

CRAVEN SPATIAL PLANNING SUB-COMMITTEE

Wednesday 6th July 2022 at 6.30pm

Sub-Committee Members: Councillors Brockbank, Myers, Pringle, Rose, Shuttleworth, Staveley and Sutcliffe

Substitute Members: Councillors Madeley, Mulligan and Solloway

Please note the following advice in advance of the meeting:

Whilst there is no longer a legal requirement to wear a face covering or continue to social distance, please be considerate towards the wellbeing of others.

Anyone showing Covid symptoms or feeling unwell, are asked not to attend an in-person meeting, this is in the interest of general infection control. Further guidance can be found at: <u>https://www.gov.uk/coronavirus</u>

AGENDA

- 1. **Apologies for Absence –** To receive any apologies for absence.
- 2. Appointment of Chairman and Vice-Chairman for the 2022-23 municipal year.
- **3. Confirmation of Minutes** To confirm the minutes of the meeting held on 31st January 2022.
- 4. Public Participation In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
- 5. **Declarations of Interest** All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of: a *"disclosable pecuniary interest"* under Appendix A to the Council's Code of Conduct, or "*other interests*" under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

6. Flood Risk & Water Management Draft Supplementary Planning Document and Green Infrastructure & Biodiversity Supplementary Planning Document: Revised Drafts for Consultation - Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To present the following two revised draft Supplementary Planning Documents (SPDs) and associated documents:

- Flood Risk & Water Management SPD
- Green Infrastructure & Biodiversity SPD
- **7. Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.
- 8. Date of Next Meeting 26th September 2022.

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer E-mail: <u>vdavies@cravendc.gov.uk</u> <u>Telephone 07565 620973</u> 28th June 2022

CRAVEN SPATIAL PLANNING SUB-COMMITTEE

31 January 2022

Present – The Chairman (Councillor Staveley) and Councillors Myers, Pringle, Rose, Shuttleworth and Sutcliffe.

Officers – Interim Spatial Planning Manager, Planning Consultant, Planning Officer (Planning Policy Team), Senior Democratic Services Officer and Democratic Services and Scrutiny Officer.

An apology for absence was received from Councillor Brockbank.

Declarations of Interests - Councillor Shuttleworth declared an Appendix B interest in Minute CSP 198 as he was an Embsay Parish Councillor.

Start: 6.34pm

Finish: 7.31pm

Minutes for Report

CSP.198 PLAYING PITCH STRATEGY REFRESH 2021

The Strategic Manager for Planning and Regeneration submitted a report presenting a refreshed Playing Pitch Strategy (PPS) and an updated evidence base. The original PPS had been commissioned in 2016 and that was accepted into the Local Plan evidence base for adopted Craven Local Plan policy INF3: Sport, Open Space and Recreational Facilities.

The scope of the refresh covered football, rugby union, rugby league (although there were no league clubs or pitches in the District), cricket, hockey and artificial turf pitches (ATP) which could provide a playing pitch specifically for football, rugby, hockey or a multi-purpose ATP surface.

The report highlighted the key findings for each sport, whether there was sufficient capacity of pitches for the sports mentioned above and the progress made on several actions identified in the 2016 PPS. Emphasis on the recommendations were as in the 2016 PPS on improving the quality rather than the quantity of provision given that there was sufficient provision for the current and future levels of football and cricket. Proposed developments were in hand, which if achieved, would help address the deficiencies for rugby.

Members were pleased to note that the refreshed strategy included the whole of the Craven District including the part of the District which fell within the Yorkshire Dales National Park Authority which was seen as a welcome addition to the original PPS. As residents travelled across the planning authority areas to access sports provision and given the value of collaborative working to deliver shared outcomes, a whole District view was more holistic.

Resolved – That, the Playing Pitch Strategy refresh as set out in Appendix A to the report now submitted is accepted as an update to the original strategy prepared in 2016.

CSP.199

DATE OF NEXT MEETING

To be agreed.

Chairman.

AGENDA ITEM 6

Craven Spatial Planning Sub-Committee 6th July 2022

Flood Risk & Water Management Supplementary Planning Document and Green Infrastructure & Biodiversity Supplementary Planning Document: Revised Drafts for Consultation



Report of the Strategic Manager for Planning and Regeneration

Lead Member – Councillor Myers

Ward(s) affected: All wards wholly or partly outside the Yorkshire Dales National Park

- 1. **Purpose of Report** To present the following two revised draft Supplementary Planning Documents (SPDs) and associated documents:
 - Flood Risk & Water Management SPD
 - Green Infrastructure & Biodiversity SPD
- 2. **Recommendations** Members are recommended to:
- 2.1 In terms of the <u>Draft Flood Risk & Water Management SPD</u>, approve:

a. the Consultation Statement set out at Appendix A to this report.

- b. the revised Draft SPD for Public Consultation set out at Appendix B to this report, and to act as a material consideration when dealing with and determining relevant planning applications.
- c. the Strategic Environmental Assessment: Screening Report and the Habitat Regulations Assessment: Screening Report related to this revised draft SPD set out in Appendices C and D of this report.
- 2.2 In terms of the <u>Draft Green Infrastructure & Biodiversity SPD</u>, approve:
 - a. the Consultation Statement set out at Appendix E to this report.
 - b. the revised Draft SPD for Public Consultation set out at Appendix F to this report, and to act as a material consideration when dealing with and determining relevant planning applications.
 - c. the Strategic Environmental Assessment: Screening Report and the Habitat Regulations Assessment: Screening Report related to this revised draft SPD set out in Appendices G and H of this report.
- 2.3 Grant delegated authority to the Strategic Manager for Planning and Regeneration to publish the documents in the appendices to this report for a period of public consultation for a 4-week period, running from Monday 11th July until Monday 8th August 2022.

3. Report

- 3.1 In line with The Town and Country Planning (Local Planning) (England) Regulations (2012) as amended and the process of preparing SPDs agreed with the Chair and Vice Chairman of this subcommittee, the local planning authority is required to carry out two periods of public consultation.
- 3.2 Members will recall that on 13 December 2021, the Craven Spatial Planning Sub-Committee approved, for the first period of public consultation, the Draft Flood Risk & Water Management SPD and the Draft Green Infrastructure & Biodiversity SPD over a four-week period, running from Tuesday 4th January until Tuesday 1st February 2022. The public consultation took place and representations were received. These representations have been examined by officers and a 'Consultation Statement' for each draft SPD produced (see Appendix A & E) which provides the following information:
 - (i) The persons the Local Planning Authority consulted when preparing the supplementary planning document;
 - (ii) A summary of the main issues raised by those persons; and
 - (iii) How those issues have been addressed in the supplementary planning document.
- 3.3 Appendix A to this report sets out the Consultation Statement relating to the draft Flood Risk & Water Management SPD and Appendix E sets out the Consultation Statement relating to the draft Green Infrastructure & Biodiversity SPD which members are being asked to approve for the purposes of the second consultation period. The main body of these statements is a table which includes the information set out in paragraph 3.2 above. As can be seen in this table, in addressing the issues, reasons are given as to whether a change to the SPD is considered appropriate or not. Where a change is put forward in the 'Consultation Statement', this is reflected in the revised draft SPDs in Appendix B (draft Flood Risk & Water Management SPD) and Appendix F (draft Green Infrastructure & Biodiversity SPD). To do this, the revised draft SPDs are formatted as follows:
 - where the change requires the deletion of wording in the first draft SPD, those words are crossed through.
 - where the change requires the addition of wording compared to the first draft SPD, these words are underlined.

Members should also note that other minor changes have been made to the draft SPDs to ensure they reflect the updated NPPF 2021, improve the document, reflect the current stage of public consultation, and are consistent with the other draft SPDs the Council are currently preparing. These changes are shown in the ways set out above.

3.4 In line with the regulations and following the same arrangements as the first period of public consultation, the revised draft SPDs and associated documents

will be made available on the Council's website, at the Council's principal office at Belle Vue Square, Skipton and at libraries within the plan area.

- 3.5 Screening reports on Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) have been prepared for both draft SPDs. These are set out in Appendix C & D and G & H. These reports conclude that neither a full SEA or HRA are necessary to accompany each SPD.
- 3.6 In line with Counsel advice received during preparation of the Affordable Housing SPD, prior to adoption the Council can have regard to the revised draft SPDs as a material consideration when dealing with and determining applications. SPDs cannot carry full weight until they are adopted, however the Council can give them such weight as it considers reasonable as a matter of planning judgment, bearing in mind that they are still drafts and may change before they are adopted.
- 3.7 Following the second public consultation on the revised draft SPDs, officers will assess the representations received. If any representations made result in modifications to the SPDs (or there are modifications for other reasons), then those modifications must be set out in an Adoption Statement. Officers will then seek Policy Committee's approval of the Adoption Statement for each SPD and to adopt each SPD. Full Council will then be asked to ratify Policy Committee's decision. The adopted SPD and Adoption Statement will then be published on the Council's website.

4. Financial and Value for Money Implications

4.1 Costs associated with this public consultation are modest and can be met within this year's Spatial Planning Team's budget.

5. Legal Implications

- 5.1 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.
- 5.2 The recommendations are in accordance with advice from Counsel relating to the procedure for preparing SPDs.

6. Contribution to Council Priorities

- 6.1 The production of further guidance on Flood Risk & Water Management and Green Infrastructure & Biodiversity in the form of these SPDs will contribute to the Council's priority to create sustainable communities across Craven.
- 6.2 **Impact on the declared Climate Emergency:** The Local Plan supports a number of themes and actions included in the Council's Climate Emergency Strategic Plan, including the themes of carbon neutral development, travel and transportation, land and nature and carbon neutral energy & low carbon waste. Reference is made in both draft SPDs to the relevant adopted local plan policies, which support the strategic plan to reduce energy use, water use and carbon emissions, maximise the energy efficiency of development, and reduce the environmental impact of materials used on construction.

7. Risk Management

- 7.1 See report
- 7.2 **Chief Finance Officer (s151 Officer) Statement:** The cost implications resulting from the consultation exercise are not anticipated to be significant and can be absorbed in current budgets.
- 7.3 **Monitoring Officer Statement:** The recommendations in the report are within the legal powers of the Council.

8. Equality Impact Analysis

8.1 No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Impact Assessment.

9. Consultations with Others

9.1 Legal Services, Financial Services

10. Background Documents

- 10.1 Flood Risk & Water Management SPD: Draft for Consultation: December 2021.
- 10.2 Green Infrastructure & Biodiversity SPD: Draft for Consultation: December 2021.

11. Appendices

- Appendix A Flood Risk & Water Management SPD: Consultation Statement (March 2022)
- Appendix B Revised Draft Flood Risk & Water Management SPD: Second Draft for Consultation. (March 2022)
- Appendix C Flood Risk & Water Management SPD: Screening Report for Strategic Environmental Assessment (March 2022)
- Appendix D Flood Risk & Water Management SPD: Screening Report for Habitat Regulations Assessment (March 2022)
- Appendix E Green Infrastructure & Biodiversity SPD: Consultation Statement (March 2022).
- Appendix F Revised Draft Green Infrastructure & Biodiversity SPD: Second Draft for Consultation. (March 2022)
- Appendix G Green Infrastructure & Biodiversity SPD: Screening Report for Strategic Environmental Assessment (March 2022)
- Appendix H Green Infrastructure & Biodiversity SPD: Screening Report for Habitat Regulations Assessment (March 2022)

12. Authors of the Report

Ruth Parker; email: <u>rparker@cravendc.gov.uk</u> David Feeney; email: <u>dfeeney@cravendc.gov.uk</u>

AGENDA ITEM 6

Note: Members are invited to contact the authors in advance of the meeting with any detailed queries or questions.

Appendix A



Draft Flood Risk and Water Management Supplementary Planning Document (SPD)

Consultation Statement

Presented to Craven Spatial Planning Sub Committee on 6th July 2022

Introduction

- Craven District Council has prepared a draft Supplementary Planning Document (SPD) in relation to Flood Risk and Water Management which provides further guidance on flood risk and water management in the Craven Local Plan area. In accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) and <u>NPPF</u> definitions of SPDs, it adds further detail to help explain the objectives relating to the listed policies below of the <u>Craven Local Plan (Nov 2019)</u> and is a material consideration in the determination of relevant planning applications.
 - Policy ENV6: Flood Risk
 - Policy ENV8: Water Management
 - Policy SD1: Presumption in favour of sustainable development
 - Policy SD2: Meeting the challenge of Climate Change
 - Policy SP4: Spatial Strategy and Housing Growth
 - Policy SP2: Economic Activity and Business Growth

Purpose of the Consultation Statement

2. Regulation 12 (a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that, before adopting a Supplementary Planning Document, Local Planning Authorities (LPAs) should prepare a Consultation Statement. This should include the following information:

(i) The persons the local planning authority consulted when preparing the supplementary planning document;

(ii) A summary of the main issues raised by those persons; and

(iii) How those issues have been addressed in the supplementary planning document.

3. Regulation 12(b) requires both the consultation statement and the SPD to be made available for the purpose of seeking representations on a draft SPD.

Public Consultation

- 4. In line with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Council's <u>Statement of Community Involvement</u> (SCI) 2022, draft SPDs are subject to two rounds of public consultation. Regulation 12 requires LPAs to invite comments on a draft SPD during a period of public participation. Regulation 13 then requires LPAs to invite representations on a draft SPD over a period of not less than four weeks.
- 5. The first public consultation on the draft Flood Risk and Water Management SPD ran for a period of four weeks from Tuesday 4th January until Tuesday 1st February 2022. The first draft SPD was published on the Council's website and comments were invited to be submitted in writing, no later than Tuesday 1st February 2022 either by post or email.

- 6. Following this first round of public consultation, representations are invited on a second draft of this SPD over a four-week period from Monday 11th July until Monday 8th August 2022, in line with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7. The Council has developed a comprehensive local plan consultation database which includes specific and general bodies and individuals for consultation purposes. The <u>Subscriptions</u> web page on the Council's website allows individuals and organisations to submit their details and be entered onto the local plan consultation database, via Mailchimp at any time. All contacts within the local plan consultee database were notified of the draft Flood Risk and Water Management SPD consultation by either postal or electronic mailshot. Consultees include:
 - Specific Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations, including Town and Parish Councils;
 - General Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations;
 - Individuals that have subscribed to receive details of spatial planning consultations.
- 8. A press release was issued by the Council the week commencing 20th December 2021. This was subsequently published in the Craven Herald & Pioneer newspaper on Thursday 23rd December 2021. The consultation was also promoted on social media (Twitter and Facebook). A copy of the press release is included at Appendix 1 to this report.

What issues were raised and how have they been addressed?

