



Habitat Regulations Assessment

February 2024

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1. Introduction

- 1.1 In June 2022 Bingley Town Council commissioned AECOM to provide a Strategic Environment Assessment (SEA) Opinion that was subsequently extended to incorporate Habitats Regulations Assessment (HRA) considerations.
- 1.2 The initial SEA document, which concluded in paragraph 4.6 that an SEA was not required, was sent to the statutory consultees who all responded in agreement with the SEA conclusion. Having been amended to include the HRA considerations this was resubmitted to the statutory consultees, but no responses received.
- 1.3 Following discussions with Bradford Metropolitan District Council it has been recommended that a standalone HRA Screening document is produced to draw out the HRA elements, hence this document.

2. Legislative Background

- 2.1 This document seeks to determine whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) as required by Article 6 (3) of the EU Habitats Directive and by Regulations 105 and 106 of the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats & Species (Amendment) (EU Exit) Regulations 2019). An 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 or project.
- 2.2 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.
- 2.3 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.
- 2.4 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part of the Conservation of Habitats and Species Regulations 2017 (as amended). This basic condition covers the implications of neighbourhood plans for designated European sites. This is addressed in this HRA Screening.
- 2.5 Case Law (People Over Wind & Peter Sweetman v. Coillte Teoranta) is a relevant consideration in how screenings such as this one take into account the impact on protected European sites. This rule 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 the site”*.

3. HRA Screening

- 3.1 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 sites¹ within their area. 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 designated features and nature conservation objectives.
- 3.2 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 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.

Natura 2000 (European) Sites

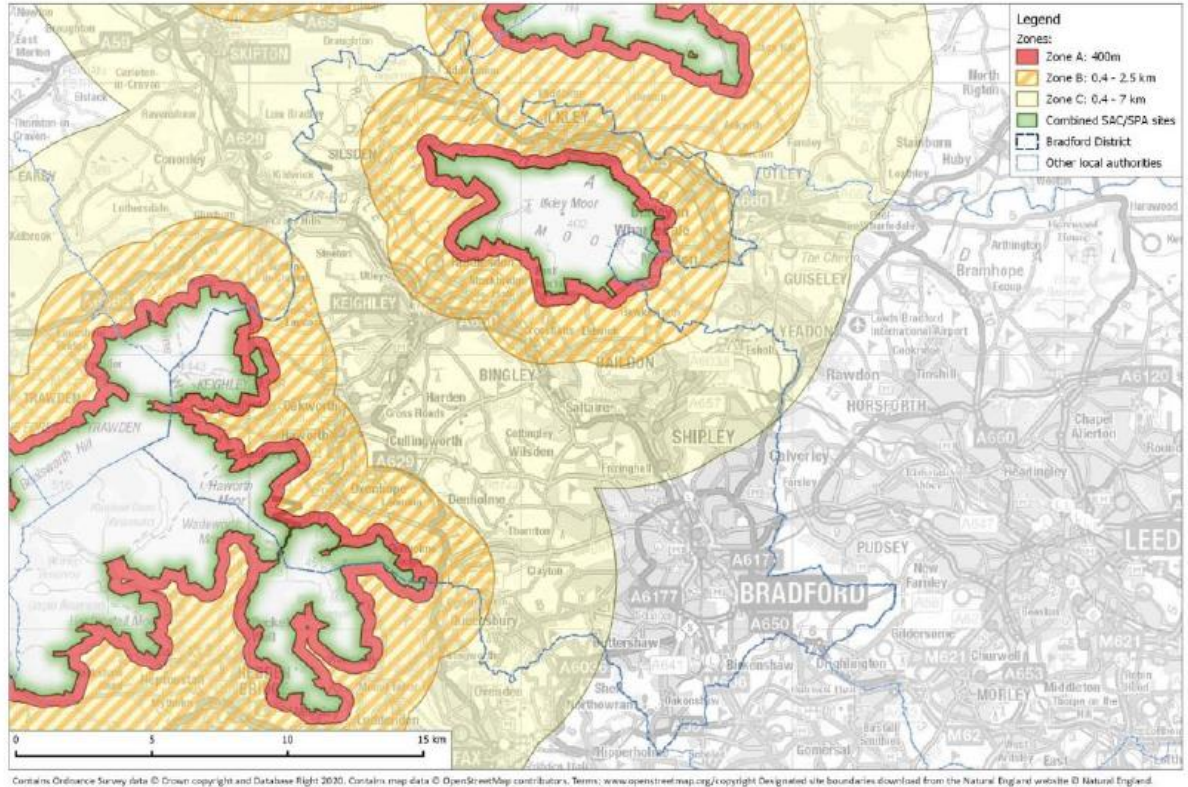
- 3.3 Part of the following Natura 2000 (European) sites lie within or abut the northern section of Bingley parish and thus the Neighbourhood Plan area:
- South Pennine Moors Special Area of Conservation (SAC)
 - South Pennine Moors Phase 2 Special Protection Area (SPA)
- 3.4 Whilst not within the NP area the following sites lie within 10-15km of the Bingley parish boundary:
- North Pennine Moors Special Area of Conservation (SAC)
 - North Pennine Moors Special Protection Area (SPA)
- 3.5 The North Pennine Moors SAC and SPA are excluded from further consideration due to their distance from the Bingley Neighbourhood Plan area and the impact of local geography and topology, with the valleys and moors of the Yorkshire Dales running in a northeast to southwest direction across the district further reducing any impact, such that no impact on these sites is considered likely.
- 3.6 The impact on the South Pennine Moor sites is therefore considered further in this screening and as these two sites have overlapping boundaries they are treated together as the South Pennine Moors SAC/SPA.
- 3.7 These sites are designated where there are internationally important species of flora and fauna that need to be protected. The purpose of a SAC is to protect the habitat and its flora. The purpose of an SPA is to protect bird populations.
- 3.8 The South Pennine Moors SAC is designated for wet heathland, dry heathland, juniper scrub, calaminarian grassland, montane acid grasslands, calcareous grassland, blanket bog, hard-water springs, alkaline fens, acidic scree, crevice plants on both acid and calcareous rocks, oak woodland, and marsh saxifrage.
- 3.9 The South Pennine Moors Phase II SPA is designated for breeding hen harrier, merlin, peregrine falcon and golden plover. With the golden plover especially utilising marginal

