establish if through implementation and planning decision taking LSEs could arise.
- c. All other policies:
 - i. will not directly lead to development or other land use change, because they set qualitative or design criteria, which guide development and/or
 - ii. are general, so that at this stage of plan making it is not known where, when or how they may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.

19. Note that the objectives of the Local Plan Update have resulted in new, amended, deleted and replacement policies from the Adopted Core Strategy (2014, selective review 2019) and the Natural Resources and Waste Local Plan (2013). Where existing adopted policies are amended the LSE test documented does not revisit the assessment of the entire policy as that was undertaken for the adopted DPD and a conclusion of no adverse effects on integrity was drawn.

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|---|---|--|
| New Strategic Policy SP0 Climate Change Mitigation and Adaptation | Policy is a statement of ambition that will drive the aspiration to achieve a reduction of carbon emissions to net zero by 2030, whilst tackling the biodiversity emergency and promoting health and well-being. It will aim to reduce climate change and increase adaptability. | This policy does not have pathways that will have any negative implications on European sites as it is a strategic policy focussing on measures to mitigate and adapt to climate change. | No Likely Significant Effect. Screened out. |
| Replacement Policy EN1 Carbon Dioxide Reduction | A non-strategic policy that aims to deliver energy efficient buildings, significantly reduce carbon in new development and encourages whole life cycle calculations of carbon. | This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development. | No Likely Significant Effect. Screened out. |
| Replacement Policy EN2 Sustainable Design and Construction | A non-strategic policy that requires new development to meet a high-quality sustainable construction standard. | This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development. | No Likely Significant Effect. Screened out. |
| Replacement Policy EN3 Renewable Energy Generation | A strategic policy that seeks to identify and support opportunities for renewable sources of energy generation and energy storage within the district in the context of national planning policy. The policy identifies opportunity areas for renewable energy on a map but requires that all applications within this area are assessed so that they limit | In identifying a renewable energy opportunity areas the Renewable Energy Study (AECOM) considered a range of impacts on the environment and specifically bird migratory patterns as a constraint. The Kirk Deighton SAC lies 500m outside of Leeds MD boundary to the north of | No Likely Significant Effect. Screened out. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|--|---|-------------------|
| | <p>impacts on ecology and landscape. The areas are general, so that at this stage of plan making it is not known where, when or how development within them may be implemented or where the potential effects may occur, or which European sites, if any, may be affected.</p> | <p>Wetherby. It is 1.2km from the general extent of its nearest opportunity area for wind turbines and 1.2km from the general extent of an opportunity area for solar power. The SAC's qualifying feature is <i>Triturus cristatus</i> (Great crested newt) and the broad location for wind farms and solar farms does not create pathways that affect the objectives of the SAC and seeking a favourable conservation status for the protected species.</p> <p>Part of the South Pennine Moors SPA lies within the Leeds District and contains bird species which may be affected by any loss of land providing feeding sites for qualifying bird species and bird assemblage within 2.5km of SPA boundary. The SPA is 12km from the general extent of its nearest opportunity area for wind turbines and, following further work to investigate functionally linked land for important bird species, 7.5km from the general extent of an opportunity area for solar power. It is considered that the policy, as amended, will</p> | |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|---|--|---|
| Amended Policy EN4 District Heating | A non-strategic policy that prioritises low carbon heat solutions for new developments that lie outside of district heating network zones. The non-strategic policy is general and at this stage of plan making it is not known where, when or how this aspect of the Plan may be implemented or where the potential effects may occur, or which European sites, if any, may be affected. | <p>have no impact on functionally linked land or proposed pathways.</p> <p>This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development.</p> | <p>No Likely Significant Effect.</p> <p>Screened out.</p> |
| Replacement Natural Resources and Waste Policy Water 1 Water Efficiency | Amendment of an adopted non-strategic policy within the Natural Resources and Waste Plan to include all development, and minor factual updates and incorporation of water efficiency measures within Core Strategy EN2. | This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development ensuring that new developments use water efficiently. | <p>No Likely Significant Effect.</p> <p>Screened out.</p> |
| Replacement Natural Resources and Waste Policy Water 2 | Minor amendments to an adopted non-strategic policy within the Natural Resources and Waste Plan This policy helps to control the quality of surface water run-off from development. | This policy does not have pathways that will have any negative implications on European sites as it relates to the detailed construction and design of new development and the improvement in the management of surface water run off. | <p>No Likely Significant Effect.</p> <p>Screened out.</p> |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|--|---|--|