9. A total of 14 representations were received to the public consultation. Table 1 below sets out who submitted the response, a summary of the main issues raised, the Council's response and how the issues raised have been addressed in the SPD together with details of any changes to the SPD, where appropriate.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
Network Rail	 When designing drainage proposals adjacent to and in close proximity to the existing operational railway – the applicant and Council should include consideration of the potential for SUDS to increase the risk of flooding, pollution and soil slippage on the railway and its boundary. Proposals should ensure that no SUDS are included less than 30m from the existing railway boundary (50m from railway tunnels) and that all surface waters and foul water drainage is removed from site via a closed sealed pipe system. Network Rail would need to agree details of how drainage systems are to maintained throughout the life of a proposal. Swales, attenuation basins and ponds should not be included for proposals adjacent to a railway cutting / railway land to ensure there are no stability issues for railway land. Any inclusion of attenuation basins etc. should be discussed with Network Rail prior to submission of the planning application. Proposals seeking to direct surface water run off via culverts under the railway / adjacent to railway land would need to be agreed with Network Rail and would be subject to necessary agreements. Railways are identified as a Major Hazard Industry. 	Neither Policy ENV6 or Policy ENV8 include specific requirements relating to drainage design adjacent to and in close proximity to an existing operational railway, and hence no such policy requirements can be introduced into the SPD. However, some advice can be included as general guidance around railways, encouraging applicants to discuss proposals that are adjacent to or within close proximity to an existing operational railway with Network Rail. Change to SPD – a new paragraph 2.2.6 after 2.2.5 with subsequent paragraphs renumbered correctly with wording as follows: <i>"When designing drainage proposals adjacent to and in close proximity to an existing operational railway, the applicant should consider the potential for SuDS to reduce the risk of flooding, pollution and soil slippage on the railway and its boundary. Applicants are encouraged to discuss any development proposals and associated drainage systems located within close proximity to an existing operational railway with Network Rail."</i>
Marine Management Organisation	Standard advice regarding marine licensing, marine planning and minerals and waste plans and local aggregate assessments.	The standard advice is noted. No change to SPD required.
Kate Jennings, Settle resident	2.1.0 Development in the lowest areas of flooding [Policy ENV6 (a)]	The NPPF sets strict tests to protect people and property from flooding which all local planning authorities are expected to

Table 1: Summary of the issues raised by respondents, the Council's response and recommended changes to the SPD

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	A precautionary approach should be taken to the identification of areas at risk of flooding to 'future-proof' flood risk assessments. As a result of climate change the risks of flooding are likely to extend some way beyond the current extent of flood risk mapping (as presented here <u>https://flood-map-for-planning.service.gov.uk/</u>) within the lifetime of any proposed developments.	follow. Paragraph 2.1.1 of the draft SPD states that criterion a) to ENV6 reflects the general approach to development and flood risk in the NPPF and the NPPG by focusing development in areas of lowest flood risk where possible and by applying the necessary sequential and exception tests. No change to SPD required.
	2.2.0 Sustainable Urban Drainage Systems [Policy ENV6 (b)] The wording should be altered to make clear that inclusion of (and requirements for) SUDS should be the default for all forms of development, with limited derogations from this requirement only being considered in exceptional circumstances.	Policy ENV6 requires the incorporation of SuDS where possible and this is reflected in the draft SPD at paragraph 2.2.0. The suggestion that SuDS should be the default for all forms of development, and that some elements of SuDS should be required as standard in all developments, is beyond the requirements of Policies ENV6 and ENV8, and hence cannot be included in the SPD. No change to SPD required.
	2.3.0 Maintaining access to watercourses and flood defences, and avoiding likely flood resilient areas [Policy ENV6 (c) & (d)] Support that the draft SPD is clear about the need to avoid the degradation of peat soils and upland habitats. Also support for the reference here to the importance of safeguarding land for flood risk management.	Support is welcomed for the text on peat soils and upland habitats, and also to the importance of safeguarding land for flood risk management. No change to SPD required.
	2.4.0 Maximise opportunities for incorporation of water conservation [ENV8 (b)] Here as elsewhere in the document suggest that the technologies and measures are listed, CDC could make clear those which will be expected as a minimum requirement.	Water conservation and efficient technologies are referred to paragraph 2.4.2 with examples of these listed. Whilst it is agreed that the specific technologies and measures relating to water conservation are worthwhile, such references to their inclusion as minimum requirements go beyond the policy requirements of ENV6 and ENV8, and hence cannot be included in the SPD. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	2.5.0 Adequate provision for foul and surface water disposal and waste water treatment infrastructure [Policies ENV6 (e) & ENV8 (a)] Along the River Ribble, the river level is currently half way up the gravity outfalls for surface water disposal at the recently constructed houses on Riverside View in Settle. CDC should reflect on whatever policies were in place at the time of consenting this development and revise them as they were very clearly inadequate (or ignored).	This comment relates to a determined planning application rather than to the draft SPD itself. The aim of the SPD is to provide further guidance to adopted Craven Local Plan Policies ENV6 & ENV8, which will be used to assess planning applications when relevant. The local plan was adopted in November 2019 and the Council is required to review the plan every five years. Policies will therefore be reviewed and updated as necessary. This is a separate process to the preparation of SPDs. No change to SPD required.
	3.14.0 Outline, Reserved Matters and Planning Conditions Welcome the statement that 'The Council may wish to encourage details relating to flood risk and water resources on or near a development site to be agreed as part of the initial permission, so that important elements are not deferred for later consideration' but would suggest that this should be strengthened, as the Council <u>should</u> encourage and expect this, and should also be clear that subsequent reserves matter applications and applications for alternations to permissions should not be used to seek to relax requirements established at the outline permission stage.	In order to provide clarity relating to this issue, paragraph 3.14.1 is to be amended. This amendment also relates to the comment made by CPRE below. Change to SPD – first sentence of paragraph 3.14.1 altered as follows: <i>"The Council encourages details relating to flood risk and water resources on or near a development site to be agreed as part of the initial permission, so that important elements are not deferred for later consideration."</i>
Sutton Parish Council	No comments on the content of the SPD. A request to use the information from an attached report within the response (Flood Investigation Report for South Craven; North Yorkshire County Council, 2016) in the SPD, and also in reference to any future planning applications.	The Flood Investigation Report for South Craven referred to relates to an investigation carried out following an extreme rainfall event and subsequent flooding from rivers, surface water and ground water in December 2015. The purpose of this report is to investigate which Risk Management Authorities (RMAs) had relevant flood risk management functions during the flooding incident, and whether the relevant RMAs have exercised, or propose to exercise, their risk management functions, as per section 19(1) of the Flood and Water Management Act 2010. It does not address wider issues beyond that remit, nor include

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
		recommendations for future actions. Policy ENV6 states that it is important to refer to the latest and best flood risk information. Given the age and purpose of this report, it is not considered appropriate to refer to it in the draft SPD. No change to SPD required.
The Canal & River Trust	Section 2.7 Water Quality: the proposed text could assist in ensuring that efforts are taken by prospective developers to ensure that their proposals do not adversely result in pollution towards water resources, helping make Local Policy more effective in meeting the aims of paragraph 174 (part e) of the NPPF, which seeks to ensure that negative impacts of development on the water environment are limited. This includes need to identify appropriate mitigation, such as suggested in paragraph 2.7.4.	Support welcomed for the text contained in Section 2.7. No change to SPD required.
	There is a risk that the current wording of this section, which refers to 'watercourse' and 'water resources', does not specifically address what water bodies would be impacted by the text. The addition of a glossary or additional text detailing the type of water bodies affected by section 2.7 can make the document more effective, making it more obvious to applicants what water resources the document applies to.	Additional text to be included on the water body types. Change to SPD – additional sentence in paragraph 2.7.1 as follows: "Water resources refer to rivers, lakes, canals, streams, and small ditches. All of these water resources could be impacted by development in terms of water quality." Change to SPD - the term 'water courses' has been replaced with 'water resources' in para 2.7.1.
	Section 3.4 Flood Risk from Canals: note reference to the flood risk from canals, which cross-references the Craven SFRA. There is a residual risk of flooding from (unlikely) asset failures or the overtopping of water from natural watercourses into the canal. Section 4.5.1 of the SFRA is robust, and the cross-reference to this document should help make the SPD effective in guiding developers to the relevant documentation.	The comments and support for Section 3.4 are noted. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	2.5 Surface Water Disposal: The Canal and Rivers Trust as Landowner and Navigation Authority of the Leeds & Liverpool Canal, note that any discharge of water to our network would require the Trust's prior consent. This would also involve a requirement to assess any impact on navigation or the management of water resources across our network. Suggestion that the draft SPD include text to inform prospective applicants of the need for this consent and an assessment of the impact on the network. Example text included in submission.	Suggested additional text within Section 2.5 accommodated. Change to SPD – additional text at the end of paragraph 2.5.1 worded as follows: <i>"It should be noted that the formation of</i> <i>a new discharge or alteration to an existing discharge to the</i> <i>Leeds and Liverpool Canal would require the prior consent</i> <i>of the Canal & River Trust. Applicants proposing to</i> <i>discharge to the Canal may wish to enter pre-application</i> <i>discussions with the Trust prior to the development of their</i> <i>drainage proposals."</i>
Pendle Borough Council	No identification of any direct implications for Pendle. Note the positive aspects of the relevant Craven policy and will seek to replicate these in their emerging LP policies on Flood Risk & Water Management, to ensure that Craven's strategic aims and objectives are reflected in Pendle, particularly within that part of Aire catchment that is within the borough.	Support is welcomed for the document's content, and the comments are noted. No change to SPD required.
Bradley Parish Council	General Comments and relationship to the emerging Neighbourhood Development Plan Need to explain the relationship to existing and future neighbourhood plans which may contain more local policies and provisions for developments involving flood risk and water management.	This SPD provides further guidance to adopted Craven Local Plan Policies ENV6 and ENV8. Change to SPD – an additional sentence in paragraph 1.1.3 as follows: "Once made or adopted, neighbourhood plans form part of the development plan. It will therefore be necessary for development proposals to comply with any flood risk and/or water management policies in neighbourhood plans where they exist and cover the location where development is proposed."
	<u>Comments on Part 3 – Preparing and Submitting Planning Applications</u> Acknowledge and welcome that paragraphs 3.1.1 and 3.1.3 of Part 3 of the draft SPD references the importance of community engagement	Support for the content of paragraphs 3.1.1 and 3.1.3 is welcomed. Paragraph 3.1.3 sets out the importance of early discussions between applicants, Craven District Council and the

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	by developers when developing schemes. Although more emphasis should be placed on applicants to demonstrate how they have effectively engaged with communities and how final scheme designs have reflected and taken on board the views of the local community. This will be particularly important within Bradley village when considering appropriate SUDs measures as part of new development schemes, as their effectiveness will depend on the local context and topography of the area, and the Parish Council and local community have valuable intelligence that would assist in scheme design. This would need to be proportionate to the scale of development proposed but it ought as a minimum be required for schemes comprising multiple new houses.	relevant local community in clarifying development expectations and reconciling local and commercial interests. Paragraph 3.1.3 states 'Early discussions between applicants, Craven District Council and the relevant local community is important for clarifying development expectations and reconciling local and commercial interests', therefore it is considered that the draft SPD already sets out the importance of early community engagement when developing schemes. No change to SPD required.
CPRE NY (The Countryside Charity, North Yorkshire)	Supportive of this draft SPD in general; it clearly sets out the intentions of the relevant policies in the adopted Local Plan. It is considered part 3 of the SPD will be incredibly useful to potential applicants to understand what evidence and information is required to be submitted during the planning application process. The detailed process set out to undertake the sequential and exception tests is considered useful.	The support for the SPD content is welcomed.
	Suggested amendment for paragraph 3.14.1 included in submission. This is to ensure that adequate mitigation measures (where appropriate) can be delivered as part of the application's determination to ensure appropriate development. If this important matter is deferred to a condition, then the principle of development will have been established regardless of the viability and potential effectiveness of mitigation.	A slightly amended version of the suggested change of wording can be made to the draft SPD. Change to SPD – first sentence of paragraph 3.14.1 changed as follows: <i>"The</i> <i>Council encourages details relating to flood risk and water</i> <i>resources on or near a development site to be agreed as</i> <i>part of the initial permission, so that important elements</i> <i>are not deferred for later consideration."</i>
Bentham Town Council	Due to the length of this document, a request for a summary of the new proposals and/or changes in order to be able to respond fully.	The current consultation format is deemed most appropriate both for consultees and the Council. Craven DC responded to this

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	There are no comment forms for this consultation. However, a comment form enables the Council to respond easily and facilitates consultation, and would have been extremely useful.	 submission during the consultation period, with the key points as follows: Explained how the second draft of this SPD will show amendments made to the first draft (shown as strike-through text and underlined text as appropriate); The table of contents is useful to direct commentators to sections that are of most importance to them if all the material cannot be consumed. Any comments on such sections or other SPD content are most welcome; The consultation notification letter sent out to all interested parties at the commencement of the consultation period stated that there was no comments form for the consultation, and set out that consultees should identify which section or paragraph their comments relate to. No change to SPD required.
United Utilities	Our Assets: in addition to maintaining access to watercourses and flood defences (Section 2.3.0 of the SPD), it is important to outline the need for United Utilities' assets to be fully considered in development proposals. UU will not normally permit development over or in close proximity to their assets. All United Utilities' assets need to be afforded due regard in the master planning process for a site. Strongly recommend that the LPA advises applicants of importance of fully understanding site constraints as soon as possible, ideally before any land transaction is negotiated.	The SPD can include stronger references to the importance of fully understanding site constraints associated with utility assets as soon as possible. Change to SPD – additional text to paragraph 2.3.2 with the following wording: <i>"It is advised</i> <i>that applicants liaise with the Environment Agency and</i> <i>other risk management authorities (Local Lead Flood</i> <i>Authority, Internal Drainage Board, United Utilities, Canal &</i> <i>Rivers Trust etc.) to identify any existing criteria relating to</i> <i>access to watercourses and existing assets of these</i> <i>authorities. It should be noted that an 8 metre easement</i> <i>buffer along watercourses where development is not</i> <i>permitted is recommended by the Environment Agency to</i>

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
		allow ease of access to watercourses for maintenance works."
	Water Management: support for guidance on sustainable water management. Welcome the SPD being intrinsically linked to wider policies in the Local Plan, including the Council's emerging Good Design SPD and the Green Infrastructure & Biodiversity SPD.	Support is welcome for guidance on sustainable water management. No change to SPD required.
	Green & blue infrastructure and landscape provision play an important role in managing water close to its source, and sustainable surface water management is at the forefront of the design process. The necessary links between green & blue infrastructure, surface water management, landscape design and biodiversity should be made in the SPD.	There is linkage between this SPD and the emerging Biodiversity & Green Infrastructure SPD, and its promotion of green and blue infrastructure to help reduce flood risk (for example in paragraph 2.3.5). Additional text has been inserted at paragraph 2.7.6 in response to this comment and comments from the Environment Agency relating to this issue (see below). Change to SPD – additional text to paragraph 2.7.6 as follows: "There are strong linkages between Biodiversity Net Gain (BNG) provision, protecting Green Infrastructure, reducing flood risk and improving water quality, i.e. the retention and enhancement of habitats in order to achieve BNG has cross-over benefits for flood risk and water quality. This multi-functionality of land and water environments should be noted and implemented by applicants where possible. The Biodiversity and Green Infrastructure SPD provides further details to adopted local plan policy ENV4 and ENV5, including details regarding BNG and the use of the Biodiversity Metric, which requires that river, stream, canal and ditch habitats are assessed independently from land habitats."
		Agreed that there is a strong link between landscaping, public realm improvements, and sustainable water management design