¹ Natura 2000 sites are a European network of protected nature areas where certain species of animals and their natural habitats are protected in order preserve biodiversity.

or low-intensity agricultural pastures up to 4km from the SPA (where these are near to moorland nesting habitat). The reasons for designation and conservation objectives of these European sites are set out in Appendix 1.

- 3.10 Below is a map showing relevant Natura 2000 (European) sites within the Bradford District with the Bradford impact zones defined in the Core Strategy Policy SC8.

Map 1: Bradford District Map showing Natura 2000 Sites and impact zones



The Bingley Neighbourhood Plan

- 3.11 The Bingley Neighbourhood Plan (BNP) and neighbourhood area covers the parish of Bingley, which is in the City of Bradford Metropolitan District (West Yorkshire) located approximately 7.5 km to the north west of the City of Bradford. The Parish incorporates Bingley Town and the adjacent villages of Cottingley, Crossflatts, Eldwick, Gilstead and Micklethwaite.

- 3.12 The vision for the Bingley Neighbourhood Plan is as follows:

“By 2038, Bingley will be a thriving town and parish. It will be an attractive place to live and work which meets the economic, social, and environmental needs of its businesses and residents, and which provides a good home for wildlife. It will have a high-quality local environment that we can all be proud of.”

- 3.13 To help implement this vision, six objectives have been identified for the BNP which form the basis for shaping policy development. These are as follows:

- Objective 1: Encourage the development of a well-designed built environment for the area.