| Replacement Natural Resources and Waste Policy Water 3 Functional Floodplain | A non-strategic policy providing an approach to protecting the functional floodplain. | This policy does not have pathways that will have any negative implications on European sites as it protects the functional flood plain from development and is associated with the design of new developments. | No Likely Significant Effect. Screened out. |
| Replacement Natural Resources and Waste Policy Water 4 Land at Increased Risk of Flooding | A non strategic policy with a requirement to take account of future flood zone scenarios as mapped through the updated SFRA, incorporating data on climate change scenarios. | This policy does not have pathways that will have any negative implications on European sites as it concerns the requirement for new development to consider effect of flood risk | No Likely Significant Effect. Screened out. |
| Replacement Natural Resources and Waste Policy Water 6 Flood Risk Assessments | A non strategic policy which requires that the latest Government climate change allowances are considered in Flood Risk Assessments that accompany new development | This policy does not have pathways that will have any negative implications on European sites as it concerns flood risk assessments for new development which consider climate change allowances. | No Likely Significant Effect. Screened out. |
| New Policy Water 6A: Safe Access and Egress | A non-strategic policy ensuring that safe routes are available for occupiers of development in time of flood | This policy does not have pathways that will have any negative implications on European sites and is associated with the design of new developments | No Likely Significant Effect. Screened out. |
| Replacement Natural Resources and Waste Policy Water 5 | A non-strategic policy requiring an assessment of residual risk for development in defended land | This policy does not have pathways that will have any negative implications on European | No Likely Significant Effect. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|---|--|---|--|
| Residual Risk | | sites and is associated with the design of new developments | Screened out. |
| Replacement Natural Resources and Waste Policy Water 7 Sustainable Drainage | A non-strategic policy associated with the design of new developments and managing surface water discharge via a hierarchy of storage, infiltration and attenuation before any discharge into water courses. It also requires Sustainable Drainage that benefits biodiversity. | This policy does not have pathways that will have any negative implications on European sites and is associated with the design of new developments. The policy, through reducing surface water discharge into water courses and encouraging SuDs for biodiversity is likely to have positive impacts on wider ecology. | No Likely Significant Effect. Screened out. |
| New Policy WATER 8 Porous Paving and Loss of Front Gardens | A non-strategic policy associated with ensuring that hard standing is constructed from porous materials, limiting the loss of permeable landscaping around new development and limiting the loss of front gardens where planning permission is required. | This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |
| Replacement Spatial Policy 13 Protecting, Maintaining, Enhancing and Extending Green and Blue Infrastructure | A policy that sets an ambition for the protection, maintenance, enhancement, and expansion of green and blue infrastructure (including green space networks). | This policy does not have pathways that will have any negative implications on European sites. The policy is important in addressing Climate Change and identifies the importance of biodiversity, it also has the potential to create more recreational opportunities within the Leeds MD which in | No Likely Significant Effect. Screened out. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|--|---|--|
| Replacement Policy G1 Protecting, Enhancing and Extending Green and Blue Infrastructure | A strategic policy that requires all new development to carry out a Green and blue Infrastructure assessment | turn can lessen potential recreational impacts on European Sites. This policy does not have pathways that will have any negative implications on European sites, but the policy is important in addressing Climate Change and identifies the importance of biodiversity, it also has the potential to create more recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites. A map of GBI is included within the Plan which identifies the specific assets to be protected and enhanced | No Likely Significant Effect. Screened out. |
| Amended Policy G4A Green Space Improvement and New Green Space Provision | Amendment to adopted non-strategic policy clarifies the approach to spending greenspace committed sums. | This policy does not have pathways that will have any negative implications on European sites, but has the potential to create more recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites. | No Likely Significant Effect. Screened out. |
| New Policy G4B Quality of New Green and Blue Space | A non-strategic policy associated with the design of new developments and quality of green space delivered | This policy does not have pathways that will have any negative implications on European sites but has the potential to create more recreational opportunities within the Leeds | No Likely Significant Effect. Screened out. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|--|--|--|
| | | MD which in turn can lessen potential recreational impacts on European Sites. | |
| New Policy G4C Maintenance of Green Space | A non-strategic policy associated with the design of new developments and maintenance of green space. | This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |
| Replacement Policy G6 Protection of Existing Green Space | A non-strategic policy associated with the protection of green space. | This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |
| New Policy F1 Food Resilience | A non-strategic policy that supports food resilience and food growing opportunities. | This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |
| Amended Policy G8a Protection of Important Species and Habitats | This non-strategic policy specifically looks at protecting the natural environment and includes references to the implications of climate change upon the natural environment. | This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |
| New Policy G8b Leeds Habitat Network | This non-strategic policy specifically looks at protecting the natural environment. | This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse | No Likely Significant Effect. Screened out. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|---|--|--|
| Replacement Policy G9 Biodiversity Net Gain | This non-strategic policy specifically requires protection of the natural environment and applying measures within the Environment Act (2021). | impacts and potentially some beneficial effects on European sites. | No Likely Significant Effect. Screened out. |
| New Policy G10: Biodiversity Improvements for Species | This non-strategic policy specifically looks at requiring bird and bat nesting features into new developments | This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites. | No Likely Significant Effect. Screened Out |
| New Policy G2a Protection Of Trees, Woodland and Hedgerows | A non-strategic policy which seeks to retain all woodlands, trees and hedgerows or ensure that their loss has been considered through development appraisal. Recognises the role of trees in capturing carbon as well as amenity and habitat. | This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites. | No Likely Significant Effect. Screened out. |
| New Policy G2b | A non-strategic policy which seeks to protect ancient woodland, long established woodland, ancient trees and veteran trees and avoid loss of irreplaceable habitats. | This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial | No Likely Significant Effect. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|---|---|--|--|
| Ancient Woodland, Ancient Trees and Veteran Trees | Recognises the role of trees in capturing carbon as well as amenity and habitat. | effects on ecology in general near to European sites. | Screened out. |
| New Policy G2C: Long Established Woodland | A non-strategic policy which seeks to protect long established woodland. Recognises the role of trees in capturing carbon as well as amenity and habitat. | This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites. | No Likely Significant Effect. Screened out. |
| New Policy G2D Tree Replacement | A non-strategic policy setting in place a means of calculating tree replacement if necessary, based on carbon sequestration. Recognises the role of trees in capturing carbon as well as amenity and habitat. | This policy does not have pathways that will have any negative implications on European sites. It is considered to have no adverse impacts and potentially some beneficial effects on ecology in general near to European sites. | No Likely Significant Effect. Screened out. |
| New Policy SP1B Achieving Well-Designed Places | A non-strategic policy associated with the design and layout of new developments and quality of place achieved through appraisal of environmental, economic, and social matters | This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth which limits air pollution, reduces carbon and improves the management of the environment and water. | No Likely Significant Effect. Screened out. |
| Replacement Policy P10 | This non-strategic policy is associated with the design of new developments from a development principles and high quality | This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth | No Likely Significant Effect. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|---|--|---|--|
| Development Principles for High-Quality Design & Healthy Place Making | design perspective for the purposes of climate change mitigation, adaptation and health and well-being as well as environmental harmony. | which limits air pollution, reduces carbon and improves the management of the environment and water. | Screened out. |
| New SP1A Policy Achieving Complete, Compact and Connected Places | This strategic policy relates to supporting the long-term sustainability of communities through encouraging growth in locations that are highly accessible to services including public transport and greenspace. It recognises the role of greenspace in serving a key function as well as reducing car use and promoting active travel. The policy fits with the current spatial strategy as set out in the Adopted Core Strategy (2014, selectively reviewed 2019). | This policy does not have pathways that will have any negative implications on European sites but has the potential to deliver growth closer to existing recreational opportunities within the Leeds MD which in turn can lessen potential recreational impacts on European Sites. It will also encourage reduced car usage which will reduce pollutants in the air and help to mitigate climate change. It identifies the locations in Leeds which fit most closely with the principles of complete, compact, connected places, but does not assign growth requirements to them. This will be done through a further Local Plan Update and at that stage any potential effects on European Sites will need to be considered. | No Likely Significant Effect. Screened out. |
| New Policy EN9 New Drive-Thru Developments | A non-strategic policy which seeks to reduce car dependent development outside of town centres to reduce air pollution and encourage active travel. | This policy does not have pathways that will have any negative implications on European sites. It will also encourage reduced car | No Likely Significant Effect. Screened out. |

| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|--|---|---|--|
| New Policy P10A The Health Impacts of Development | A non-strategic policy which seeks to reduce the causes of ill health and health inequalities by ensuring healthier environments, lifestyles and impacts that development can deliver including access to services. The policy is concerned with the design and assessment of new developments. | usage which will reduce pollutants in the air and help to mitigate climate change. This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |
| New Policy SP11A Mass Transit and Rail Infrastructure | A strategic policy setting ambition and support for a Yorkshire mass transit system which will deliver improved connectivity by public transport. The policy is supportive of mass transit in principle and sets conditions to ensure that environmental impacts are minimised, but does not identify a preferred route. The policy is so general that at this stage of plan making it is not known where, when or how this aspect of the Plan may be implemented or where the potential effects may occur, or which European sites, if any, may be affected. | This policy does not have pathways that will have any negative implications on European sites and has the potential to reduce air pollution by providing alternatives to the private car. Route alignment will be considered through further Local Plan Updates and at that stage any potential effects on European Sites will need to be considered. | No Likely Significant Effect. Screened out. |

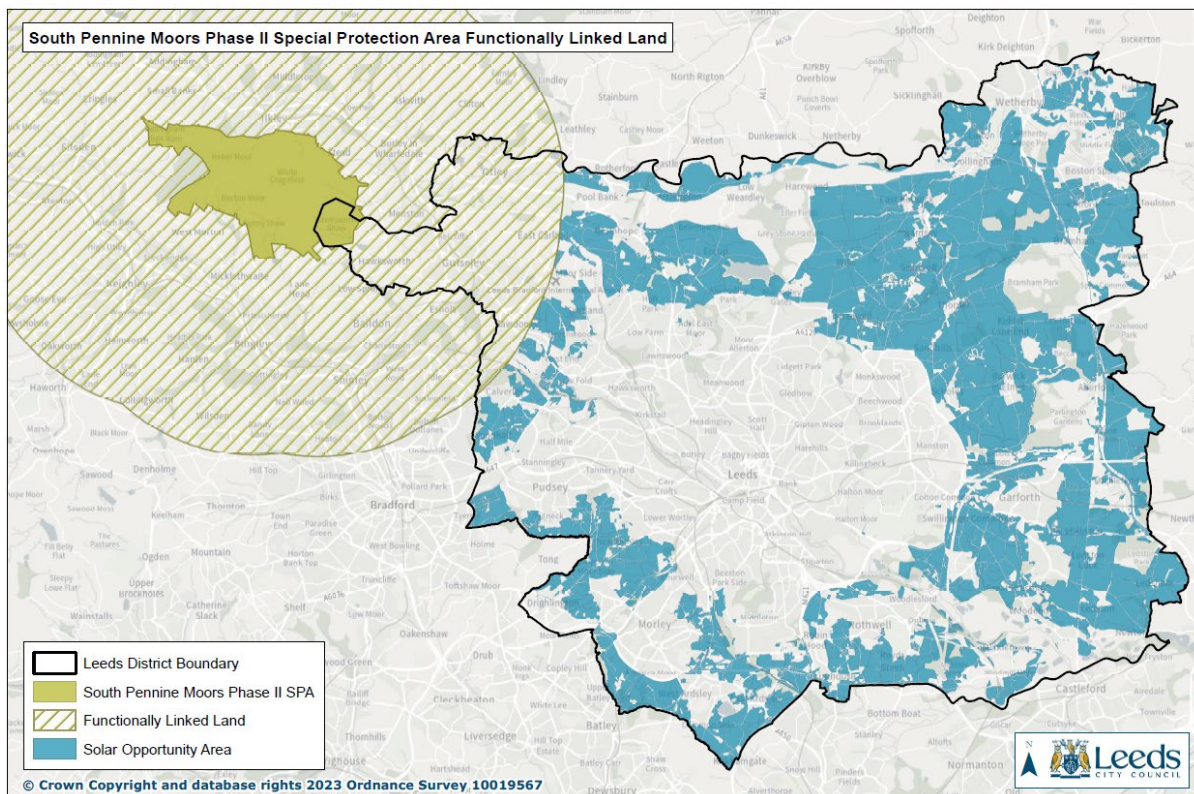
| Publication Draft Pre-Submission Proposed Policy | Description of Policy | Proposed Pathways | Screening Outcome |
|---|--|--|--|
| New Policy SP11B Leeds Station | A non-strategic policy which supports growth of the station and sets criteria for it to be developed in a manner which is well designed and fits within its surroundings and historic environment. | This policy does not have pathways that will have any negative implications on European sites. | No Likely Significant Effect. Screened out. |