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	Landscaping and Public Realm Improvements: Suggest that stronger reference is made in the draft SPD to the need for landscaping and any public realm improvements to be integrated with sustainable surface water management design objectives.	objectives, and the draft SPD can be amended to provide a stronger reference to this. Change to SPD – additional sentence to paragraph 2.2.8 with the following wording: "Where landscaping and public realm improvements are proposed within a scheme, opportunities should be taken to ensure that these are integrated with sustainable surface water management design objectives."
	As part of any public realm improvements, including Craven's town centre regeneration opportunities, we specifically request that the Council and applicants consider opportunities for source control and slowing the flow of surface water. Note inclusion of permeable surfacing in examples of SuDS in Table 1. In addition to permeable paving, this can be achieved through swales; and bioretention tree pits/rain gardens. UU enclosed some case studies taken from the Susdrain website which provide imagery of example SuDS components. UU recommend additional wording as included in the submission.	Change to SPD: Additional text included in Table 1 to identify permeable surfacing, swales and bioretention tree pits/rain gardens as examples of SuDS that slow the flow of surface water as follows: Change to second column relating to Permeable Surfaces: "Permeable surfaces can help to achieve source control and slow the flow of surface water." Additional row in Table 1: "Types of SuDS: Swales, Bioretention tree pits/rain gardens." Details provided of SuDS mechanism utilised: "Swales and bioretention tree pits/rain gardens can help to achieve source control and slow the flow of surface water. Swales are low or hollow places, especially a marshy depression between ridges. Bioretention tree pits / rain gardens are a versatile bioretention stormwater management device providing passive irrigation of street trees, stormwater quality treatment, groundwater recharge, peak flow and volume attenuation, and other significant non-stormwater benefits." Suitability for Major or Minor Development: "Both; suitable for all development types."

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	New Development Opportunities: as set out in Policy ENV6(e) Flood Risk, UU wish to highlight that every opportunity should be taken to ensure that surface water can discharge to a sustainable alternative to the public sewer system. They should consider the incorporation of water efficiency measures as part of any approach to sustainable construction. As noted above, prior to undertaking any public realm improvements, UU request that an approach to foul and surface water management for all potential development sites is given further consideration and integrated with landscaping proposals for the public realm in the best way possible. UU request that any briefs to advising consultants require the early consideration of foul and surface water management, as well as opportunities for water efficiency. Issues should be linked to the design of buildings and spaces and integrated with the approach to landscaping.	The additional wording set out above is intended to address surface and wastewater management in terms of landscaping proposals for the public realm. Water efficiency and conservation is promoted in Section 2.4.0. Further detail relating to the requirement of criterion (e) of policy ENV6 is provided in Section 2.5.0 relating to the adequate provision for foul and surface water disposal and wastewater treatment infrastructure. Table 2 in Part 3 identifies a Surface Water Drainage Scheme as being one of the supporting documents which are commonly required to accompany a planning application document and forms part of the Council's local validation list, where a development proposes to discharge surface water into a public sewer. With this document, the applicant is required to demonstrate why alternative options are not available. No change to SPD required.
	Water Efficiency: to support Local Plan Policy ENV8(b) (maximising opportunities for incorporating water conservation into design), we wish to recommend that the SPD includes a requirement for new development to be built to the optional water efficiency standard prescribed in Building Regulations. Recommend the following additional wording as part of the SPD: <i>"New dwellings will be required to meet the higher National Housing Standard for water consumption of 110 litres per person per day."</i> Surface water should be managed as close to its source as possible. There are opportunities such as rainwater recycling, green roofs and water butts and encourage the LPA to embrace all water efficiency	The optional water efficiency standard prescribed by Building Regulations can be implemented through local planning policy, where there is a clear need based on evidence. Adopted LP Policy ENV8 does not require this standard, hence it cannot be introduced via this SPD. If there was a clear need for this standard to be applied in Craven, it can only be introduced via an update to Craven LP policy following review. Guidance on how to take all reasonable opportunities to reduce water use in new development is included in the note on Sustainable Design and Construction Statements contained in Appendix C of the emerging Good Design SPD. The Council promotes water efficiency and conservation measures in section 2.4.0 of this SPD. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	measures. Modern design techniques can promote measures for water recycling to reduce the impact on infrastructure requirements. Sustainable Drainage - Foul Water and Surface Water New development should manage foul and surface water in a sustainable way in accordance with national planning policy. UU emphasise the importance of any future policy setting out the need to follow the hierarchy of drainage options for surface water in national planning practice guidance which clearly identifies the public combined sewer as the least preferable option for the discharge of surface water. Noting that not all applications are required to submit a flood risk assessment, UU outline that policy should set an expectation that all applications will be required to submit clear evidence that the hierarchy for surface water management has been fully investigated to ensure that flood risk is not increased elsewhere. UU recommend that policy requires applicants to submit a foul and surface water drainage	
	UU recommend the additional wording for inclusion within Section 2.5.0 requiring all planning applications to be supported by strategies for foul and surface water drainage strategies and supplemented by maintenance and management regimes of the lifetime of any drainage schemes.	The proposed additions under section 2.5.0 related to this subject area cannot be accommodated as they raise numerous requirements that are not within the wording of either Policy ENV6 or ENV8. For example, neither policy includes specific requirements for minimum water run-off rates, nor that applications for detailed approval will be expected to be supplemented by appropriate maintenance and management regimes for the lifetime of any drainage schemes. However, additional wording on the volume and rate of surface water discharge can be included as part of amendments made to paragraph 2.8.2 (see below). The Council have a requirement for a Surface Water Drainage Scheme (see paragraph 2.5.1 and table 2 in Part 3).

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
		No change to SPD required.
		Section 2.5.0 provides further detail relating to the requirements of criterion e) of policy ENV6 and criterion a) of ENV8 relating to the adequate provision for foul and surface water disposal and waste water treatment infrastructure. Table 2 in Part 3 identifies the requirement for a Surface Water Drainage Scheme (as required by policy ENV6) and a Foul Drainage Assessment (as required by policy ENV8) when appropriate. These documents are identified as those commonly required to accompany a planning application document and form part of the Council's local validation list.
		Section 2.2.0 provides further guidance relating to the requirement of criterion (b) of policy ENV6 that all surface water drainage systems should be economically maintained for the lifetime of the development. No change to SPD required.
		It is considered that elements of this suggested additional text can be accommodated within the draft SPD to provide further guidance on the requirements of policies ENV6 and ENV8 in section 2.2.0, which relates to SuDS & criterion (b) of Policy ENV6. This additional text also strengthens the linkages between this SPD and the emerging draft GI & Biodiversity SPD through the provision of clear working for applicants. It is considered that this draft SPD cannot require that any SuDS is designed in accordance with 'Ciria C753 The SuDS Manual' or any subsequent replacement guidance as this is not a specific requirement of Policy ENV6, however the SPD can be amended to encourage applicants to refer to it when designing schemes.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	UU also recommend additional wording for inclusion within Section 2.6.0 of the draft SPD relating to the expectation for applicants to design sustainable drainage in accordance with the four pillars of sustainable drainage and that any sustainable drainage system should be designed in accordance with 'Ciria C753 The SuDS Manual' or any subsequent replacement guidance.	Change to SPD – new paragraph 2.2.9 with the following wording: "Applicants are encouraged to design sustainable drainage in accordance with the four pillars of sustainable drainage - water quantity, water quality, amenity and biodiversity, and incorporate site drainage as a part of a high quality green and blue environment. Strategies for surface water management could include sensitive biodiversity proposals, as well as appropriate hard and soft landscaping to reduce the volume and rate of surface water discharge, for example permeable surfaces and bio retention areas (see Table 1 above). Unless a below ground infiltration system is proposed for the management of surface water, applicants are encouraged to manage surface water through sustainable drainage features with multi-functional benefits as opposed to a reliance on underground conventional piped and tanked storage systems. Applicants are encouraged to refer to the 'Ciria C753 The SuDS Manual' or any subsequent replacement guidance when designing SuDS. Regarding the implementation of SuDS, the applicant is advised to cross reference to the Craven Local Plan's policies (ENV4 and ENV5) and the subsequent SPD on the subjects of biodiversity and green infrastructure."
	Groundwater: with respect to Section 2.8.0, we would recommend that paragraph 2.8.2 clearly states that: <i>"In groundwater source protection</i> <i>zones, applicants may be required to risk assess the impact on the</i> <i>groundwater environment and thereafter, if the principle of</i> <i>development is acceptable, incorporate appropriate mitigating</i> <i>measures agreed in liaison with the Environment Agency and the</i> <i>relevant water / wastewater undertaker. The mitigating measures</i>	Change to SPD – additional wording added to paragraph 2.8.2 as follows: "In considering the impact of any proposal on source protection zones (SPZs) and any appropriate mitigation measures, applicants are advised to liaise with the Environment Agency and the relevant water/waste water undertaker. The mitigating measures could relate to the masterplanning of the site, the detailed design of the site

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	could relate to the masterplanning of the site, the detailed design of the site and measures to manage the impact of the construction process on the groundwater environment."	and measures to manage the impact of the construction process on the groundwater environment." This paragraph has also been amended to be clearer where the SPZs in Craven can be found.
	The Sewerage Network in Craven: it is important to explain that existing drainage systems in the district are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management as part of new development, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment.	It is agreed that a brief explanation would be useful to applicants in terms of existing combined sewers. Change to SPD – additional text to new paragraph 2.5.4 as follows: "The existing drainage systems in the local plan area are often dominated by combined sewers, taking both foul and surface water. This is a result of the time the sewer infrastructure was constructed. Policy ENV6 criterion (e) and ENV8 criterion (a) promotes a consistent approach to surface water management as part of new development, which will help to manage and reduce surface water entering the sewer network. Hence this will decrease the likelihood of flooding from sewers, the impact on residents and businesses, and the overall impact on the environment."
	Stepped Approach to Sequential & Exception Testing, Introduction: With respect to Paragraph 3.4.1, UU highlights the need for the identification of flood risk to include dialogue with the relevant wastewater undertaker for the area so that any flood risk from public sewers can be identified and thereafter considered appropriately in accordance with national planning policy and guidance. UU highlight the need for related references to 'fluvial flood risk' to be deleted to make reference to simply 'flood risk'. For example, Step 3 at paragraph 3.6.0 refers to 'The fluvial (rivers and watercourses) flood risk sequential test'. Similarly, Step 3 (d) states: Are there any available and appropriate alternative sites of lower fluvial flood risk than the proposed residential development site'.	The proposed wording alterations are accepted. Changes to SPD as follows – in Step 3, the heading of paragraph 3.6.0 changes and reduces to: 'The Flood Risk Sequential Test'. Within Step 3(d), the heading of paragraph 3.10.0 is changed to: 'Are there any available and appropriate alternative sites of lower flood risk than the proposed residential development site?' In terms of the comment made in respect of stage 3(d), Policy ENV6 is in line with paragraph 16 of the NPPF regarding application of a sequential test, and ENV6 states that it will be important to refer to the latest and best flood risk information etc.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	In addition, in relation to Step 3 (d) UU highlight that if the relevant flood risk is from public sewers, it would be necessary to liaise with the relevant sewerage company regarding the availability of appropriate alternative sites (see para 16 of the NPPF). With respect to Step 5 UU also recommend that the SPD makes it clear that flood risk assessments may also be required in respect of circumstances relating to other forms of flood risk.	In terms of the comment made in relation to Step 5, paragraph 3.13.2 quotes from the PPG that one of the objectives of a FRA is to establish whether a proposed development is likely to be affected by current or future flooding from any source. Therefore, the SPD is considered to be clear that FRA are required in respect of potential flooding from any source, which would include flooding from a public sewer. No change to SPD required.
		As set out in the response to the UU comment above relating to the need for foul and surface water drainage strategies and maintenance regimes, Section 2.5.0 provides further detail relating to the requirements of criterion (e) of policy ENV6 and criterion (a) of ENV8 relating to the adequate provision for foul and surface water disposal and wastewater treatment infrastructure. Table 2 in Part 3 identifies the requirement for a Surface Water Drainage Scheme (as required by policy ENV6) and a Foul Drainage Assessment (as required by policy ENV8) when appropriate. These documents are identified as those commonly required to accompany a planning application document and form part of the Council's local validation list. Section 2.2.0 provides further guidance relating to the requirement of criterion b) of policy ENV6 that all surface water drainage systems should be economically maintained for the lifetime of the development.
	Outline, Reserved Matters and Planning Conditions As noted above, UU request that the SPD is clear that at the outline stage, the applicant should provide details of a foul and surface water management strategy. UU recommend that reserved matters and	Paragraph 3.14.1 is clear that the Council encourages details relating to flood risk and water resources on or near a development site to be agreed as part of the initial permission, so that important elements are not deferred for later consideration.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	applications for full planning permission should provide details on the approach to foul and surface water drainage including details of finished floor and ground levels as well as levels of the proposed drainage system. This is critical information so that the resilience of a site to climate change can be assessed.	Table 2 in Part 3 and section 3.14.0 together provide further guidance on the requirements of policies ENV6 and ENV8 relating to foul and surface water management. No change to SPD required.
Environment Agency	Flood Risk: The EA have highlighted that there have been updates to the NPPF since the Craven Local Plan was prepared and adopted. For flood risk, the principal evidence comes from the Strategic Flood Risk Assessment. In Craven, the current SFRA was published in 2017 and since then the SFRA guidance has been updated to reflect the current NPPF and NPPG. The EA have provided comments below with regards to aspects of the SFRA that are likely to require updating; or that would benefit the Council and developers if it were to be updated.	It is recognised that the Council's SFRA will need updating and the Council plans to update the 2017 SFRA as part of work to update the Craven Local Plan evidence base, in line with the requirements of the NPPF & NPPG.
	Paragraph 1.4.2 & 1.4.3: the latest wording in the NPPF emphasises that flood risk should take into account risk now and in the future; and should give consideration to all sources of flood risk. Whilst the previous wording was similar, the 2021 changes make it much clearer how flood risk should be taken into account. Policy ENV6 could make it clearer for example that current flood risk and the future impacts of climate change need to be taken into account, as well as flood risk from all sources.	Paragraph 1.1.2 of this SPD explains that the SPD provides further guidance on flood risk and water management in the Craven Local Plan area (principally policies ENV6 & ENV8). Changes to adopted local plan policies can only be made via the statutory planning process of reviewing and updating a local plan, and cannot be made via a SPD. Section 1.4.0 sets out that the preparation of the local plan and its examination has been based on provisions of the 2012 NPPF, and the accompanying NPPG and that policies ENV6 and ENV8 remain consistent with the latest version of the NPPF. No change to SPD required.
	2.2.3 – 2.2.7 & 2.5.3: the latest wording within the NPPF is that SuDS should be incorporated, unless they would be inappropriate (NPPF Paragraph 169). This is a subtle change in language, but puts the	Criterion (b) of policy ENV6 states that development will incorporate SuDS and where the use of SuDS is not possible, feasible or appropriate other means of flood prevention and water