- Objective 2: Support and deliver significant improvements to Bingley Town Centre.
 - Objective 3: Create an attractive environment for new businesses and new investment in the area.
 - Objective 4: Foster the development of better open spaces and connections for walking, cycling, and nature.
 - Objective 5: Promote the development of housing which meets identified local needs.
 - Objective 6: Maintain and enhance the distinct landscape and heritage character of the area.
- 3.14 To deliver the above objectives the BNP defines twelve policies for consideration in determining planning applications. These policies are summarised in Appendix 2, where the relevant environmental objective is the support for linked-up and improved green spaces and habitats with local alternatives in the town to reduce pressure on sensitive habitats. Critically the BNP does not seek to allocate land for housing or employment uses, instead it seeks to shape development by informing and influencing the design of new development areas which have the potential to come forward in the neighbourhood area, including any allocations through the Core Strategy and the Emerging Local Plan
- 3.15 The BNP is therefore considered unlikely to have an impact on the Natura 2000 sites.

Local Plan context for the Neighbourhood Plan

- 3.16 The Bingley Neighbourhood Plan is being prepared in the context of the Bradford Local Plan 2011-2030 (“the Adopted Local Plan”), the key documents of which include the Core Strategy Development Plan Document (DPD), the Bradford District Replacement Unitary Development Plan, and the Waste Management DPD.
- 3.17 Within the Core Strategy DPD, Bingley is identified as a ‘principal town’ in the settlement hierarchy, recognising the town’s role in providing homes, jobs, services, and cultural activities to the area. Strategic Core Policy 4 states that that principal towns will be the focus areas for housing and employment provision, complementing and supporting the roles of the regional cities of Bradford and Leeds.
- 3.18 In the context of the above, Sub Area Policy AD1 and Policy HO3 within the Core Strategy DPD confirm a housing target of 1,400 new homes for Bingley. The policies outline that the broad distribution of housing development will focus on the redevelopment of sites within the urban area and some local Green Belt changes in sustainable locations. At the point when the Core Strategy DPD was adopted (i.e., taking into consideration existing completion and commitments), the residual housing target to be provided until 2030 totals 700 - 800 new homes.
- 3.19 Bradford Council is currently undertaking a review of the Adopted Local Plan which sets out how the City of Bradford Metropolitan District will grow sustainably up until 2038, and what it means for local communities. Intentions of the Emerging Local Plan also include aims which address and consider the implications of the declared climate emergency, new patterns of working, the importance of broadband, a focus on health, changing retail and town centre roles, sustainable energy, green infrastructure, and transport investment.

- 3.20 Consultation on the preferred approach for the Emerging Local Plan (Regulation 18 consultation) was completed between February and March 2021. The Emerging Local Plan also features new sites for housing and employment and a range of policies which will help guide development and the determination of planning applications. With reference to the neighbourhood area, Bingley retains its classification as a 'principal town' within the settlement hierarchy. Policy SP8 sets out a requirement of 850 new homes that will be delivered in the Bingley Sub Area. After the commitments are discounted and removed from the supply, this leaves a residual allocation requirement of 703 new homes.
- 3.21 The Bradford Local Plan Core Strategy ("Core Strategy") with the above housing targets was subject to a Habitat Regulations Assessment (HRA) in 2015. This HRA identified the need for an Appropriate Assessment due to possible impacts on the South Pennine Moors SAC/SPA. Issues were raised in the Appropriate Assessment and Policies SC8 and EN2 were created within the Core Strategy DPD to mitigate the impacts highlighted in the Appropriate Assessment. These policies are clearly critical to the assessment of the impact of risks to the South Pennine Moors SPA/SAC. These key policies are detailed below:

Strategic Core Policy (SC8): Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence

In this Policy:

- *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 on-site 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 facilities 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 due to the increase in population, an SPD will set out a mechanism for the calculation of the financial 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.

Environment Policy (EN2): Biodiversity and Geodiversity

The North and South Pennine Moors SPAs and SACs

A. Any development that would be likely to have a significant effect on a European Site either alone or in combination with other plans or projects will be subject to assessment under the Habitat Regulations at project application stage. If it cannot be ascertained that there will be no adverse effects on site integrity then the project will have to be refused unless the derogation tests of Article 6(4) Habitats Directive can be met.