20. Within this context it is noted that the newly drafted pre-Submission Changes Policy EN3 Renewable Energy generation is a policy with potential pathways to the South Pennine Moors SPA. These pathways are considered and it is concluded that because of the way the policy is amended it will have no impact on functionally linked land or proposed pathways and therefore gives rise to no LSEs. The reasoning for this is given below.
21. In identifying renewable energy opportunity areas, it is noted for the purposes of clarifying this HRA that the policy considered a range of impacts on the environment and specifically bird migratory patterns as a constraint. The South Pennine Moors includes a small area that falls within the Leeds district. The moorland includes typical upland mires, heaths and oak woodlands. The designated area supports an internationally important breeding bird assemblage typical of moorland upland habitats. The following are qualifying features of the SPA:
- breeding merlin,
 - breeding golden plover,
 - breeding bird assemblage including: common sandpiper (*Actitis hypoleucos*), short eared owl (*Asio flammeus*), dunlin (*Calidris alpina*), twite (*Carduelis flavirostris*), snipe (*Gallinago gallinago*), curlew (*Numenius arquata*), wheatear (*Oenanthe oenanthe*), golden plover (*Pluvialis apricaria*), whinchat (*Saxicola rubetra*), redshank (*Tringa tetanus*), ring ouzel (*Turdus torquatus*) and lapwing (*Vanellus vanellus*).
22. The work of AECOM on the Renewable Energy Study considered the impacts of wind turbines on migratory patterns of birds. To that end, the Policy sets a buffer of 12km from wind turbine opportunities to the South Pennine Moors SPA as shown in **Appendix 2**.
23. In addition to migratory patterns the policy development has considered potential impacts from the loss of, or disturbance to, functionally linked land. Functionally linked land (FLL) is areas of land occurring outside a designated site which are critical to, or necessary for the continuing survival, reproduction and viability of a mobile species which may need to travel from a protected site to such areas in order (for example) to forage, feed or roost. These habitats are frequently used by SPA species and support the functionality and integrity of the designated sites for these features.
24. It is noted that in determining what FLL to take account of, the policy relies on evidence from:
- a. details of the qualifying species of the SPA in a “Supplementary Conservation Advice for the South Pennine Moors Phase II SPA” provided by Natural England, which suggests a 4km foraging distance from the SPA
 - b. evidence from Bradford District Council on how far the SPA birds roam from the moorland breeding sites in the “*South Pennine Moors SPA/SAC*”

Supplementary Planning Document 2022” - showing that it is golden plover that are the most relevant species and most likely to be using fields well away from the moorland edge.

- c. practice within Bradford District Council who have adopted a zonal policy in their Core Strategy which recognises 2.5kms as the foraging distance for golden plover and applies a 7km buffer distance for seeking financial contributions from residential development. The distances are based on the Pennine Fringe Habitat Survey 2014.
- d. evidence in a 2018 Natural England document ‘Habitat Suitability Modelling for foraging European Golden Plover (*Pluvialis apricaria*) that breed on the South Pennine Moors Special Protection Area (Dr Anna Berthinussen, 2018)’, which uses existing golden plover records to develop a Habitat Suitability Model for summer daytime foraging golden plover across an area extending to 7.5 km around the SPA boundary.

25. In conclusion it is noted that Policy EN3 sets a precautionary 7.5km buffer from the South Pennines Moors Phase II SPA to the nearest extent of ground solar opportunities.



26. To that end, the policy ensures that the areas identified as an opportunity for wind and solar energy generation both exclude 7.5kms of functionally linked land and it is highly unlikely for planning applications to gain consent for renewable energy generation within the functionally linked land. **In conclusion, this means there are no likely significant effects to the birds associated with the SPA arising from**

Policy EN3, from collision with wind turbines or ancillary infrastructure and no risk from disturbance and displacement including when nesting or foraging in functionally linked land.

27. The boundary of the North Pennine Moors Special Protection Area is well beyond the 7.5kms distance from Leeds and it can therefore be concluded that there will be no likely significant effects to that SPA either.
28. With regard to the Kirk Deighton SAC (which occurs 500 metres north of the Leeds MD and is situated with the administrative area of Harrogate Borough Council), the proposed opportunity areas extend to within 1.2 km of the site as shown in Plan 1B.
29. The identification of LSEs for consideration has been informed by the Core Strategy HRA Screening Determination (previously approved by Natural England and subsequently found to be sound by the Core Strategy Inspector), the Natural Resource and Waste HRA Screening and the Site Allocations Plan HRA Screening and Appropriate Assessment. Regard has also been had to the Kirk Deighton SAC Site Improvement Plan.