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	emphasis on developments utilising SuDS; and only accepting alternatives if SuDS are not appropriate.	management should be used. Section 2.2.6 of the SPD provide further guidance on this policy criterion. Therefore, it is considered that whilst policy ENV6 is based on the provisions of the 2012 NPPF, both the policy and the guidance included in the draft SPD are consistent with paragraph 169 of the NPPF (2021).
	In relation to 2.2.7, the recently updated SuDS Codes for Adoption may help to secure ongoing maintenance of SuDS.	Change to SPD – additional wording in paragraph 2.2.8 as follows: <i>"The <u>SuDS Codes for Adoption</u> can assist to secure on-going maintenance of SuDS.</i>
	EA recommend that the commentary around the use of SuDS is discussed with the Lead Local Flood Authority, and other Risk Management Authorities who comment on detailed drainage matters – such as Internal Drainage Boards and Yorkshire Water. These comments also apply to para 2.5.3, relevant to the design of SuDS.	Both North Yorkshire County Council, in their role as the lead local flood authority, Yorkshire Water, United Utilities etc. were consulted on this draft SPD. Their comments are included in this Consultation Statement and have informed the subsequent draft of the SPD. Para 2.2.5 of the draft SPD states 'Where SuDS are proposed as part of a planning application, the Council will regularly seek advice from North Yorkshire County Council, who acts as the Lead Local Flood Authority, including on what type of SuDS is considered to be reasonably practicable for a particular proposal.' No change to SPD required.
	2.3.1 & 2.3.2: It would be useful if the SPD reflected on the likely criteria for access to watercourses. This could, for example, set out the normal easements adjacent to watercourses as well as any access requirements. The Environment Agency normally requests that there is no development within 8m (16m if tidal) of any watercourse identified as a main river. EA recommend that you discuss these requirements with the LLFA, IDB, Utility Companies and Canal & Rivers Trust; and include these within the SPD. If they are included elsewhere, for example within your SFRA, it may be appropriate to specify "no	The point regarding access to watercourses is noted. In order to deal with this comment and a similar comment from United Utilities (see above), the following change is proposed. Change to SPD – additional text to paragraph 2.3.2 as follows: "It is advised that applicants liaise with the Environment Agency and other risk management authorities (Local Lead Flood Authority, Internal Drainage Board, United Utilities, Canal & Rivers Trust etc.) to identify any existing criteria relating to access to watercourses and existing assets of these

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	development within the specified distances set out in the SFRA Section x.xx." Additional permits / consents are normally required when working in close proximity to watercourses and/or flood and drainage infrastructure.	authorities. It should be noted that an 8 metre easement buffer along watercourses where development is not permitted is recommended by the Environment Agency to allow ease of access to watercourses for maintenance works."
	2.3.3 & 2.3.4: generally supportive of the text under these headings, but it would be useful to confirm how these are then practically applied within the allocations and/or subsequent windfall sites. The opening sentence of 2.3.3 might read better if it suggests that "using opportunities provided by new development to reduce the causes and impacts of flooding." This could be achieved through, for example, safeguarding of specific sites (as per the current 2.3.4 text) that may contribute to the reduction of flood risk, utilising Natural Flood Management or the use of the examples within the current text.	The first sentence in paragraph 2.3.3 repeats criterion (d) of policy ENV6. The wording of this policy criterion cannot be changed. No change to SPD required.
	2.6.2: this refers to the need to ensure that flood risk is not increased elsewhere, and falls under a sub-heading relating to drainage design (2.6.0). There is no clear link between floodplain compensation measures and the existing Local Plan policy ENV6, although ENV 6(d) seems to match some of the terminology used within NPPF para 167. If consideration is given to updating of ENV6, use of the phrase "developments should be made safe, without increasing risk elsewhere" is advantageous. This matches with NPPF Paragraphs 159 and 167.	The points are noted regarding floodplain compensation and flood risk potentially increasing elsewhere. Section 2.3.0 of the draft SPD provides further guidance to criterion (d) of policy ENV6. Any wording changes and suggested updating to Policy ENV6 can only be achieved via the statutory process of reviewing and updating a local plan. No change to SPD required.
	2.6.3: this refers to flood resilient design but appears under the subheading of ENV $6(f)$ which is about drainage requirements. EA recommend that this point would seem to be more relevant to ENV $6(d)$ which mentions 'flood resilient design' and therefore more compatible with NPPF Paragraph 167(b) and the NPPG Paragraphs 059 & 060.	This comment relates to flood resilient design of new development and buildings. Criterion (d) of policy ENV6 requires development to avoid areas with the potential to increase flood resilience. It is therefore considered that this paragraph be moved to be included in section 2.3.0 relating to criterion (d) of

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
		policy ENV6. Change to SPD - The paragraph 2.6.3 is to be moved to a new paragraph 2.3.4 (and subsequent paragraphs renumbered) under the section under ENV6(d). Paragraph 2.3.4 is set out below: <i>"Flood-resilient buildings are designed and constructed to reduce the impact of flood water entering the building so that no permanent damage is caused. The Ministry of Housing Communities and Local Government published <u>Improving the Flood Performance of New Buildings: Flood Resilient Construction</u> in 2007, which provides guidance to developers and designers on how to improve the resilience of new properties in low or residual flood areas.</i>
	2.7.3: EA recommend making it abundantly clear that new culverts are unlikely to be supported, in line with the EA's position on culverts because of their adverse impacts on the environment. Physical modifications such as those listed in 2.7.3 are also likely to require additional consents or permits – such as Flood Risk Activity Permits from the EA and/or Consent from the LLFA, depending on the watercourse(s) affected. Useful to make it clear that such permits / consents are additional to permission.	Change to SPD – additional text after third sentence of paragraph 2.7.3 as follows: "Physical modifications such as those listed may require additional consents or permits, such as Flood Risk Activity Permits from the Environment Agency and/or consent from North Yorkshire County Council depending on the watercourse(s) affected. Such permits/consents are in addition to any planning permission and developers are encouraged to contact the relevant bodies when necessary. It should be noted that in line with the Environment Agency's position on culverts, proposed new culverts are unlikely to be supported because of their adverse impacts on the environment."
	3.4.3: this paragraph should be clearer that the EA Flood Map for Planning does not delineate Flood Zone 3 into 3a or 3b. The SFRA should be used as the starting point for identifying Flood Zone 3b (the functional floodplain). Links to the EA flood maps could link to those associated with reservoirs which have been updated. Guidance on the	Change to SPD – additional text within paragraph 3.4.4: "The SFRA maps do identify Flood Zone 3a or 3b and should be the starting point for identifying 3b (functional flood plain).

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	new maps and links to accessing the maps is provided at Reservoir flood maps: when and how to use them - GOV.UK (www.gov.uk). The current SFRA does not include the mapped extent of reservoir flood risk on its maps, conflicting with the text in Section 3.4.4, although it does provide a link to the EA website.	Change to SPD – additional text within paragraph 3.4.3 "The EA also produces reservoir flood maps and guidance on them can be accessed using the following link: <u>https://www.gov.uk/guidance/reservoir-flood-maps-when-and-how-to-use-them</u> . This information explains what the reservoir flood maps show, how they were created and how to use them in assessments. It should be noted that some locations in Craven, the flood extents associated with reservoir flooding extend beyond the flood zones and/or where other sources of risk are present."
	3.5.1: whilst the Sequential Test may not need to be revisited for sites that have already had it applied, it should be noted that NPPF Paragraph 166 does state that the Exception Test may need to be reapplied if "relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account." EA draw specific attention to comments in relation to the SFRA and the approach to identifying areas that may be at future flood risk. There is a circular approach to assessing future flood risk within the SPD. Whilst Section 3.5.1 correctly identifies that future flood risk associated with fluvial (river) flooding is considered, it relies on the conclusions of the SFRA. EA recommend inclusion of text that encourages a sequential approach to development within a site, ensuring that the most vulnerable elements are restricted to land at lowest risk of flooding. This may be most appropriate on sites that fall across multiple flood zones, or where flood risk from other sources may also contribute to flood risk issues within a site.	Change to SPD – a new paragraph 3.6.3 with wording as follows: "In line with the EA's advice, a sequential approach is encouraged to development within a site, ensuring that the most vulnerable elements are restricted to land at lowest risk of flooding. This may be most appropriate on sites that fall across multiple flood zones, or where flood risk from other sources may also contribute to flood risk issues within a site".
	3.5.2: The use of the language "A fluvial flood risk sequential test is not appropriate for certain types of development in Flood Risk Zones 3a	Change to SPD – the first sentence in paragraph 3.5.2 has been replaced by the following text: <i>"In line with Table 3 of</i>

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	and 3b" introduces different terminology to that used in NPPF and NPPG, which might cause confusion. EA recommend something like: "In line with Table 3 of the NPPG, certain development in Flood Zones 3b and 3a, should not be permitted. The Sequential Test should be applied (where required) to areas of lowest overall flood risk."	the PPG (see Appendix B), certain development in Flood Zones 3b and 3a, should not be permitted. The Sequential Test should be applied (where required) to areas of lowest overall flood risk. This is because such development should not be permitted in these high flood risk areas and cannot generally be justified by the sequential or exception test. The NPPF has further information under its paragraphs 159 – 169."
	3.5.3: this includes the following text: "For other non-fluvial flood risks, and for land use compatibility issues identified in the flood risk documents given in Step 1 above, applicants should contact the Council's DM team to discuss the need for an alternative sequential test and the suitability the intended land use." EA recommend that rather than using "non-fluvial flood risks" that you refer to "other sources of flood risk" to follow the language used within NPPG.	Change to SPD – within paragraph 3.5.3, the phrase 'non- fluvial flood risks' is to be replaced by 'other sources of flood risk'. Change to SPD – the first sentence of paragraph 3.5.3 has been amended to read as follows: <i>"For other</i> <i>sources of flood risks, and for land use compatibility issues</i> <i>identified in the flood risk documents given in Step 1 above,</i> <i>applicants should contact the Council's Development</i> <i>Management team to discuss application of the sequential</i> <i>test and the suitability of the intended land use in this</i> <i>context."</i>
	3.6.1: to reflect the latest NPPF and NPPG wording, the aim of the sequential test is to direct development to areas at lowest overall flood risk. This includes areas that are at future risk of flooding (i.e. as a result of climate change), and where other sources of flood risk may be present. Useful within the SPD to explain how the sequential test (ST) will be applied, perhaps with some visual aids (tabular or flowcharts). This could also help show that the ST will provide equivalent weighting to other sources of flood risk, and also show how future flood risk is taken into account.	Paragraphs 3.6.0 – 3.11.0 sets out detailed guidance on the application of the Sequential Test. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	3.12.3: this table refers to the application of the Sequential and Exception Tests for residential development. Rather than saying "not required" in FZ3b, it would be clearer to say "development not permitted" to follow language used in the Planning Practice Guidance (e.g. Table 3). Whilst this is included in the footnote of that table, it may be misleading to say "not required" when the development is not appropriate in principle. This table should also make it clearer where the application of the ST may need to take account of future impacts of climate change or other sources of risk (NPPF paragraphs 161 & 162). Useful to identify where Exception Test may need to be reapplied for sites already allocated in the LP, for example if more recent information about existing or potential flood risk should be taken into account (NPPF paragraph 166).	Change to SPD – In order for Table 3, found at paragraph 3.12.3 of the SPD, to be consistent with the wording of Table 3 included in the PPG, the phrase "development should not be permitted" will be utilised in relation to FZ3b rather than "not required". The table has been amended to make it clearer where the application of the Sequential Test may need to take account of future impacts of climate change or other sources of risk, as per NPPF paragraphs 161 & 162. Change to the SPD – Paragraph 3.5.1 has been amended to refer to the requirements of paragraph 166 of the NPPF, which states that "Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again."
		Change to SPD – paragraph 3.12.1 to include the following text: "Paragraph 166 of the NPPF states that 'the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account'."
	Appendix B Tables (Pg. 34): Within the document, Appendix B, Table 1 (Flood risk vulnerability classification) appears to match Table 2 within NPPG. This table also now appears as Annex 3 to the NPPF. Within the document, Appendix B Table 2 (Flood Zones and Flood Risk Vulnerability Classification) appears to match Table 3 within NPPG. There are a number of footnotes to this table within the NPPG that do not appear within Appendix B. The use of alternative Table references in the document when compared with the NPPG introduces a possible	Change to SPD – the references of Appendix B are amended to match the references in the corresponding table of the NPPG regarding the details highlighted. The following note is added at the end of Table 2 in Appendix B: <i>"It should be noted that the table above is also included in the NPPF (2021) as Annex 3"</i>

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	confusion. It would also be useful to reflect that the Table 2 within NPPG now also appears as Annex 3 within the NPPF, which potentially affords it greater weight.	
	SFRA: EA would encourage you to update your SFRA in line with recent guidance and new information. EA welcome any discussions regarding a review of the SFRA. Formation of this SPD is challenging without an up to date SFRA – and therefore updating the SFRA is likely the best option going forward. EA comments may be useful as prompts for aspects to consider when the SFRA is considered for updates.	Policy ENV6 states that in applying all the criteria set out in the policy, it will be important to refer to the latest and best flood risk information from Craven's strategic flood risk assessment and any relevant site-specific flood risk assessment, plus advice from the Environment Agency and the contents of the NPPF. Reference to Craven's SFRA is not specific to the 2017 SFRA and includes any update to that SFRA.
		As referred to previously, the Council will be updating the 2017 SFRA as part of work to update the Craven Local Plan evidence base, in line with the requirements of the NPPF & NPPG. These comments are noted and will be considered when the SFRA is updated. No change to SPD required.
	 Functional Floodplain (FZ3b): The current SFRA (2017), Appendix D, includes an approach to designating the functional floodplain (FZ3b). EA are aware of a number of sites recently where development is being considered within the functional floodplain. This is often complicated where the functional floodplain is not identified based on detailed modelling. This SPD could make it clearer how the LPA intend to approach development sites coming forward within the functional floodplain. Making it clear that the designation of Flood Zone 3b has been made based on the approach set out in the SFRA, which is a mix of modelled, historic, designations (e.g. FSAs) and proxy information. 	It is agreed that more information can be provided on the approach to any development in the functional floodplain. Change to SPD: New paragraph 3.4.5 with the following text: "The designations of Flood Zone 3b in Craven has been made based on the approach set out in the Council's SFRA (2017), which is a mix of modelled, historic, designations and proxy information. Further investigation (for example as part of a Flood Risk Assessment or further modelling) may indicate that the functional floodplain is larger, or smaller, than that presented in the SFRA. If intending to challenge the functional floodplain (FZ3b) extent, the applicant is responsible for providing evidence to demonstrate flood risk to a site. Areas that would naturally flood should be