- 3.22 The conclusion from the Appropriate Assessment was that, taking into account the range of avoidance and mitigation measures incorporated into the strategic plan, the Core Strategy will not result in adverse effects on the ecological integrity of the South Pennine Moors SAC or South Pennine Moors Phase 2 SPA.
- 3.23 The BNP is, and by law has to be, in conformity with the Core Strategy and does not seek to allocate new sites for development. These will be brought forward through the Bradford Allocations DPD using the assessment of the impact of risks to the South Pennine Moors SPA/SAC outlined in the paragraphs above and the provisions of the South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document (adopted in January 2022). In combination effects from other projects and plans in the area can therefore be ruled out.

Emerging Local Plan

- 3.24 The emerging Local Plan was subject to a Regulation 18 consultation in 2021. As part of this it too underwent a HRA Assessment. This Assessment confirms likely impacts for the proposed housing growth for the South Pennine SPA/SAC and proposes maintenance of the current mitigations from the Core Strategy, current policy SC8 becoming SP11, with an updated EN2 remaining. It should be noted the emerging Local Plan policies referred to have yet to be finalised and as such carry very limited weight at this stage.

4. Screening Conclusion

- 4.1 It is concluded that the Bingley Neighbourhood Plan either individually or in combination will not have any significant impact on any Natura 2000 sites within 20 km as:
- i. The BNP does not allocate any sites for housing or employment.
 - ii. The BNP is in general conformity with the Bradford Core Strategy and the emerging Local Plan
 - iii. Any sites that come forward will be subject to assessment at the planning application stage.
- 4.2 Consequently, no Appropriate Assessment is required.
- 4.3 This view was supported by Natural England in their review of the first version of this document in December 2023 to January 2024. Their response is given in Appendix 3- Consultation Responses.
- 4.4 This Regulation 14 version of the HRA has no amendments of substance only minor amendments for clarity.

References

Bradford Council (2005): 'Replacement Unitary Development Plan', [Replacement Unitary Development Plan | Bradford Council](#)

Bradford Council (2014): Habitats Regulations Assessment December 2014.pdf (bradford.gov.uk)

Bradford Council (2017): 'Adopted Local Plan', [Adopted Local Plan | Bradford Council](#)

Bradford Council (2017): 'Core Strategy DPD', [Core Strategy DPD | Bradford Council](#)

Bradford Council (2017): 'Waste Management DPD', [Waste management DPD | Bradford Council](#)

Bradford Council (2019): Core Strategy Partial Review HRA: Habitat Regulations Assessment - Preferred Options Report.pdf (bradford.gov.uk)

Bradford Council (2021): 'Preferred Options (Regulation 18)', [Bradford District Local Plan | Bradford Council](#)

Bradford Council (2021): 'Local Plan Consultation Documents – Bingley', [5.9 Bingley \(bradford.gov.uk\)](#)

Bradford Council (2021): 'Local Plan Preferred Options HRA', [HRA report for Bradford Met District Local Plan PO 040221](#)

Bradford Council (2022): 'Emerging Local Plan', [Emerging Local Plan | Bradford Council](#)

Bradford Council (2022): 'South Pennine Moors SPA / SCA Planning Framework SPD', [South Pennine Moors SPA/SAC Planning Framework SPD | Bradford Council](#)

Appendix 1 – Reasons for Designation & Conservation Objections of European Sites

South Pennine Moors Phase 2 Special Protection Area (SPA)

Reasons for Designation
<p>The site qualifies under Article 4.1 of the EC Directive on the Conservation of Wild Birds by supporting nationally important breeding population of two species listed in Annex I:</p> <ul style="list-style-type: none"> • Merlin (<i>Falco columarius</i>) • Golden Plover (<i>Pluvialis apricaria</i>) <p>The site qualifies under Article 4.2 by supporting a diverse assemblage of breeding migratory birds of moorland and moorland fringe habitats including golden plover, lapwing, dunlin, snipe, curlew, redshank, common sandpiper, short eared owl, whinchat, wheatear, ring ouzel and twite.</p>
Conservation Objectives
<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.

