

TODMORDEN TOWN COUNCIL

Todmorden Neighbourhood Plan

Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report

Determination Statement

Undertaken by Integreat Plus

September 2022

Submission Version 2023-2032

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1. Introduction

- 1.1 This screening report will determine whether or not the contents of the draft Todmorden Neighbourhood Development Plan (TNDP) 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.
- 1.2 This report will also screen to determine whether or not the NP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA.
- 1.3 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3, provides a screening assessment of both the likely significant environmental effects of the plan and the need for a full SEA. Section 4 covers the content of the TNDP, and section 5 provides a screening assessment of the likely significant effects of the implementation of a plan and the need for a Habitats Regulation Assessment.

2. Legislative Background

2.1 Strategic Environmental Assessment (SEA)

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

2.2 The 2008 Planning Act amended the requirement so only development plan documents (DPDs) need to be subject to a Sustainability Appraisal. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.

2.3 To fulfil the legal requirement to identify if the plan requires an SEA a screening for a SEA and the criteria for establishing whether a full assessment is needed is undertaken in Chapter 3 of this report.

2.4 Habitat Regulations Assessment (HRA)

It is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.

2.5 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the plan upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken in Chapter 4 of this report

3. The Todmorden NDP (TNDP)

3.1 Todmorden is a town located in the west of Calderdale, West Yorkshire, with a population of around 15,000 people. There is one Conservation Area in the town centre.

3.2 Importantly the TNDP does not allocate any sites for development. Below is a brief description of the TNDP vision, aims and objectives, and draft policies:

3.3 Vision

“Todmorden will be an innovative and resilient town that responds effectively to the changing needs of its community. Emerging economic sectors will provide new jobs and new housing will be developed in line with community aspirations so that people of all ages have access to appropriate housing of a high quality. Tourism and leisure opportunities will be expanded to develop Todmorden as a thriving town for residents and visitors alike.”

3.4 Aims and objectives:

- Encourage the right sort of development in the right places to meet the present and future needs of the community.
- Encourage the best in design and placemaking that responds to and reinforces the local built environment.
- Address issues relating to flooding and water management.
- Promote sustainable economic development.
- Encourage better levels of accessibility in existing and new developments and throughout the public realm.
- Protect and enhance the natural environment.
- Secure suitable, sustainable housing provision for young families, single people and older people, including affordable housing provision.
- Support food growing in and around the town.
- Reduce traffic, congestion and air pollution and encourage sustainable methods of travel and movement.
- Enhance and develop new skills and training facilities.
- Promote Todmorden as a visitor and tourist destination.
- Encourage the promotion of arts, culture, and leisure throughout the town through flexible community event spaces.
- Retain and preserve heritage buildings to reinforce the distinctive character of Todmorden.
- Promote and enhance the level of community facilities and services.

3.5 TNDP policies

Housing

- Infill housing policy – support for up to 5 dwellings as infill development where it adds to the coherence and integrity of the street scene
- Housing mix policy – policy encouraging a mix of house types to meet local housing needs
- Housing design – policy requiring new developments to respond to the character of local housing
- Innovative housing – support for co-housing, self-build and flood resilient housing
- Reuse and conversion – support for the reuse and conversion of existing buildings for housing
- Sustainable homes – support for homes that are design and built to high levels of sustainability and environmental performance
- Inclusive and accessible homes – support for homes that are built to accessible and adaptable standards
- SuDS – requirement for new housing development to include provision of SuDS where necessary
- Community housing – support for community housing schemes e.g community land trusts

Local economic development

- Reuse of space – policy supporting reuse of redundant spaces of economic activity
- Innovative working – support for creation of co-working spaces, managed workspace or high-tech industries
- Homeworking – support for new housing development to include space to facilitate and support homeworking
- Visitor accommodation – support for the development of visitor accommodation in Todmorden to support tourism and leisure sector
- Retail – support for new retail spaces that add to the current provision
- Leisure and tourism – support for new leisure and tourism facilities or attractions providing suitably located and complies with other development plan policies
- Light industry – encourage retention of existing office, manufacturing or light industrial uses
- High speed broadband – Support for new high speed broadband infrastructure

Natural environment

- Millponds, dams and attenuation ponds – policy encouraging the creation or restoration of millponds, dams or attenuation ponds to help slow the flow of water on hillsides
- Preserving green spaces – protection of Local Green Spaces
- Hillside development – policy requiring development on hillsides to manage impact of water run-off
- Green infrastructure – policy to conserve and enhance green infrastructure and encouraging the creation of new green infrastructure

Town centre

- Shop front design – policy to ensure shop fronts are well designed
- Pedestrian routes – policy supporting increased pedestrianised areas, or improvements to pedestrian movement and permeability
- Public realm – support for enhancements to public realm in Todmorden in areas such as outside the bus station, train station and indoor and outdoor markets
- Car parking – support for additional long-stay parking at the train station
- Dementia friendly design – policy encouraging dementia friendly design principles to be incorporated in the town centre

Canal and riverside

- Canal and riverside – policy supporting enhancements to the riverside to improve access, amenity and public realm