Conclusion

30. This Screening Stage HRA has identified that the Publication Draft Pre Submission Changes Local Plan Update policies do not give rise to LSEs and to that end there is no need for the HRA to proceed to consider LSEs as part of an Appropriate Assessment Stage.
31. The HRA will be subject to consultation with Natural England and any comments will be considered prior to submission of the Plan to the Secretary of State.

APPENDIX 1: EUROPEAN DESIGNATIONS, CONSERVATION OBJECTIVES & QUALIFYING FEATURES WHICH RELATE TO SITES

| European Site | European Conservation Objectives for SAC | Location Relative to Leeds | Qualifying Features |
|--|---|--|--|
| SPECIAL AREAS OF CONSERVATION (SAC) | | | |
| KIRK DEIGHTON | <p>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;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site. | <p>Approx. 500 m north of Leeds District Boundary located within Harrogate Borough Council administrative area</p> | <p><i>Traitorous cristatus</i>; Great crested newt</p> |

| European Site | European Conservation Objectives for SAC | Location Relative to Leeds | Qualifying Features |
|---------------------------------------|--|--|--|
| European Site | National (SSSI) and European Conservation Objectives for Each SAC/SPA | Location Relative to Leeds | Qualifying Features |
| SPECIAL PROTECTION AREAS (SPA) | | | |
| *also a Ramsar Site | | | |
| SOUTH PENNINE MOORS PHASE 2 | <p>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, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site. | Partly within the Leeds MD Boundary, north eastern corner at Ilkley Moor | <p><i>Falco columbarius</i>; Merlin (Breeding) <i>Pluvialis apricaria</i>; European golden plover (Breeding) Breeding bird assemblage – Golden Plover; Lapwing; Dunlin; Snipe; Curlew; Redshank; Common Sandpiper; Short-eared Owl; Whinchat; Wheatear; Ring Ouzel; Twite.</p> |

APPENDIX 2: REGULATION 19 PRE-SUBMISSION CHANGES DRAFT

Amend POLICY EN3 to read:

EN3: RENEWABLE ENERGY

~~The Council has identified the potential to generate a total of 2,290 MW of renewable energy through solar and wind power across the district:~~

- ~~a. 90 MW of wind~~
- ~~b. 2,200 MW of solar~~

~~This policy identifies a~~ Areas potentially suitable for **wind and solar** renewable energy, and these are identified on the **Wind and Solar Energy Opportunities Maps policies map**. Within these areas, renewable energy and its associated infrastructure will be supported subject to the **following policy criteria: relevant policy criteria and all other relevant national and local policy being met.**

WIND

Applications for wind energy development involving one or more turbines will not be considered acceptable unless within an area identified as suitable for wind energy development ~~as identified by this policy and shown~~ on the wind opportunities map **or as part of a locally led community renewable scheme. Applications in those areas must satisfy the following requirements: Applications should demonstrate that:**

1. Any impacts of the proposal on the local community (**including affected communities in adjacent districts**) have , through early consultation, been identified and mitigated;
2. The proposal, both individually and cumulatively with other renewable energy developments, does not cause significant harm to the quality and enjoyment of the existing landscape;
3. The proposal would not result in unacceptable harm on amenity, taking into account noise, shadow flicker, vibration, topple distance, air traffic safety and radar;
4. The proposal has no unacceptable impact on high voltage overhead pylons;
5. The proposal has no impact on the migration routes of important bird species;
6. Provision has been made for the satisfactory decommissioning of the turbines and associated infrastructure once the operations have ceased and the site can be restored to a quality of at least its original condition and
7. Very Special Circumstances **will need to be demonstrated for Green Belt release** if **applications they** are in areas of the District covered by Green Belt
8. **Any potential impacts on nationally and internationally designated sites have been assessed and mitigation provided where appropriate.**

Applications that are seeking to repower or extend the life of existing turbines, including those that fall outside of an opportunity area, will be supported where any potential impacts can be made acceptable.