South Pennine Moors Special Area of Conservation (SAC)

Reasons for Designation
<p>The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Blanket bogs • European dry heaths • Northern Atlantic wet heaths with <i>Erica tetralix</i>. • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles. • Transition mires and quaking bogs.
Conservation Objectives
<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 qualifying natural habitats; • The structure and function (including typical species) of the qualifying natural habitats; <p>and</p> <ul style="list-style-type: none"> • The supporting processes on which the qualifying natural habitats rely.

Appendix 2 – Summary of Bingley Neighbourhood Plan Policies

Neighbourhood Plan Policy	Economic objective	Social Objective	Environmental Objective
BING1 – Community Assets and Facilities	Ensuring a good network of community facilities and assets supports a well-balanced community which is an economic advantage. Would support the retention of active leisure services in Bingley	It is an important aspect of sustainable development that community facilities are present and available locally. Would meet an important community objective to retain existing local swimming pool facilities used by schools and residents	Local community facilities allow people to use their cars less in accessing key local services. Would support local availability of facilities reducing the need to travel to other towns for swimming facilities used by the local community.
BING2 – Design of New Development in Bingley	Supports a better-quality built environment to attract businesses and visitors to key destinations	Encourages a safer and more accessible town and would provide more social outdoor spaces. Supports improved relationship between new development and existing settlement character	Supports provision of green infrastructure to support biodiversity. Would support more sustainable building design with low carbon and renewable features.
BING3 – Bingley Town Centre	Would improve attractiveness of key shopping destinations. Provides clear focus for future priorities to regenerate the town centre. Provides a menu of future potential investment and projects in the town centre. Seeks to promote round the clock activity in the town centre	Would provide a better environment for local cultural activities to foster community development. Would support provision of additional housing above shops that could meet local needs. Would foster a sense of shared community responsibility to deliver and maintain an attractive town centre	Would address traffic issues in the town centre. Would reduce potential for dereliction, vandalism, fly-tipping and littering associated with vacant buildings and plots.
BING4 – Current and Future Employment Sites and Buildings	Seeks to promote retention of employment sites	Would support retention of broad range of jobs to meet local employment needs	Would ensure that the need to travel outside the area for work does not grow
BING5 – Small Businesses and Start-ups	Supports small businesses		
BING6 – New Housing in Bingley	Ensuring that housing market continues to function to meet everyone's needs	To meet identified local needs of people who find it hard to access housing	

Neighbourhood Plan Policy	Economic objective	Social Objective	Environmental Objective
BING7 – Walking and Cycling Routes	A key part of providing a high quality local environment which is attractive	Promotes better quality, safer and more accessible routes	Encourages more walking and cycling
BING8 – Local Green Space	A key part of providing a high quality local environment which is attractive	Supports health and well-being for local residents	Supports linked-up and improved green spaces and habitats and supports local alternatives in the town to reduce pressure on sensitive habitats
BING9 – Green Infrastructure Principles	A key part of providing a high quality local environment which is attractive	Supports health and well-being for local residents	Supports linked-up and improved green spaces and habitats and supports local alternatives in the town to reduce pressure on sensitive habitats
BING10 – Bingley Town Character Buildings and Structures of Local Heritage Interest	Supports retention of interesting features which add to the attractiveness of the town	Provides support for local features of heritage value to local residents	
BING11 – Milner Fields Estate SCA	Potential tourism benefit arising from links to Salt family	Provides a connection to local heritage for local residents	Provides support for coherent approach to safeguard a potentially important local heritage asset
BING12 – Local Views and Vistas	Will support the continued attractiveness of the setting of the town as new development occurs	Supports health and well-being for local residents	Supports more sympathetic approach to development

Appendix 3 – Consultation Responses

First version of the HRA document.

Date: 24 January 2024
Our ref: 461482
Your ref: Bingley Neighbourhood Plan

Ms Philippa Gibbons
Bingley Town Council

BY EMAIL ONLY
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Dear Ms Gibbons

Bingley Neighbourhood Plan - HRA Screening Consultation

Thank you for your consultation on the above dated and received by Natural England on 22 December 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on Habitats Sites are unlikely,

The proposed neighbourhood plan is unlikely to significantly affect any Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). The Neighbourhood Plan proposals should also be screened to ascertain whether Strategic Environmental Assessment is necessary. Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle
Consultations Team