Transport, accessibility, and movement

- Walking networks - Policy requiring new development to be sustainably located with access to walking networks and connections
- Movement – Policy encouraging new development to meet best practice and the highest standards for movement and mobility

Heritage

- Heritage assets – policy identifying heritage assets to be classed as non-designated heritage assets

Community, culture, recreation

- Flexible spaces – policy supporting the creation of flexible community event spaces
- Community and social facilities – support for the provision of facilities to support community, social and health uses
- Cultural and artistic facilities – support for provision of new cultural and artistic facilities to help support leisure and tourism
- Food growing – support for space for food growing
- Sport and recreation – support for provision of new sport and recreational facilities

4. Strategic Environmental Assessment (SEA) Screening

4.1 Criteria for assessing the effects of the Todmorden NDP

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
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 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

(Source: Annex II of SEA Directive)

4.2 The process for screening a planning document against the criteria to determine whether a full SEA is required is shown in Figure 1.

4.3 Using the process and questions set out in Figure 1, an assessment of whether the Neighbourhood Development Plan will require a full SEA has been undertaken and the findings are set out in Table 1.

4.4 The opinions of the Environment Agency, Natural England and English Heritage were sought on this SEA/HRA scoping report and their responses are included in the Overall Conclusions in section 6 of this statement. All three statutory consultees were also consulted at Regulation 14 consultation which took place in autumn 2023.

4.5 Screening Opinion

As a result of the assessment above it is considered that it is **unlikely there will be any significant environmental effects arising from the plan**. The plan is in conformity with the Replacement Unitary Development Plan (RUDP) 2006, and the draft Local Plan which is expected to be adopted in December 2022/January 2023. Both the RUDP and draft Local Plan have been subject to a full Sustainability Appraisal, incorporating an SEA. Due to the nature of the TNDP, no sites are being allocated for development and the policies will have no significant effects and as such, **it is considered that the plan does not require a full SEA to be undertaken**.