SOLAR

Applications for ground mounted solar energy and any associated infrastructure ~~will not be considered acceptable unless~~ within an area identified as suitable for solar energy development ~~as identified by this policy and shown on the solar opportunities map~~ **will be supported subject to meeting the following requirements: Applications will need to demonstrate that potential impacts on nationally and internationally designated sites have been assessed and mitigation provided where appropriate. Applications should consider the impact on the following criteria:**

- ~~Landscape~~
- ~~Agricultural Land~~
- ~~Visual Amenity~~
- ~~Noise~~
- ~~Safety and security~~
- ~~Ecology~~
- ~~Conservation and built environment and~~
- ~~the energy generating potential~~
- If the proposal involves greenfield land, then it should allow for continued agricultural use and encourage biodiversity improvements around arrays
- The proposal should ensure that there is no negative impact caused by glint and glare on the landscape, neighbouring uses and aircraft safety.
- Ensure that there are no negative impacts if solar arrays follow the daily movement of the sun
- Well designed security measures such as lights and fencing
- If within the setting of heritage assets, great care should be taken to ensure that they are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- Applications will need to demonstrate that potential impacts on nationally and internationally designated sites have been assessed and mitigation provided where appropriate

Proposals that fall partially within the opportunity area and meet the above criteria, may also be supported if it can be demonstrated that no harm is caused by the development.

Applications for roof mounted solar panels will be supported across the district, where it can be demonstrated that no harm is caused by the installation.

OTHER AND MICRO GENERATION

Applications for other renewable energy development ~~including hydro electric, anaerobic digestion/energy from waste and its associated infrastructure~~ including small scale wind and solar will have to demonstrate that its impacts on the following are (or can be made) acceptable:

- Landscape
- Visual and audio/acoustic amenity
- Safety
- Ecology; and
- Conservation and built environment

ENERGY STORAGE

~~Leeds has identified the potential need for 2,500MWh of energy storage in Leeds.~~ Energy storage developments will be supported in principle where:

- it is related to an existing or proposed renewable energy development,
- or:
- It can demonstrate how the development alleviates grid constraints.

Applications must meet the following criteria:

- a) ~~Any proposed development which will contain large quantities of batteries should include adequate mitigation measures such that~~ Provide adequate mitigation for explosion and fire risks ~~are acceptable;~~

~~b) Proposed development should have a noise impact assessment carried out and;~~

~~c) Proposed battery parks should:~~

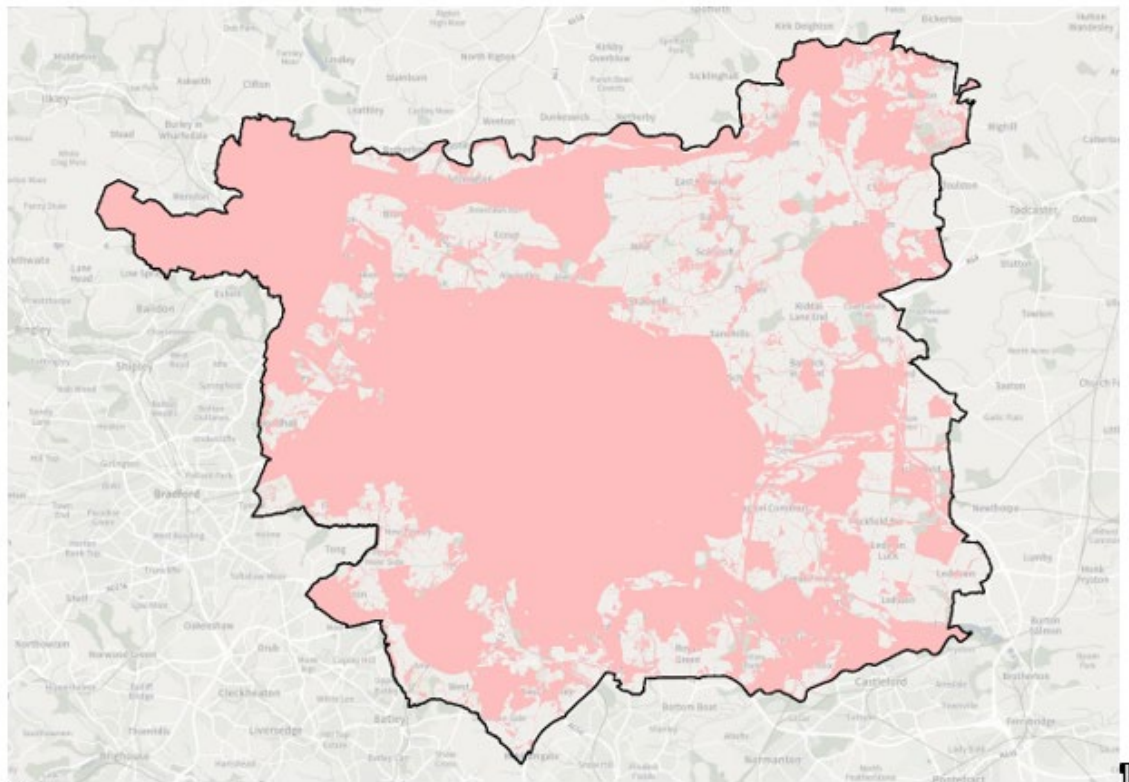
~~a. b) Seek to Mitigate any adverse seek to mitigate their~~ visual impacts with the use of hard and soft landscaping and use of appropriate external materials;