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	 Further investigation (e.g. as part of a FRA or further modelling) may indicate that the functional floodplain is larger, or smaller, than that presented in the SFRA. If intending to challenge the functional floodplain (FZ3b) extent, that the developer is responsible for providing evidence to demonstrate flood risk to a site. Being clear that areas that would naturally flood should be considered as functional floodplain, and not removed unless solid infrastructure or buildings exist. (NB: the current approach removed areas if they were "built-up/urban areas" which is not supported in the current guidance). Accessing Environment Agency data: EA recommend considering the addition of text into this document that makes it clear that the EA holds a number of detailed flood models that may be relevant to assessment of flood risk for a site. Include more up to date modelling and/or data that may be used to help better understand flood models do not exist in all locations. 	considered as functional floodplain, and not removed unless solid infrastructure or buildings exist. The Environment Agency holds a number of detailed flood models that may be relevant to the assessment of flood risk for a development site, which may include more up to date modelling and/or data that can assist in better understanding flood risk on any specific site. Applicants are advised to contact the EA to access this information".
	Biodiversity / Water Quality: EA welcome that the SPD recognises the value of the natural environment in reducing flood risk (2.2.3) and that GI networks play a major role in resilience to flooding (2.3.5).	The support is welcomed for the linkages to the content of the emerging Green Infrastructure & Biodiversity SPD. No change to SPD required.
	2.7.0 Water Quality: EA agree that it is important to set out that direct impacts to the quality of a watercourse can involve physical modifications (2.7.3). EA agree that it is important to set out WFD requirements (2.7.5). EA pleased to see that gaining multiple benefits and removing artificial physical modifications is encouraged at paragraph 2.7.6.	The support for the details regarding water quality maintenance and WFD requirements is welcomed. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	Please see appendix 1 for some additional information regarding WFD. EA also highlighted this and further information in the response to the GI & Biodiversity SPD. It would be beneficial if the two SPDs, and also the Good Design SPD signpost to each other for clarity and usefulness. 3.2.0 Documents to Support a Planning Application Table 2 lists relevant supporting documents. The row relating to EIA also should set out that a WFD assessment would be required for applications that may impact on waterbodies as in 2.7.5: an assessment of the potential impacts on water bodies and protected areas is required under the Water Environment Regulations, 2017 (related to the Water Framework Directive). These regulations apply to surface waters and groundwater. Suggest that the document makes links to Biodiversity Net Gain, particularly because watercourses are assessed independently in the Biodiversity Metric 3.0, and so that element of BNG is particularly relevant to this plan.	The further information is noted regarding the response to the emerging GI & Biodiversity SPD. It will be ensured that there is appropriate signposting between the three emerging SPDs mentioned. Change to SPD – Table 2, the row relating to EIA amended as follows: <i>"Environmental Impact Assessment (EIA) is a national validation requirement and may be necessary to accompany a planning application. It should be noted that a Water Framework Assessment would be required for applications that may impact on waterbodies".</i> It is agreed that appropriate linkages can be made to the emerging GI & Biodiversity SPD. Change to SPD – additional text to paragraph 2.7.6 as follows: <i>"There are strong linkages between Biodiversity Net Gain (BNG) provision, protecting Green Infrastructure, reducing flood risk and improving water quality, i.e. the retention and enhancement of habitats in order to achieve BNG has crossover benefits for flood risk and water environments should be noted and implemented by applicants where possible. The draft Green Infrastructure & Biodiversity SPD provides further guidance to adopted local plan policies ENV4 and ENV5, including details regarding BNG and the use of the Biodiversity Metric, which requires that river, stream, canal and ditch habitats are assessed independently from land habitats."</i>
	Groundwater Protection: section 2.2.2 mentions a hierarchy of drainage options and the first is "(1) into the ground – infiltration". No clarification is made as to how deep this infiltration will be and so EA ask that mention is made of the EA approach to groundwater	It is agreed that reference is made of the EA approach to groundwater protection. Change to SPD – additional text to the end of paragraph 2.2.2 as follows: "Applicants are advised to study the EA approach to groundwater protection, which
Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
------------	---	---
	protection: https://assets.publishing.service.gov.uk/government/uploads/system/ uploads/attachment_data/file/692989/Envirnment-Agency-approach- to-groundwater-protection.pdf. Reference sections G10 and G13 of our approach, which ask for drainage components to be used in a series to achieve a robust surface water management system that does not pose an unacceptable risk of groundwater pollution. EA normally object to new developments posing an unacceptable risk of groundwater pollution.	provides guidance on SuDS in new development where this is appropriate, and in particular, sections G10 and G13, which ask for drainage components to be used in a series to achieve a robust surface water management system that does not pose an unacceptable risk of pollution to groundwater."
	The reference to the Environment Agency approach to groundwater protection should also be added to section 2.2.5, alongside the reference to the North Yorkshire Flood Risk Strategy. In section 2.8.2 Source Protection Zones are mentioned, and a link to online maps of them referenced. Again, the EA approach to groundwater protection should be referenced here too, for completeness.	Change to SPD – at the end of both paragraphs 2.2.5 and 2.8.1, the applicant will be referred to the above new content under paragraph 2.2.2, by means of the following text: <i>"Please refer to paragraph 2.2.2 of this SPD for information on the approach of the Environment Agency to groundwater protection."</i>
	 The EA has submitted Appendix 1 as part of their comments specifically relating to the Water Framework Directive (WFD). The contents of this appendix are summarised below: The WFD needs to be considered throughout the development of the Local Plan and SPDs. The Water Framework Directive (WFD)(E&W) Regulations 2017 requires all water bodies to reach good status by 2027. Part 6, paragraph 33 places a duty on each public body including local planning authorities to 'have regard to' River Basin Management Plans (RBMPs). The EA publish RBMPs that identify measures that will achieve WFD requirements for all water bodies in England and Wales. The EA recommend when WFD assessment is needed for planning applications and require mitigation or other measures 	The Council acknowledges the content of Appendix 1 provided by the EA submission – Water Framework Directive, and all points are noted. Policy ENV8(d) sets out that <i>"development will not lead to pollution of controlled waters in line with the</i> <i>requirements of the Water Framework Directive."</i> Section 2.7.0 of this SPD explains and provides detailed guidance to applicants on how this criterion of policy ENV8 should be achieved. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
	 to meet WFD requirements. The EA strongly encourage the Council to set out water policies that reflect the requirements of River Basin Management Plans and WFD. Opportunities to re-naturalise watercourses should be supported, for example by removing existing artificial engineering works. Any new physical changes to watercourses in the district should be avoided unless there are compelling grounds for doing so and all alternative options have been considered. Suggest that when considering new development, the council will aim to ensure best practice is followed regarding foul and surface water drainage; by following the hierarchy and guidance set out within Planning Policy Guidance and NPPF. Developer contributions from new development can help to enhance watercourses in the district and their value as an amenity to the local community. WFD enhancement will also be linked to Biodiversity Net Gain and achieving those goals and ambitions. 	
The Coal Authority	It is noted that this current consultation relates to a Flood Risk & Water Management SPD and it is confirmed that the Coal Authority have no specific comments to make on this document.	The response content is noted. No change to SPD required.
Skipton Town Council	The proposals are broadly welcome. With particular reference to the Sustainable Urban Drainage Systems, there is no point in instigating tighter control unless pressure is put on the water companies (Yorkshire Water) to invest sufficiently to prevent discharges of polluted water into water courses as happens now during times of high rainfall.	Support for the document content is welcomed. The point raised regarding water companies and financial investment is external to the criteria content of Policies ENV6 and ENV8, and hence cannot be included in this SPD. No change to SPD required.

Respondent	Summary of issues raised	Council's response and recommended changes to the SPD (shown in bold)
Councillor Shuttleworth	Table 1 in the SPD – that the use of water butts are more suitable for smaller developments, including household extensions etc.	Change to SPD – The last column in the first row of Table 1 has been amended as follows: "Both; suitable for all types of development, but particularly smaller developments, such as extensions, single dwellings etc.

Appendix 1

Craven Herald Press Release (text from website) – 23rd December 2021

Comments to be invited on flooding and homes for rural workers policies 23rd December 2021

CRAVEN residents are being invited to comment on policies of the area's local plan including flooding and homes for rural workers.

A four week consultation will get underway in the new year on draft Supplementary Planning Documents (SPDs) of the Craven Local Plan, which was adopted by Craven District Council two years ago at the end of 2019.

The consultation will invite people to comment on first drafts of supplementary documents on flood risk and water management; and also on green infrastructure and biodiversity, and will be used to add further detail to the local plan.

Also out for consultation are second draft documents on good design and rural workers' dwellings.

The Craven Local Plan will be used to assess and decide planning applications and how land is used in the area outside the Dales national park up until 2032.

The four Supplementary Planning Documents will add further detail to the relevant policies of the local plan and once adopted should help those submitting planning applications to the council.

The public consultation will run from Tuesday, January 4 until February 1. To find out more, from January 4, visit: www.cravendc.gov.uk/spatialplanningconsultations. Paper copies will also be available at the council offices, Belle Vue Square, Skipton, and at libraries.

The Spatial Planning Team can be contacted by emailing spatialplanning@cravendc.gov.uk .

https://www.cravenherald.co.uk/news/19804618.comments-invited-flooding-homes-rural-workers-policies/

Appendix B



Flood Risk & Water Management Supplementary Planning Document

Second Draft for Consultation

Presentation to Craven Spatial Planning Sub Committee 6th July 2022

PART	ONE: CONTEXT	5
1.1.0	Introduction	5
1.2.0	Preparing, submitting and front loading of planning applications	6
1.3.0	Public consultation	6
1.4.0	The relationship of the Craven Local Plan, the National Planning Polic Framework (NPPF), and the Craven Climate Emergency Strategic Plan	cy n 7
PART LOCA	TWO: CONFORMING WITH RELEVANT POLICIES OF THE CRAVEN	9
2.1.0	Development in the lowest areas of flooding	9
2.2.0	Sustainable urban Drainage Systems	9
2.3.0 flood	Maintain access to watercourses and flood defences, and avoiding lik resilient areas	cely 17
2.4.0	Maximise opportunities for incorporation of water conservation	18
2.5.0	Adequate provision for foul and surface water disposal and waste wa treatment infrastructure	ter 22
2.6.0	Ensuring adequate attenuation and long-term storage	23
2.7.0	Water Quality	24
2.8.0	Groundwater	29
PART ADDF	THREE: PREPARING AND SUBMITTING PLANNING APPLICATIONS TRESS FLOOD RISK	О 30
3.1.0	Pre-application Discussions	30
3.2.0	Documents to Support a Planning Application	33
3.3.0	Stepped Approach to Sequential & Exception Testing: Introduction	35

3.4.0	Step 1: Identifying the flood risk	36
3.5.0	Step 2: Is a flood risk sequential test required?	37
3.6.0	Step 3: The fluvial (rivers and watercourses) flood risk sequential test	38
3.7.0	Step 3(a): The area to apply the sequential test for residential development	40
3.8.0	Step 3(b): Identifying reasonably available sites for residential development within the sequential test (ST) area	41
3.9.0	Step 3(c): Which identified 'reasonably available' sites are appropriate/suitable for the proposed residential development?	42
3.10.0 Iower	Step 3(d): Are there any available and appropriate alternative sites of fluvial flood risk than the proposed residential development site?	42
3.11.0	Step 3(e): The applicant's report on the sequential test	43
3.12.0	Step 4: The need for, and content of, an exception test: all development proposals	44
3.13.0	Step 5: Site specific flood risk assessments (FRAs)	46
3.14.0	Outline, Reserved Matters and Planning Conditions	47

FIGURES

Figures 1 & 2: A functioning green roof covering a building in Skipton 13 & 14

Figure 3: A permeable surface in Craven, which allows water to percolate into the soil, which filters out pollutants and recharges the water table 16

Figures 4 & 5: Examples of domestic water cylinders / water butts in Craven residential areas, which can collect and store rainwater for future use 20 & 21

Figures 6 & 7: Sustainable urban Drainage (SuDS) provision combined with green infrastructure and recreational space at Wyvern Park, Skipton 27 & 28

Figures 8 & 9: Previous flooding event in the Aire Valley during the winter of 2015/16 31 & 32

TABLES

Table 1: Examples of SuDS

10

Table 2: Supporting documents which are commonly required to accompany a
planning application33

Table 3: Sequential and Exception test requirements for residential developmentby flood zone45

APPENDICES

Appendix A: Policy ENV6: Flood Risk and Policy ENV8: Water Management 49

Appendix B: Flood Risk Vulnerability Tables from the PPG51

Appendix C: Suggested mitigation measures to reduce risk of pollution and 54 deterioration of water resources (ENV8 criteria c & d)

Appendix D: Glossary

55

PART ONE: CONTEXT

1.1.0 Introduction

1.1.1 Supplementary Planning Documents (SPDs) are described in the glossary of the National Planning Policy Framework (<u>NPPF</u>) as:

"Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan."

- 1.1.2 This SPD provides further guidance on flood risk and water management in the Craven Local Plan area. It cannot and does not introduce any new policy requirements. Rather, in accordance with legal and <u>NPPF</u> definitions of SPDs, it adds further detail to help explain the objectives relating to the relevant policies of the <u>Craven Local Plan</u> and provides information to assist applicants meet the requirements of each relevant policy criteria. This information is set out in Part Two of this SPD. Part Three provides guidance for applicants in preparing planning applications that involve flood risk and water management, emphasising the importance of early pre-application discussions with the Council.
- 1.1.3 The plan policies referred to in this SPD are:
 - Policy ENV6: Flood Risk
 - Policy ENV8: Water Management
 - Policy SD1: Presumption in favour of sustainable development
 - Policy SD2: Meeting the challenge of Climate Change
 - Policy SP4: Spatial Strategy and Housing Growth
 - Policy SP2: Economic Activity and Business Growth

Policies ENV6 and ENV8 are the focus of this SPD. The aims of these policies are to set out how flood risk can be reduced and mitigated when planning for new developments, and also how water can be most effectively used within existing and future development sites. These policies are set out in Appendix A. <u>Once made or adopted, neighbourhood plans form part of the development plan. It will therefore be necessary for development proposals to comply with any flood risk and/or water management policies in neighbourhood plans where they exist and cover the location where development is proposed.</u>

<u>1.1.4 Planning applications proposing the delivery of flood risk reduction and water</u> <u>conservation mechanisms should take account of all relevant local and</u> <u>neighbourhood plan policies. The Council has adopted other SPDs, which</u> provide further guidance to specific adopted local plan policies. Applicants are encouraged to refer to these SPDs, when preparing and submitting an application to the Council (see Craven Local Plan webpage for details of all SPDs).