Figure 1

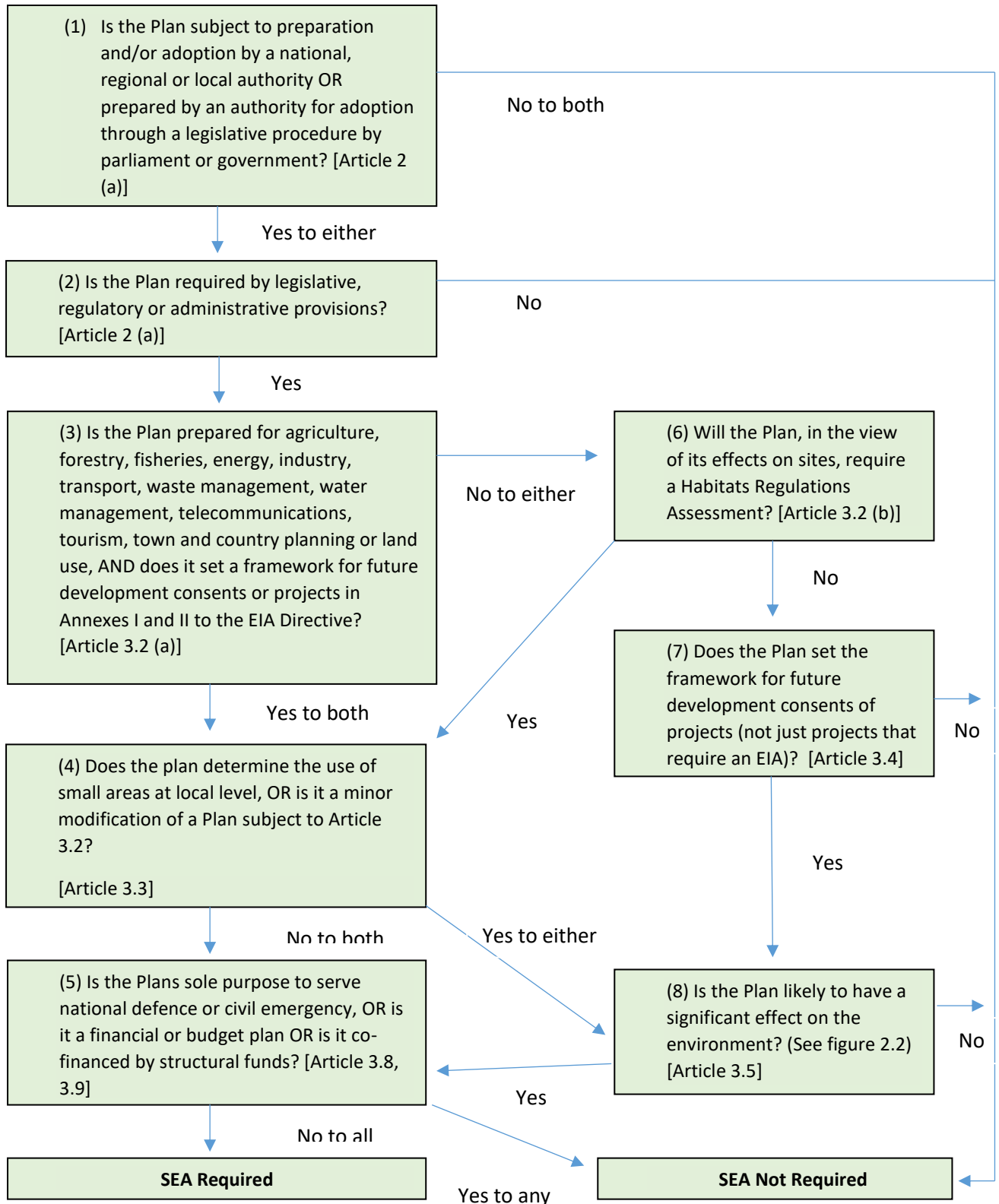


Table 1

Stage	Yes / No	Reason
(1) Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government (Article. 2(a)).	Y	Neighbourhood Plans are prepared by a qualifying body (Town Council) under the Town and Country Planning Act 1990 (as amended). This Neighbourhood Plan is prepared by Todmorden Town Council (as the “relevant body”) and will be ‘made’ by Calderdale Metropolitan Borough Council as the Local Authority, if successful at referendum. The preparation of Neighbourhood Plans is subject to The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendums) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Article 2(a)).	N	It is not a requirement to produce a Neighbourhood Plan however a Neighbourhood Plan, once “made” does form part of the statutory Development Plan and will be used when making decisions on planning applications.
3. Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consents or projects in Annexes I and II to the EIA Directive? (Article 3.2(a))	Y	Neighbourhood Plans can cover some of the topics identified in this list and they could set the framework for development of a scale that would fall under Annex II of the EIA Directive. However for Neighbourhood Plans, developments which fall under Annex I of the EIA Directive are “excluded development” as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act)
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	See HRA screening assessment later in this report.
5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Article 3.2? (Article 3.3)	N	A Neighbourhood Plan can determine the use of small areas at the local level.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Article 3.4)	Y	Policies within the plan will be used in the decision making process on planning applications within the plan area.

7. Is the Plans sole purpose to serve national defence or civil emergency, OR is it a financial or budget Plan OR is it co-financed by structural funds? (Article 3.8, 3.9)	N	A Neighbourhood Plan does not deal with any of these categories of plan.
8. Is the Plan likely to have a significant effect on the environment? (Article 3.5)	N	No likely significant effects upon the environment have been identified.

5. HRA Screening

- 5.1 The initial screening stage of the HRA process determines if there are any likely significant effects possible as a result of the implementation of the plan and if an appropriate assessment is needed. This stage 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.
- 5.2 Within a 15km buffer around Todmorden there are 13 Sites of Special Scientific Interest (SSSI), 1 Special Area of Conservation (SAC) and 1 Special Protection Area (SPA). These are listed below:
- Broadhead Clough SSSI (64ha)
 - Lower Red Lees Pasture SSSI (4ha)
 - Lee Quarry SSSI (49ha)
 - Ladcastle and Den Quarry SSSI (2.7ha)
 - Park Clough SSSI (0.4ha)
 - Hodge Clough SSSI (2.95ha)
 - Elland bypass cutting SSSI (1.28ha)
 - South Pennine Moors SSSI (20944.5ha)
 - Stanedge Road cutting SSSI (3.6ha)
 - Rochdale Canal SSSI (26.3ha)
 - Crimsworth Dean SSSI (2.8ha)
 - Withens Clough SSSI (3ha)
 - Dark Peak SSSI (31823ha)
 - South Pennine Moors SAC (65025.5ha)
 - South Pennine Moors SPA (20944.5ha)
- 5.3 The adopted Replacement Unitary Development Plan (RUDP) 2006, and the draft Local Plan which is expected to be adopted in December 2022/January 2023 have both been assessed against HRA assessment and have been, and will be adopted under these regulations. The

proposed Todmorden neighbourhood plan does not allocate any sites or contain any policies that would impact the sites listed above.

Assessment of effects

Screening assessment of the Todmorden Neighbourhood Plan

The following questions will help establish whether an Appropriate Assessment is required for the TNDP.

5.4 Is the Neighbourhood Development Plan directly connected with, or necessary to the management of a European site for nature conservation?

No.

5.5 Does the Neighbourhood Development Plan propose new development or allocate sites for development?

No.

5.6 Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?

No.

5.7 Screening Outcome

A full HRA of the plan is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.

6. Overall Conclusions

6.1 In light of the assessments undertaken above, it is considered a Strategic Environmental Assessment and a Habitats Regulations Assessment are not required for the plan. Should statutory consultees agree with this opinion, a determination statement will be produced to confirm this opinion.

6.2 Historic England, Natural England and the Environment Agency were contacted as part of the SEA/HRA screening report. Only Natural England provided a formal response. Which is included below.

Date: 11 October 2022
Our ref: 406918
Your ref: Todmorden Neighbourhood Development Plan



Mr J Wilde
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Dear Mr Wilde

Todmorden Neighbourhood Plan – Review SEA & HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 07 September 2022.

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: Strategic Environmental Assessment

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

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Todmorden Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle
Consultations Team