~~b. c) be supported by a~~ noise assessment will be required and. If there are relevant noise receptors the development should incorporate suitable noise attenuation measures such that noise impacts to nearby sensitive receptors are suitably mitigated.

~~a. d) Should~~ not be located in flood zone 3 unless the Sequential and Exceptions tests can be passed and should be designed and constructed to remain operational and safe in times of flood and ~~do~~ will not increase the risk of flooding or other associated risks to other developments, infrastructure, natural habitats or farmland.

b. e) Demonstrate that potential impacts on nationally and internationally designated sites have been assessed and mitigation provided where appropriate.

Amend Figure 1 as follows



Key

Leeds District Boundary

Area Not Suitable for Ground Mounted Solar Farms

Opportunity Area for Ground Mounted Solar Farms

Figure 1: Plan 1a: Solar Opportunity Areas

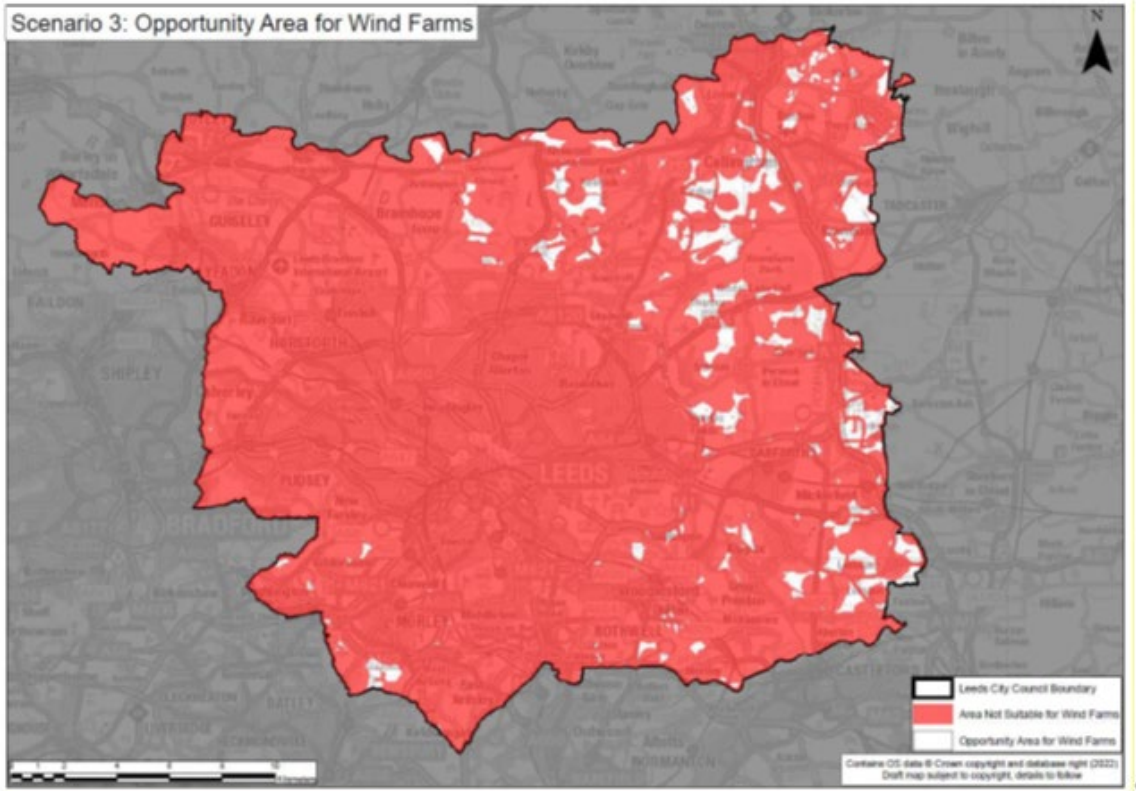


Figure 2: Plan 1b: Wind Opportunity Areas