1.2.0 Preparing, submitting and front loading of planning applications

1.2.1 In accordance with Policy SD1 of the Craven Local Plan and paragraphs 11 and 39-46 of the <u>NPPF</u>, the Council will take a proactive approach and will work cooperatively with people and organisations wishing to carry out development and applying for planning permission, to find solutions to secure sustainable development that meets the relevant plan policies, and be approved wherever possible. Solutions to secure sustainable development for Craven, including contributing to the implementation of the Council's Climate Emergency Strategic Plan 2020 to 2030 through the policies of the local plan, and the efficient processing of planning applications, can be achieved through early pre-application engagement with the Council. This is called the process of 'front loading' and is strongly encouraged by the <u>NPPF</u> at paragraphs 39 to 46. Further guidance on this process is set out in Part Three of this SPD.

1.3.0 Public Consultation

- 1.3.1 This is a consultation draft SPD which is required under Regulations 12 and 13 of the Town & Country Planning (Local Planning) (England) Regulations 2021 (as amended). The first draft of the SPD is currently was subject to a four-week period of public participation from 04/01/2022 to 01/02/2022. Following this period of public participation, representations are now will be invited on a second draft of this SPD over a four-week period in 2022. As required by regulation 12(a), a Consultation Statement will be prepared and published alongside the second draft SPD which sets out the persons the authority has consulted when preparing the SPD, a summary of the main issues raised, and how they have been addressed in the SPD. Comments submitted during the first period of public participation have been taken into account and amendments have been made to the draft SPD for the purposes of this second round of public consultation. These amendments, and other minor changes which have been made to ensure the draft SPD reflects the updated NPPF 2021, improve the document, reflect the current stage of public consultation, and are consistent with the other draft SPDs that the Council are currently preparing, and is generally improved from the previous draft (with the inclusion of images), are shown as follows:
 - Where additions to the first consultation draft have been made the text is underlined;
 - Where text has been deleted from the first consultation draft the text is crossed through.

- 1.3.2 Representations are now invited on a second draft of this SPD over a four-week period from Monday 11th July until Monday 8th August 2022. As required by regulation 12(a), a Consultation Statement has been prepared and published alongside this second draft SPD which sets out the persons the authority has consulted when preparing the SPD, a summary of the main issues raised, and how they have been addressed in the SPD.
- 1.3.3 Following these two periods of public participation and inviting of representations on the draft SPD, comments and representations received will inform the final SPD, which will be presented to the Council's Policy Committee for adoption and confirmed by Council (if required). Once adopted, the SPD will be capable of being a material consideration.
- 1.3.4 A sustainability appraisal is not necessary for the preparation and approval of this SPD, which does not set the framework for decisions on planning applications. Sustainability appraisals have been undertaken for the local plan policies which this SPD supports. Strategic Environmental Assessment and Habitats Regulation Screening Reports for the SPD will be published alongside the second consultation draft.

1.4.0 The relationship between the Craven Local Plan, the National Planning Policy Framework (NPPF) and the Craven Climate Emergency Strategic Plan

- 1.4.1 The <u>Craven Local Plan</u> (hereafter referred to as 'the plan') was adopted on 12 November 2019.
- 1.4.2 The preparation of the plan, and its examination, has been based on the provisions of the 2012 NPPF, and the accompanying <u>planning practice</u> <u>guidance (PPG)</u>. Hence policies ENV6 and ENV8 reflect these provisions.
- 1.4.3 The most recently updated 2021<u>NPPF</u> (paragraphs 159 to 169) retains the same main policy approach to directing development away from areas at highest flood risk, as per the 2012 <u>NPPF</u>. Policies ENV6 and ENV8 remain consistent with the latest version of the NPPF.
- 1.4.4 In January 2020, the Council approved the Craven Climate Emergency Strategic Plan 2020 to 2030, which seeks to act upon the Council's Climate Change Emergency Declaration (adopted in August 2019) for the district to be 2030. CCESP carbon neutral by The can be viewed at: https://www.cravendc.gov.uk/media/9460/cdc-climate-emergency-strategicplan-february-2020.pdf and reinforces the existing policies of the local plan which address climate change and carbon reduction measures. It is capable of

being a material consideration in determining relevant planning applications and supports adopted local plan policies SD2, ENV6 and ENV8 to reduce energy use, water use and carbon emissions, maximise the energy efficiency of development, and reduce the environmental impacts of materials used in construction. The CCESP prioritises the reduction in energy use in residential properties.

PART TWO: CONFORMING WITH THE RELEVANT POLICIES OF THE CRAVEN LOCAL PLAN

2.1.0 Development in the lowest areas of flooding

2.1.1 This policy criterion reflects the general approach to development and flood risk in the <u>NPPF</u> and the <u>PPG</u> (see appendix A). The first stage in this process is to identify the level of flood risk relevant to the proposed development. Details of how to do this are provided at section 3.4.0 of this SPD. This policy criterion refers to the potential need for applicants to apply the sequential and exception tests, set out as national policy in the NPPF. Applying these tests is quite complex and can require a considerable amount of pre-application work. Therefore, guidance on applying these tests is given in Part Three of this SPD. There will be many proposed developments which do not need to apply one or both of these tests. To find out more about these types of developments, applicants should refer to paragraphs 3.3.0 to 3.10.0 of this SPD.

2.2.0 Sustainable Urban Drainage Systems

[Policy ENV6 (b)]

[Policy ENV6 (a)]

- 2.2.1 In natural environments, rain falls on permeable surfaces and soaks into the ground, in a process known as infiltration. In urban areas where many surfaces are sealed by buildings and paving, natural infiltration is limited. Sustainable drainage systems (SuDS) mimic natural drainage processes to manage flood and pollution risks, to reduce the effect on the quality and quantity of run-off from developments, and provide amenity and biodiversity benefits. SuDS are designed to control surface water run off close to where it falls. They provide opportunities to:
 - Reduce the causes and impacts of flooding;
 - Remove pollutants from urban run-off at source;
 - Combine water management with green space with benefits for amenity, recreation and wildlife.
- 2.2.2 Generally, the aim of SuDS should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable: (1) into the ground infiltration; (2) to a surface water body; (3) to a surface water sewer, highway drain, or another drainage system; and (4) to a combined sewer. Applicants are advised to study the EA approach to groundwater protection, which provides guidance on SuDS in new development where this is appropriate, and in particular sections G10 and G13, which ask for drainage components to be used in a series to achieve a robust surface water management system that does not pose an unacceptable risk of pollution to groundwater.
- 2.2.3 Criterion (b) of policy ENV6 requires development to safeguard waterways by incorporating SuDS where possible. Where the use of SuDS is not possible,

feasible or appropriate, criterion (b) states that other means of flood prevention and water management should be used. The use of SuDS can also assist in meeting criteria (e) of ENV6, relating to minimising the risk of surface water flooding and criterion (f), relating to reducing the causes and impact of flooding. See appendix A for the full text of policy ENV6.

- 2.2.4 Whether SuDS should be considered depends on the proposed development and its location in terms of flood risk. The PPG states that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of SuDS. In line with the PPG & The Written Ministerial Statement on SuDS (2014), when appropriate, the Council requires details of SuDS to be provided in a Flood Risk Assessment when a planning application is submitted. Details of when SuDS is required, in relation to both major and minor/small developments is provided on the Council's website under the <u>Council's local validation requirements.</u> Further details are provided in Part Three of this SPD.
- 2.2.5 Where SuDS are proposed as part of a planning application, the Council will regularly seek advice from North Yorkshire County Council, who acts as the Lead Local Flood Authority, including on what type of SuDS is considered to be reasonably practicable for a particular proposal. The North Yorkshire flood risk strategy is available under: https://www.northyorks.gov.uk/flood-and-water-management. Please refer to paragraph 2.2.2 of this SPD for information on the approach of the Environment Agency to groundwater protection.
- 2.2.6 When designing drainage proposals adjacent to and in close proximity to an existing operational railway, the applicant should consider the potential for SuDS to reduce the risk of flooding, pollution and soil slippage on the railway and its boundary. Applicants are encouraged to discuss any development proposals and associated drainage systems located within close proximity to an existing operational railway with Network Rail.
- 2.2.7 Table 1 below provides examples of SuDS that can be incorporated into schemes for both major and minor development proposals.

Type of SuDS	Details of SuDS mechanism utilised	Suitability for Major or Minor Development
Water butts (<u>see</u> <u>Figures 4</u> and 5)	Used to collect rainwater which falls on a building's rooftop. Water is transferred through gutters and down pipes into the water butt. The water collected through rainwater harvesting can be used for plant watering, gardening jobs, etc.	Both; suitable for all types of development, <u>but</u> <u>particularly</u> <u>smaller</u> <u>developments,</u> <u>such as</u>

Table 1: Examples of SuDS

		extensions, single dwellings etc. including both single and multiple new dwellings, in addition to commercial buildings.
Green roofs (<u>see</u> <u>Figures 1</u> and 2)	Roofs of a building that are partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. May also include additional layers such as a root barrier and drainage and irrigation systems. Benefits include improving storm water management, reducing the 'heat island' effect, improving air quality, insulating the building and extending the roof life.	Both; suitable for all development types.
Permeable surfaces (Figure 3)	Also known as porous or pervious surfaces, these allow water to percolate into the soil, to filter out pollutants and recharge the water table. Permeable paving is a method of paving vehicle and pedestrian pathways to enable infiltration of storm water runoff. <u>Permeable</u> <u>surfaces can help to achieve source control and slow</u> <u>the flow of surface water.</u> These surfaces typically include pervious concrete, porous asphalt, paving stones and interlocking pavers.	Both; suitable for all development types.
Swales and Bioretention tree pits / rain gardens	Swales and bioretention tree pits / rain gardens can help to achieve source control and slow the flow of surface water. Swales are low or hollow places, especially a marshy depression between ridges. Bioretention tree pits / rain gardens are a versatile bioretention stormwater management device providing passive irrigation of street trees, stormwater quality treatment, groundwater recharge, peak flow and volume attenuation, and other significant non- stormwater benefits.	Both; suitable for all development types.
Constructed wetlands (see Figures 6 and 7)	Purpose built wetlands, specially designed for wastewater treatment, and usually made up of a primary settlement tank where wastewater from the community is collected, and from that, several ponds follow, planted with wetland plants including reeds, rushes and sedges. Ponds are usually gently sloped towards a river to allow slow moving water through the wetland before flowing away. Particles in this water can settle, and pollutants can be removed.	Major developments.
Wetlands	A distinct ecosystem that is flooded by water, either permanently or seasonally, where oxygen-free processes prevail. The primary factor that distinguishes wetlands from other land forms or water bodies is the characteristic vegetation of aquatic plants, adapted to	Major developments.

the unique hydric soil. Careful plant selection and a specifically designed substrate contribute to cleansing	
and re-oxygenating the water.	

Figures 1 & 2: A functioning green roof covering a building in Skipton





- 2.2.8 Criterion (b) of policy ENV6 (see appendix A) also states that all surface water drainage systems (SuDS) or other should be economically maintained for the lifetime of the development. Details of how SuDS will be maintained should be provided in a Flood Risk Assessment. Where landscaping and public realm improvements are proposed within a scheme, opportunities should be taken to ensure that these are integrated with sustainable surface water management design objectives. The SuDS Codes for Adoption can assist to secure on-going maintenance of SuDS.
- 2.2.9 Applicants are encouraged to design sustainable drainage in accordance with the four pillars of sustainable drainage - water quantity, water quality, amenity and biodiversity, and incorporate site drainage as a part of a high quality green and blue environment. Strategies for surface water management could include sensitive biodiversity proposals, as well as appropriate hard and soft landscaping to reduce the volume and rate of surface water discharge, for example permeable surfaces and bio retention areas (see Table 1 above). Unless a below ground infiltration system is proposed for the management of surface water, applicants are encouraged to manage surface water through sustainable drainage features with multi-functional benefits as opposed to a reliance on systems. Applicants are encouraged to refer to the 'Ciria C753 The SuDS Manual' or any subsequent replacement guidance when designing SuDS. Regarding the implementation of SuDS, the applicant is advised to cross reference to the Craven Local Plan's policies (ENV4 and ENV5) and the subsequent SPD on the subjects of biodiversity and green infrastructure. Figure 3 shows an example of a permeable surface in the Craven local plan area.

Figure 3: A permeable surface in Craven, which allows water to percolate into the soil, which filters out pollutants and recharges the water table.



2.3.0 Maintaining access to watercourses and flood defences, and avoiding likely flood resilient areas [Policy ENV6 (c) & (d)]

- 2.3.1 For a proposed site to comply with criteria ENV6 (c) and (d) (see appendix A), there is first a locational element to be considered. Flood risk can be avoided or sufficiently reduced in terms of locating development in areas with the lowest risk of flooding in the Craven local plan area (see Part Three). On a wider landscape scale, natural mechanisms can be utilised to avoid or reduce the risk of the site itself increasing flood risk in the surrounding environment, in addition to reducing the flood risk within the site. These natural elements are discussed in the following paragraphs.
- 2.3.2 Applicants are required to establish both a suitable location and an appropriate layout and form of development, so that adequate and easy access to any nearby watercourses and flood defences are maintained, as required by criterion (c) of policy ENV6, to enable them to so they can then be managed and maintained by the relevant authority. Using the natural capacity of the environment as described above can greatly assist proposals avoiding areas which have the existing capacity to increase flood resilience. It is advised that applicants liaise with the Environment Agency and other risk management authorities (Local Lead Flood Authority, Internal Drainage Board, United Utilities, Canal & Rivers Trust etc.) to identify any existing criteria relating to access to watercourses and existing assets of these authorities. It should be noted that an 8 metre easement buffer along watercourses where development is not permitted is recommended by the Environment Agency to allow ease of access to watercourses for maintenance works.
- 2.3.3 Criterion (d) of Policy ENV6 (see appendix A) requires development to avoid areas with the potential to increase flood resilience and seek to enhance, as far as possible, the natural capacity of soils, vegetation, river floodplains, wetland and upland habitats to reduce flood risk. In the Craven local plan area, peat moorland in the uplands and woodland on valley slopes can assist to retain rainwater, and hence slow down drainage into becks and rivers. Therefore, care must be taken to ensure that development does not degrade peat soils and upland habitats, as their capacity to store water helps to alleviate downstream flooding and protect water quality. Wetlands, floodplain grasslands, ponds and wet woodlands can offer similar benefits on the valley floor. Keeping, restoring and adding to these features can therefore offer multiple benefits for the landscape, biodiversity and flood risk - including reducing flood risk downstream for neighbouring urban areas such as Keighley, Bradford, and Leeds. The location of the site must hence be sensitive to the natural environment, and an appropriate site location can avoid damaging the ability of such natural features to reduce flood risk on both a district and regional basis. Using the natural capacity of the environment as described above can greatly

assist proposals avoiding areas which have the existing capacity to increase flood resilience.

