

# **East Riding Local Plan**

## **Lower Derwent Valley Supplementary Planning Document**

### **Strategic Environmental Assessment Screening Report**

**January 2018**



**EAST RIDING**

OF YORKSHIRE COUNCIL

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## **I Purpose of the Strategic Environmental Assessment Screening Report**

- 1.1 This screening report is designed to determine whether or not the contents of the Lower Derwent Valley Supplementary Planning Document (the SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

## **2 Legislative Background**

- 2.1 The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development. It is a requirement of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, also known as the SEA Directive. The Directive was transposed in UK law by The Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.
- 2.2 Article 3(2) of the directive states that SEA is required for plans and programmes:
- a) which are prepared for agriculture,... town and country planning or land use and which set the framework for future development consent for projects listed in Annexes I and II to the Environmental Impact Assessment (EIA) Directive (85/337/EEC); or
  - b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC).
- 2.3 However, Article 3(3) and 3(4) make clear that SEA is only required for some plans and programmes when they have significant environmental effects. This includes plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”. Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans or programmes.
- 2.4 The Planning and Compulsory Purchase Act 2004 requires Local Authorities to produce Sustainability Appraisals (SA) for all Local Plans. It is considered best practice to incorporate the requirements of the SEA Directive into the SA, which is set out in the national Planning Practice Guidance. The 2008 Planning Act<sup>1</sup> removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, although consideration of whether the proposed plan or programme requires SEA is still

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<sup>1</sup> Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act

required. This report screens for SEA, to determine whether a full Assessment is needed.

### **3 Overview of the Lower Derwent Valley SPD**

- 3.1 The Lower Derwent Valley SPD (the SPD) will provide clear and consistent guidance on how Policy ENV2 (Promoting a high quality landscape) and Policy ENV4 (Conserving and enhancing biodiversity and geodiversity) of the Local Plan Strategy Document are to be implemented.
- 3.2 The Lower Derwent Valley is an area of environmental significance, representing the section of the River Derwent corridor between Kexby to the north and Wressle to the south. It is an internationally, nationally and locally important area for wildlife and is protected by the planning system through numerous statutory designations.
- 3.3 Significant areas of the Lower Derwent Valley have been designated as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPA) Ramsar sites and National Nature Reserve (NNR). These designations recognise the significance of the wildlife, plant and animal species present in the area. At a local level, the East Riding Local Plan Strategy Document identifies the Lower Derwent Valley, including the River Derwent Corridor and Pocklington Canal, as an Important Landscape Area.
- 3.4 The SPD comprises two parts. The first considers the environmental importance of the Lower Derwent Valley and the protection afforded to it through the planning system. The second provides guidance for the Local Planning Authority (LPA) and applicants and is directly relevant for development proposals. The key objectives of the document are:
  1. Provide an agreed cross-boundary approach to the conservation of the Lower Derwent Valley (although the SPD is only being adopted by East Riding of Yorkshire Council).
  2. Set out the protection afforded to the Lower Derwent Valley through the planning system.
  3. Identify the proposals that could have an impact on the Lower Derwent Valley.
  4. Identify the enhancements which could be delivered through the planning system to ensure new development protects and enhances the Lower Derwent Valley.
- 3.5 Once adopted, the SPD will become an important consideration in determining relevant planning applications.

## **4 Screening Procedure**

- 4.1 The purpose of the SPD is to provide advice on how the Council's Local Plan policies on biodiversity and landscape will be satisfied in relation to the Lower Derwent Valley. The East Riding Local Plan Strategy Document is an 'overarching' strategic policy document for the East Riding and covers a wide range of issues and spatial matters. SEA has been undertaken for the Strategy Document as part of the Sustainability Appraisal. This screening report establishes whether there are any additional significant environmental effects arising from the SPD that have not been considered in the Strategy Document Sustainability Appraisal Report (Submission Version, April 2014). A full SEA is only required if significant environmental effects are identified. Any relevant amendments to the Strategy Document SA should be reflected in the final version of this document.
- 4.2 Schedule I of the Directive sets out the assessment criteria for considering significant environmental effects. The SPD has been assessed against these criteria. The detailed assessment is set out in Appendix I.

## **5 Conclusion and Screening Outcome**

- 5.1 As a result of the above assessment it is unlikely that there will be any significant environmental effects arising from the Lower Derwent Valley SPD that were not covered in the Appraisal of the East Riding Local Plan Strategy Document. Therefore, the SPD will not trigger the need for an SA/SEA.