- 2.3.4 Flood-resilient buildings are designed and constructed to reduce the impact of flood water entering the building so that no permanent damage is caused. The Ministry of Housing Communities and Local Government published Improving the Flood Performance of New Buildings: Flood Resilient Construction in 2007, which provides guidance to developers and designers on how to improve the resilience of new properties in low or residual flood areas.
- 2.3.5 Green infrastructure (GI) networks play a major role in resilience to flooding in Craven and elsewhere in England. Cross reference should be made to the Council's <u>Green Infrastructure & Biodiversity SPD</u>, to see how the safeguarding and provision of GI can reduce flood risk.

2.4.0 Maximise opportunities for incorporation of water conservation [ENV8 (b)]

- 2.4.1 Policy ENV8 (b) (see appendix A) strongly promotes the maximisation of opportunities to incorporate water conservation methods in the development's design. This includes the collection and re-use of water on a site. Both the exterior and interior design of building(s) on a site offer water conservation opportunities. Applicants can also refer to Craven District Council's <u>Good</u> <u>Design SPD</u> for advice on sustainable design opportunities. There are a number of strategies that can be employed to reduce the amount of water consumed in a development. Such methods include system optimisation (i.e. efficient water systems design, leak detection, and repair), water conservation measures, and water re-use/recycling systems.
- 2.4.2 More specifically, a wide range of technologies and measures can be utilised within each of the aforementioned strategies to save water and associated energy consumption in all proposed developments. These include:
 - Water-efficient plumbing fixtures (low-flow and sensored sinks, low-flow showerheads and toilets, and water-efficient washing machines and dishwashers);
 - Irrigation and landscaping measures (water-efficient irrigation systems, irrigation control systems, low-flow sprinkler heads, and water-efficient scheduling practices);
 - Water recycling or re-use measures (grey water and process recycling systems).

2.4.3 The use of water butts is discussed in Table 1 as a mechanism of Sustainable Urban Drainage Systems, in that it can slow down surface water runoff by storing and re-using water at a later time (Figures 4 and 5 below show examples beside Craven dwellings). It hence follows that mechanisms used to reduce flood risk and severity can also often greatly assist in water conservation, with such stored water reducing demands on the public water supply, particularly during hot and dry spells. It is an example of how applicants should analyse the criteria of Policies ENV6 and ENV8 together in order to recognise multiple advantages of utilising a single mechanism or instrument.

Figures 4 & 5: Examples of domestic water cylinders / water butts in Craven residential areas, which can collect and store rainwater for future use





2.5.0 Adequate provision for foul and surface water disposal and waste water treatment infrastructure [Policies ENV6 (e) & ENV8 (a)]

- 2.5.1 Criterion ENV6 (e) (see appendix A) requires that applicants minimise the risk of surface water flooding in their proposals by ensuring adequate provision for both foul and surface water disposal in advance of occupation of any development. Such standards are set out by the Environment Agency (EA). Appendix C of the local plan details the relevant EA Technical Note on this subject, and its part (a) shows the order of priority in which surface water should be discharged. Appendix C of the Craven Local Plan can be viewed at: https://www.cravendc.gov.uk/planning/craven-local-plan/. Development necessitating a discharge to a public sewer should be supported by clear evidence demonstrating why alternative options are not available via a Surface Water Drainage Scheme and SuDS (see table 2 in Part Three). It should be noted that the formation of a new discharge or alteration to an existing discharge to the Leeds and Liverpool Canal would require the prior consent of the Canal & River Trust. Applicants proposing to discharge to the Canal may wish to enter pre-application discussions with the Trust prior to the development of their drainage proposals.
- 2.5.2 Criterion ENV8 (a) (see appendix A) sets similar requirements of applicants from the viewpoint of protecting surface and ground water resources. It states that adequate wastewater treatment infrastructure should match the type, scale, location and phasing of the development. Hence similarly to what is outlined in section 2.4.0, applicants can successfully meet both flood risk and water resource requirements by early and effective planning and design of proposals.
- 2.5.3 Sustainable Urban Drainage Systems (see section 2.2.0) can assist to appropriately meet requirements of both ENV6 (e) and ENV8 (a) (see appendix A). The management sequence of SuDS may include these stages:
 - Source control methods decrease the volume of water entering the drainage/river network by intercepting run-off water on roofs for subsequent re-use (e.g. for irrigation) or for storage and subsequent evapotranspiration (e.g. green roofs);
 - Pre-treatment steps, such as vegetated ditches or filter trenches, remove pollutants from surface water prior to discharge to watercourses or aquifers;
 - Retention systems delay the discharge of surface water to watercourses by providing storage within ponds, retention basins or wetlands;
 - Infiltration systems, such as infiltration trenches and soakaways mimic natural recharge, allowing water to soak into the ground.

- 2.5.4 Applicants are encouraged to provide a wastewater and surface water management strategy to support applications for new development and proposals for public realm improvements. The hierarchy for the management of surface water should be followed and surface water will only be allowed to discharge to the public sewer as a last resort. It is recommended that the approach to drainage for new development proposals, and as a result of public realm improvements, be informed by a comprehensive strategy for drainage for the area which identifies linkage opportunities between development proposals and public realm improvements. Drainage should be considered early in the design process and linked to any strategy for landscaping, biodiversity and public realm improvements.
- 2.5.4 The existing drainage systems in the local plan area are often dominated by combined sewers, taking both foul and surface water. This is a result of the time the sewer infrastructure was constructed. Policy ENV6 criterion (e) and ENV8 criterion (a) promotes a consistent approach to surface water management as part of new development, which will help to manage and reduce surface water entering the sewer network. Hence this will decrease the likelihood of flooding from sewers, the impact on residents and businesses, and the overall impact on the environment. Table 2 in Part 3 Three highlights the Council's validation requirement of a Surface Water Drainage Scheme, which requires the applicant to provide a strategy for the management of surface and wastewater.

2.6.0 Ensuring adequate attenuation and long-term storage [ENV6 (f)]

- 2.6.1 Criterion ENV6 (f) (see appendix A), promotes that the <u>requires</u> development <u>proposals to will</u> possess adequate and sufficient attenuation and long-term storage to accommodate storm water on site. This can greatly reduce flood risk to people and property and-without overflowing into a watercourse (as per standards set out by the Environment Agency and subsequent updates to the standards). <u>Appendix C</u> of the local plan contains a technical note from the Environment Agency on this subject, and its part (e) details how development design can accommodate sufficient attenuation and long-term storage. <u>Appendix C of the Craven Local Plan can be viewed at:</u> <u>https://www.cravendc.gov.uk/planning/craven-local-plan/</u>
- 2.6.2 Paragraph 167 of the <u>NPPF</u> (2021) requires Local Planning Authorities, when determining any planning applications, to ensure that flood risk is not increased elsewhere. In doing so and specifically in terms of the requirements set out in criterion (f) of policy ENV6, development should only be allowed in areas at risk of flooding where, in the light of a Flood Risk Assessment, it can be demonstrated that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment (see part b) of para 167 of the NPPF). The

sequential and exception tests may also be required, as applicable (see Part Three of this SPD). Paragraph 167 also includes other criteria that would need to be demonstrated to ensure that flood risk is not increased elsewhere.

2.7.0 Water Quality

[ENV8 (c) & ENV8 (d)]

- 2.7.1 Criterion ENV8 (c) (see appendix A) advises requires development proposals to reduce the risk of pollution and deterioration of water resources by anticipating that applicants must anticipate any likely negative impacts of proposals on water resources, and incorporate adequate mitigation measures into the design, where necessary. Water resources refer to rivers, lakes, canals, streams, and small ditches. All of these water resources could be impacted by development in terms of water quality. There is a need for applicants to:
 - 1. identify if a proposed development is near a water course resource;
 - 2. assess whether the proposed development will have any negative impacts on the water course <u>resource</u>; and
 - 3. If so, set out what mitigation measures are proposed in the design to mitigate the negative impacts on the water <u>course resource</u>.
- 2.7.2 The planning and construction of a proposed development are the key stages in terms of assessing and mitigating water pollution risks. An applicant may wish to commission an appropriate professional to carry out the stages identified above. In terms of step 1 listed above, the Council's mapping system may assist applicants in identifying whether a proposed development is near an existing watercourse. This can be accessed <u>here</u>.
- 2.7.3 In terms of step 2 it is important to understand how proposed development can have negative impacts on a watercourse. There are a number of scenarios where the location and type of development can cause a concern for water quality. Direct impacts involve physical modifications to a water body such as flood storage areas, channel diversions and dredging, removing natural barriers, construction of new locks, new culverts, major bridges, new barrages/dams, new weirs (including for hydropower) and removal of existing weirs. Physical modifications such as those listed may require additional consents or permits, such as Flood Risk Activity Permits from the Environment Agency and/or consent from North Yorkshire County Council depending on the watercourse(s) affected. Such permits/consents are in addition to any planning permission and developers are encouraged to contact the relevant bodies when necessary. It should be noted that in line with the Environment Agency's position on culverts, proposed new culverts are unlikely to be supported because of their adverse impacts on the environment. There can be also indirect effects on water bodies, such as the redevelopment of land that may

be affected by contamination, mineral workings or wastewater treatment. Clearly, the closer a proposed development is to a water body, the greater the pollution risk. For smaller-scale and householder developments, potential water pollution risks can arise from:

- Toxic substances such as diesel, oil, cement and/or paint, which can seep into soil, enter water via drains, or directly run off into water bodies;
- The inappropriate disposal of site waste;
- Uncleaned footpaths and roads adjacent to the site, where silt and other pollutants can run off into water bodies;
- Wastewater that is not properly collected or treated during construction and/or development operation stages.
- 2.7.4 In terms of the third step <u>3 set out at paragraph 2.7.1 above</u>, if a proposed development would have any negative impacts on a watercourse, an applicant would then need to show what mitigation measures are proposed. Most of the measures needed to prevent pollution cost very little, especially if they are included at the planning stage of any proposed development scheme. Appendix C has a range of mitigation measures to be considered when meeting the requirements of criteria (c) and (d) of policy ENV8. These could be shown on the architectural drawings and/or within supporting documents submitted with a planning application (see table 2 in Part Three of this SPD which provides a list of the supporting documents commonly required to accompany a planning application). If necessary and appropriate, the local planning authority can attach a condition to a planning permission requiring appropriate mitigation measures to be provided in a development scheme.
- 2.7.5 Policy ENV8 (d) (see appendix A) requires that development will not lead to pollution of controlled waters in line with the requirements of the Water Framework Directive, as set out in applicants need to carefully consider the location and type of new development where an assessment of the potential impacts on water bodies and protected areas is required under the Water Environment Regulations, 2017 (related to the Water Framework Directive). These regulations apply to surface waters and groundwater and They set out requirements to prevent the deterioration and promote the recovery of water bodies. of aquatic ecosystems. Compliance with the Water Framework Directive can be achieved through meeting the relevant River Basin Management Plans' requirements, which in Craven is the Humber River Basin Management Plan. Any development should safeguard these important water resources with the overall aim of getting them to 'good' status as defined by the Water Framework Directive. They aim to protect, enhance and restore water bodies to 'good' or 'high' status, and achieve compliance with standards and objectives for protected areas. These regulations are available to view using the following link: https://www.legislation.gov.uk/uksi/2017/407/made.

2.7.6 There are strong linkages between Biodiversity Net Gain (BNG) provision, protecting Green Infrastructure, reducing flood risk and improving water quality, i.e. the retention and enhancement of habitats in order to achieve BNG has cross-over benefits for flood risk and water quality. This multi-functionality of land and water environments should be noted and implemented by applicants where possible. The Green Infrastructure and Biodiversity SPD provides further guidance to adopted local plan policies ENV4 and ENV5, including details regarding BNG and the use of the Biodiversity Metric, which requires that river, stream, canal and ditch habitats are assessed independently from land habitats. The PPG, in its natural environment section, emphasises that multiple benefits for people and the environment can be achievable through good design and mitigation within and adjacent to site boundaries. For example, water quality can be improved by protecting and enhancing green infrastructure. Further information on this can be found in the PPG in its natural environment section, and Craven District Council's draft SPD on Green Infrastructure & Biodiversity. Flood risk can be reduced and biodiversity and amenity improved by design that includes permeable surfaces and other sustainable urban drainage systems (see section 2.2.0 of this SPD), removing artificial physical modifications (e.g. weirs and concrete channels), and recreating natural features. The sections of the PPG relating to flood risk and water supply, wastewater and water quality provide further detail of how developments should reduce the risk of pollution and deterioration of water resources. Figures 6 and 7 below show how available land can be utilised in multifunctional ways to provide benefits for the environment, people and wildlife. Here, land utilised for Sustainable urban Drainage (SuDS) provision can also provide green infrastructure, biodiversity, and recreational opportunities.

Figures 6 & 7: Sustainable urban Drainage (SuDS) provision combined with green infrastructure and recreational space at Wyvern Park, Skipton.





2.8.0 Groundwater

- 2.8.1 Criterion ENV8 (e) requires that applicants developers protect surface and groundwater when planning for and implementing development proposals. Surface water is an important natural resource used for many purposes, especially public supply and irrigation. Groundwater provides approximately one third of the drinking water in England, and it also maintains the flow in many of the country's rivers. It is therefore crucial that development protects surface and groundwater sources, and a preliminary site investigation, prior to permission being granted, is necessary in this regard. This investigation should gather background information about surface and groundwater sources, which will need to be considered during planning, design and construction. These water sources may merit more detailed physical investigations, such as site surveys. See table 2 in Part Three of this SPD which provides a list of the supporting documents commonly required to accompany a planning application. Please also refer to paragraph 2.2.2 for information on the approach of the Environment Agency to groundwater protection.
- 2.8.2 Criterion ENV8 (f) requires developers to ensure that sources of ground water supply are protected by guiding development away from focuses specifically on Source Protection Zones (SPZs), which are areas close to drinking water sources where the risk associated with groundwater contamination is greatest. The Environment Agency has defined SPZs for groundwater sources such as wells, boreholes and springs used for public drinking water supply. It is important for any site proposal to consider its location in relation to SPZs in the Craven local plan area. The location of SPZs in the Craven Local Plan area is with the following mapping website: available to view at https://magic.defra.gov.uk/. These SPZs are also shown on the Craven Local Plan Proposals Map. These zones show the risk of contamination from any activities that may cause pollution in the area. Generally, the closer the activity is, the greater the risk to groundwater. In considering the impact of any proposal on SPZs and any appropriate mitigation measures, applicants are advised to liaise with the Environment Agency and the relevant water/waste water undertaker. The mitigating measures could relate to the masterplanning of the site, the detailed design of the site, and measures to manage the impact of the construction process on the groundwater environment.