## Appendix I: Assessment of Likely Significance of Effects on the Environment

<b>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</b>	<b>Potential effects of the SPD</b>	<b>Is there a likely significant effect?</b>
I. The characteristics of plans and programmes, having regard, in particular, to—		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD will provide guidance on how to apply Local Plan policies. It does not set new policy. The policy framework is set in the Local Plan, which has been subject to SEA.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD sits in a hierarchy of documents. It sits under the Local Plan, providing detail on how to apply policies ENV2 and ENV4. These policies may impact on other plans and programmes. However, the SPD only follows the policies, which have already been subject to SEA. The SPD could have minor impacts on the detail of how biodiversity and landscape priorities are implemented though wider Council plans and programmes, such as the Biodiversity Action Plan. The SPD will not form not part of the Development Plan.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	Sustainable development has underpinned the production of the Local Plan. The SPD will help promote the aim for sustainable development by providing clear and consistent guidance in relation to development proposals in the Lower Derwent Valley. This should have some positive impacts.	No
(d) environmental problems relevant to the plan or programme; and	The SPD should not introduce new or add to any existing problems. The document aims to ensure relevant development proposals implement appropriate enhancements measures through the planning application process. This should have positive impact.	No
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD sets out guidance for applicants and the LPA in relation to the Lower Derwent Valley. The principle of development is considered through the Local Plan, which has been subject to SEA.	No

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
<b>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</b>	<b>Potential effects of the SPD</b>	<b>Is there a likely significant effect?</b>
(a) the probability, duration, frequency and reversibility of the effects;	No adverse effects on environmental interests resulting from the implementation of the SPD have been identified. The guidance will be used to aid the determination of planning applications and will thereby help ensure that the duration and frequency of adverse environmental effects are minimised or mitigated. The SPD will support the delivery of development that is in conformity with Local Plan, thereby reinforcing the sustainability outcomes of the Plan. This should provide minor positive effects.	No
(b) the cumulative nature of the effects;	The cumulative impact of the effects of the SPD should be positive with regard to the principles of sustainable development. The SPD will aid the focus on the sustainability appraisal objectives of the Local Plan Strategy Document.	No
(c) the trans-boundary nature of the effects;	The SPD is not in itself directly considered to have cross boundary impacts. It reinforces the existing protocol for dealing with planning issues on a cross boundary basis. The protocol is established through the Duty to Cooperate.	No
(d) the risks to human health or the environment (for example, due to accidents);	There are not likely to be negative impacts on human health or environment. It is considered that there are likely to be improvements to the environment and a positive contribution to wellbeing.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD covers only that part of the Lower Derwent Valley that is within East Riding of Yorkshire Council's administrative area. The area covers over 930 square miles. It has a population of approximately 335,900 people. The SPD will affect those applying for planning permission in relation to a variety of types of development in the Lower Derwent Valley.	No

<p>(f) the value and vulnerability of the area likely to be affected due to—</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	<p>The East Riding covers an area with a wide variety of characteristics. The SPD will not lead to exceeding of environmental standards or the intensification of land use. The area likely to be effected will be guided by individual planning applications. The appropriateness of those locations will be guided by policies within the Local Plan, which has been subject to SEA.</p>	<p>No</p>
<p><b>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</b></p>	<p><b>Potential effects of the SPD</b></p>	<p><b>Is there a likely significant effect?</b></p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Impacts on such areas will be considered through the application of other Local Plan Policies which have been subject to SEA.</p>	<p>No</p>

# **East Riding Local Plan**

## **Lower Derwent Valley Supplementary Planning Document**

### **Habitat Regulations Assessment Stage 1: Screening Report**

**January 2018**



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## **I Introduction**

- 1.1 This Habitat Regulations Assessment screening report is designed to determine whether or not the contents of the Lower Derwent Valley Supplementary Planning Document (SPD) will result in significant impacts on international sites.

## **2 Overview of the Lower Derwent Valley SPD**

- 2.1 The Lower Derwent Valley SPD (the SPD) will provide clear and consistent guidance on how Policy ENV2 (Promoting a high quality landscape) and Policy ENV4 (Conserving and enhancing biodiversity and geodiversity) of the Local Plan Strategy Document are to be implemented.
- 2.2 The Lower Derwent Valley is an area of environmental significance, representing the section of the River Derwent corridor between Kexby to the north and Wressle to the south. It is an internationally, nationally and locally important area for wildlife and is protected by the planning system through numerous statutory designations.
- 2.3 Significant areas of the Lower Derwent Valley have been designated as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPA) Ramsar sites and National Nature Reserve (NNR). These designations recognise the significance of the wildlife, plant and animal species present in the area. At a local level, the East Riding Local Plan Strategy Document identifies the Lower Derwent Valley, including the River Derwent Corridor and Pocklington Canal, as an Important Landscape Area.
- 2.4 The SPD comprises two parts. The first considers the environmental importance of the Lower Derwent Valley and the protection afforded to the area through the planning system. The second provides guidance for the LPA and applicants and is directly relevant for development proposals. The key objectives of the document are:
1. Provide an agreed cross-boundary approach to the conservation of the Lower Derwent Valley (although the SPD is only being adopted by East Riding of Yorkshire Council).
  2. Set out the protection afforded to the Lower Derwent Valley through the planning system.
  3. Identify the proposals that could have an impact on the Lower Derwent Valley.
  4. Identify the enhancements which could be delivered through the planning system to ensure new development protects and enhances the Lower Derwent Valley.
- 2.5 Once adopted, the SPD will become an important consideration in determining relevant planning applications.

## **2 Background to HRA**

- 2.1 Habitats Regulation Assessment (HRA) is required by Regulation 61 the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitat Regulations) for all plans and projects which may have likely significant effects on a European site and are not directly connected with or necessary to the management of the European site.
- 2.2 European sites include Special Areas of Conservation, Special Protection Areas and listed Wetlands of International Importance (Ramsar sites). HRA is also required, as a matter of UK Government policy for potential SPAs, candidate SACs and proposed Ramsar sites for the purposes of considering plans and projects, which may affect them. Hereafter all of the above designated nature conservation sites are referred to as 'international sites'.
- 2.3 The stages of HRA process are:
- Stage 1 – Screening: To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;
  - Stage 2 – Appropriate Assessment: To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
  - Stage 3 – Assessment of alternative solutions: Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and
  - Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain: In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.
- 2.4 This report comprises the Stage 1 – Screening of the project.

### **3 Previous HRA Work**

3.1 An HRA has been produced for the Local Plan Submission Strategy Document. It is available to view at [www.eastriding.gov.uk/localplanexam](http://www.eastriding.gov.uk/localplanexam). The Stage 1 – Screening Report assessed whether the Strategy Document is likely to lead to significant effects on the international sites listed below with reference to the conservation objectives of the qualifying feature of the site:

- Flamborough Head and Bempton Cliffs SPA;
- Flamborough Head SAC;
- Hornsea Mere SPA;
- Humber Estuary Ramsar site;
- Humber Estuary SPA;
- Humber Estuary SAC;
- Thorne and Hatfield Moors SPA;
- Thorne Moor SAC;
- Lower Derwent Valley Ramsar site;
- Lower Derwent Valley SPA;
- Lower Derwent Valley SAC;
- River Derwent SAC;
- Skipwith Common SAC.

3.2 The HRA Screening Report assessed all of the policies in the Strategy Document. It concluded that, with the exception of Part B of Policy S6 (Delivering Employment Land), there will be no likely significant effects from the Strategy Document 'alone' or 'in combination' on any of the international sites within the assessment.

3.3 Therefore, it was not necessary to move to Stage 2 - Appropriate Assessment for Policy ENV2 or ENV4. The Strategy Document HRA committed to conducting HRAs for any future Local Plan documents, in particular the Allocations Document and any planning applications which might have likely effects on international sites. It identified that future site allocations/planning applications will need to be in line with the Strategy Document and will need to satisfy the East Riding of Yorkshire Council and Natural England that there will be no adverse effect on the integrity of the International Sites. Any adverse effects on site integrity must be effectively mitigated.

3.4 HRA screening has been undertaken for the Submission Allocations Document. This assessed housing allocations in smaller villages along the Lower Derwent Valley. It concluded that there will be no significant effects alone or in combination on any of the international sites. There may be other types of development, including non-residential, on which the SPD is relevant. However, the location of these sites is currently unknown.

## **4 Conclusion**

- 4.1 As the SPD does not provide further details on the location of development it is not possible to provide any further assessment on the impacts on international sites in addition to the assessment provided by the Strategy Document and Allocations Document. In line with the assessment of those Plans there will be no likely significant effects alone or in combination on any of the international sites caused by the SPD. Therefore a Stage 2 assessment is not required.