PART THREE: PREPARING AND SUBMITTING PLANNING APPLICATIONS TO ADDRESS FLOOD RISK

3.1.0 Pre-application discussions

- 3.1.1 The importance of pre-application engagement between developers and the local planning authority and early resolution of policy issues ('front loading') is highlighted within the <u>NPPF</u>, in paragraphs 39 to 46. Also, in light of the Council's Climate Emergency Strategic Plan (CCESP), it is important to reflect one of the actions of the CCESP here. This action (CND03) states that the Council will *"work with developers as new sites across Craven are approved to ensure that opportunities for efficiency and carbon reduction are maximised."*
- 3.1.2 Figures 8 and 9 shows images of past flood episodes in Craven. The key aim of policies ENV6 and ENV8 is that growth in housing, business and other land uses are accompanied by the minimisation of flood risk, and safeguarding and improving water resources, respectively. In order to achieve this in proposed developments, and to meet the specific requirements of each policy, an applicant should refer to the relevant policies of the adopted local plan (see appendix A) and the further detail provided in Parts Two and Three of this SPD. The applicant should then discuss these matters at the earliest opportunity with the Council's Development Management (DM) team<u>as part of its pre-application advice service</u>. It is the Council's practice to charge for all such engagement. Pre-application enquiry forms and charging rates for the Council can be found at: https://www.cravendc.gov.uk/planning/information-and-advice/obtaining-pre-application-planning-advice-temporarily-suspended/. Contact details at the time of publication for the Council's Development Management (DM) team: planning@cravendc.gov.uk.
- 3.1.3 Paragraph 174 of the <u>NPPF</u> states that planning policies and decisions should contribute to and enhance the natural and local environment. Early discussions between applicants, Craven District Council and the relevant local community is important for clarifying development expectations and reconciling local and commercial interests. The opportunity for the Council to inform and influence the flood risk and/or water resource characteristics of a proposal early in the design process is a more efficient process than an applicant trying to implement suggested revisions at a later stage, particularly with major proposals. <u>Both paragraphs 126 and 132 of the NPPF state that design quality should be considered throughout the evolution and assessment of individual proposals, and that early and effective consultation with the local community is important in achieving this objective.</u>

Figures 8 & 9: Previous flooding event in the Aire Valley during the winter of 2015/16.




3.2.0 Documents to Support a Planning Application

- 3.2.1 The information in Table 2 below lists relevant supporting documents, many of which will be necessary and/or helpful, to accompany an application to show how the requirements of policies ENV6 and ENV8 have been met, both in relation to the Council's validation requirements. and other supporting documentation. Table 2 includes the national validation requirement for architectural drawings to accompany any planning application, hence applicants are strongly encouraged to commission an architect or suitably qualified professional to produce drawings that fully consider the design of any development proposal. Applicants may also need to provide other supporting documents not listed in the table below (such as a <u>Planning Statement</u>) depending on the individual circumstances of a proposal.
- 3.2.2 Where the supporting documents, necessary to meet the Council's validation requirements are <u>not</u> required, applicants are encouraged to provide supporting documentation setting out similar information, in order to show how the proposal conforms with relevant adopted local plan policy criteria, including policies ENV6 and ENV8. Proposals should conform with all relevant adopted local plan policy criteria, including policies ENV6 and ENV8. There may be instances where documents are not required as part of the Council's validation requirements, but where a proposal still needs to show how it conforms with a particular policy criterion. Where this is the case, applicants are encouraged to provide supporting documentation setting out such information, for example as part of their Planning Statement or in other documents submitted to support a planning application.
- 3.2.3 The local validation requirements referred to in this SPD were published by the Council on 1st September 2020. It should be noted that the Council has a requirement to review local validation lists at least every two years, hence users of this SPD should refer to the most up to date <u>local validation requirements</u> published on the Council's website.

Table 2: Supporting documents which are commonly required to accompany a planning application

Local Plan D Policy	Documents	·	
SD1, SD2, P	Preliminary	Pre-application	Pre-application enquiry forms and charging rates for
ENV3, ENV6 d	drawings, site	discussions relating	the Council can be found at:
& ENV8 a	and location	to overall design of a	<u>https://www.cravendc.gov.uk/planning/information-</u>

			and-advice/obtaining-pre-application-planning-
			advice-temporarily-suspended/
ENV3, ENV6 & ENV8	Architectural drawings are a national validation requirement and are necessary to accompany the planning application.	To set out the scale, design and layout of a proposal.	CDC website: <u>https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/statutory-national-information-requirements/</u>
ENV6 & ENV8	Environmental Impact Assessment (EIA) is a national validation requirement and may be necessary to accompany a planning application. It should be noted that a Water Framework Assessment would be required for applications that may impact on waterbodies.	To analyse the impact of the proposal on the environment and put forward mitigation effects. The EIA can include information relating to preliminary site investigations to ensure protection of surface water and ground water from pollution (see paragraphs 2.7.0 and 2.8.1).	CDC website: Environmental Impact Assessment
ENV8	A Foul Drainage Assessment form is on the Council's local validation list and may be necessary to accompany the planning application.	A completed Foul Drainage Assessment form is required when new or replacement non- mains drainage is proposed.	CDC website: https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local-information- requirements/non-mains-drainage-assessment/
ENV8	A Non-mains drainage and water supply assessment form is on the Council's local validation list and may be necessary to accompany the planning application.	A completed Non- mains drainage and water supply assessment form is required for any proposal where property(s) will be served by a private water supply or private distribution system.	CDC website: https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local-information- requirements/private-water-supply-assessment/
ENV6	A Flood Risk Assessment /	To identify and assess the risks of	CDC website:

	Matrix is on the Council's local validation list and may be necessary to accompany the planning application.	all forms of flooding to and from the proposed development, including details of the sequential test (see section 3.11.0 below) if required. For site specific flood risk assessments, see section 3.13.0 below.	https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local-information- requirements/flood-risk-assessment-matrix/
ENV6, INF4	Surface Water Drainage Scheme, Sustainable urban Drainages (SuDS) is on the Council's local validation list and may be necessary to accompany the planning application.	To demonstrate that the proposed site can be sustainably drained, at the earliest opportunity. Where a development proposes to discharge surface water into a public sewer, applicants are required to demonstrate why alternative options are not available (see paragraph 2.5.1).	CDC website: https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local-information- requirements/surface-water-drainage-scheme- sustainable-urban-drainages-suds/
ENV3 (s) & (t), ENV4, ENV5, ENV6 and ENV8	Sustainable Design and Construction Statement is on the Council's local validation list and is necessary to accompany the planning application.	To explain how a proposal's design and construction will contribute towards the achievement of sustainable development and, in particular, to the mitigation of and adaptation to climate change, in line with relevant policies of the Craven Local Plan and the National Planning Policy Framework (NPPF).	Appendix B of the Good Design SPD and CDC website: <u>https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/local-information-requirements/sustainable-design-and-construction-statement-sdcs/</u>

3.3.0 Stepped Approach to Sequential & Exception Testing: Introduction

3.3.1 The following paragraphs set out a stepped approach to fulfilling the requirements of the sequential and exception tests (Policy ENV6 a), taking into account the local circumstances in Craven (see also paragraph 2.1.1 of Part Two).

3.3.2 Applicants are recommended to follow the stepped approach below when preparing planning applications for development in the Craven Local Plan area. Applicants should also take account of the relevant parts of the guidance provided in the PPG's section on Flood Risk and Coastal Change at: <u>https://www.gov.uk/guidance/flood-risk-and-coastal-change</u>.

3.4.0 Step 1 – Identifying the flood risk

- 3.4.1 Flood risk is a combination of the probability and the potential consequences of flooding from all sources including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources. The first stage is to identify the level of flood risk relevant to the proposed development. The main data on flood risk in Craven is found in:
 - (a) The Environment Agency's Flood Mapping (EAFM); and
 - (b) Craven District Council's Level 1 Strategic Flood Risk Assessment (SFRA).
- 3.4.2 Craven District Council's SFRA was completed in 2017 as part of the preparation for the adopted Craven Local Plan, and the SFRA assessed the risk across the local plan area from all flooding sources.
- 3.4.3 (a) Environment Agency (EA) Flood Maps: Applicants for all development types should access the interactive EA Fluvial Flood Map on the EA website to identify which fluvial flood zone their site lies within: https://flood-map-for-planning.service.gov.uk/. The Environment Agency maps show Flood Zone 3 but do not delineate 3a or 3b. The four categories of fluvial flood risk used in the UK are set out at https://www.gov.uk/guidance/flood-risk-and-coastal-change#flood-zone-and-flood-risk-tables. The EA flood map depicts:
 - Flood Zone 3 (a) and (b) (high probability) in dark blue;
 - Flood Zone 2 (medium probability) in light blue; and
 - Flood Zone 1 (low probability) having no colour.

The EA also produces mapping showing flood risk from surface water at: <u>https://www.gov.uk/government/publications/flood-risk-maps-for-surface-</u><u>water-how-to-use-the-map</u>, and provides information on flood risk from groundwater at: <u>https://www.gov.uk/government/collections/groundwater-</u><u>current-status-and-flood-risk#groundwater-situation-reports</u>.

The EA also produces reservoir flood maps and guidance on them can be accessed using the following link: https://www.gov.uk/guidance/reservoir-flood-maps-when-and-how-to-use-them. This information explains what the reservoir flood maps show, how they were created and how to use them in assessments.

It should be noted that in some locations in Craven, the flood extents associated with reservoir flooding extend beyond the flood zones and/or where other sources of risk are present.

- <u>3.4.4 (b) Craven's Strategic Flood Risk Assessment (SFRA): Applicants should look</u> <u>at the Council's Level 1 SFRA should be reviewed</u> to identify more detailed and locally specific flood risk information relating to a site. This includes information showing the extent of Functional Floodplain (Flood Zone 3b) and areas at risk from other sources of flooding, such as surface water, reservoirs, canals, and sewers/drains (which create critical drainage areas). The SFRA also contains other relevant information including historic flooding incidents (from various sources), flood warning areas, and local geology and topography. <u>The SFRA</u> <u>maps do identify Flood Zone 3a or 3b and should be the starting point for identifying 3b (functional flood plain).</u>
- 3.4.5 The designations of Flood Zone 3b in Craven has been made based on the approach set out in the Council's SFRA (2017), which is a mix of modelled, historic designations and proxy information. Further investigation (for example as part of a Flood Risk Assessment or further modelling) may indicate that the functional floodplain is larger, or smaller, than that presented in the SFRA. If intending to challenge the functional floodplain (FZ3b) extent, the applicant is responsible for providing evidence to demonstrate flood risk to a site. Areas that would naturally flood should be considered as functional floodplain, and not removed unless solid infrastructure or buildings exist. The Environment Agency holds a number of detailed flood models that may be relevant to the assessment of flood risk for a development site, which may include more up to date modelling and/or data that can assist in better understanding flood risk on any specific site. Applicants are advised to contact the EA to access this information.

3.5.0 Step 2 - Is a flood risk sequential test required?

- 3.5.1 Once the level of flood risk has been identified, including which fluvial flood zone the proposed development site lies within, the next step is to identify if it is necessary to apply the flood risk sequential test. The flood risk sequential test is not necessary for all development proposals in the Craven Local Plan area. For fluvial flood risk (watercourses and rivers), the sequential test is generally not necessary where the proposal is:
 - On land in Flood Zone 1;
 - For residential development on land allocated for housing in the Craven Local Plan, in line with para 166 of the NPPF;
 - For employment development on land allocated for employment in the Craven Local Plan, in line with para 166 of the NPPF;

- For minor development (see paragraph 033 of the <u>NPPG</u>) set out in paragraph 164 of the <u>NPPF</u>;
- Changes of use.

The applicant is advised to refer to the <u>PPG</u> for some exceptions to the above, in particular paragraphs 3, 19 and 33 in the Flood Risk and Coastal Change section. In addition, where the SFRA or other more recent sources of information indicate there may be flooding issues currently or in the future a sequential test may still be necessary for proposals in Flood Zone 1.

- 3.5.2 A fluvial flood risk sequential test is not appropriate for certain types of development in Flood Risk Zones 3a and 3b. In line with Table 3 of the PPG (see Appendix B), certain development in Flood Zones 3b and 3a, should not be permitted. The Sequential Test should be applied (where required) to areas of lowest overall flood risk. This is because such development should not be permitted in these high flood risk areas and cannot generally be justified by the sequential or exception test. The NPPF has further information under its paragraphs 159 – 169. The applicant is advised to refer to the flood risk vulnerability tables in the PPG. which are at: https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification. These tables are also provided copied in Appendix B of this SPD. For all other developments not identified above, a fluvial flood risk sequential test will be required. Table 3 included in paragraph 3.12.3 below provides a summary of both the sequential and exception test requirements for residential development by flood zone.
- 3.5.3 For-other non-fluvial flood risks other sources of flood risk, and for land use compatibility issues identified in the flood risk documents given in Step 1 above, applicants should contact the Council's Development Management team to discuss the need for an alternative application of the sequential test and the suitability of the intended land use in this context. Contact details at the time of publication for the Council's Development Management (DM) team are: planning@cravendc.gov.uk.

3.6.0 Step 3 – The fluvial (rivers and watercourses) Flood Risk Sequential Test

3.6.1 The <u>PPG</u> (paragraph 18: flood risk and coastal change) summarises the general approach of sequential testing as designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim of the sequential test, as set out in paragraph 162 of the <u>NPPF</u> is to <u>steer new development to areas with the lowest risk of flooding from any source. keep development out of medium and high flood risk areas (Flood</u>

Zones 2 and 3) and other areas affected by other sources of flooding where possible.

- 3.6.2 Paragraph 162 of the <u>NPPF</u> is unequivocal in its intention and states that developments should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Therefore, the sequential test compares a proposed development site with other suitable and available development sites to establish which has the lowest flood risk. If the proposed development could take place on a lower flood risk site, permission should not be granted.
- 3.6.3 In line with the EA's advice, a sequential approach is encouraged to development within a site, ensuring that the most vulnerable elements are restricted to land at lowest risk of flooding. This may be most appropriate on sites that fall across multiple flood zones, or where flood risk from other sources may also contribute to flood risk issues within a site.

Sequential test for non-residential development

3.6.4 For non-residential development, due to the variety of different land uses and circumstances that relate to these proposals, the Council will, following the guidance in the PPG, apply the sequential test on a case by case basis. <u>Paragraph 033, Reference ID: 7-033-20140306</u> of the PPG provides useful guidance on this matter. The applicant should <u>also</u> see also this SPD's guidance on the sequential test for proposals on previously developed land below.

Sequential test for residential development

3.6.5 For residential development, it is useful to set out some guiding and generic principles on how the sequential test should be undertaken in the Craven Local Plan area. These principles are set out in Steps 3(a) to 3(d) below, albeit the guidance in the paragraph below on the sequential test for proposals on previously developed land also applies to residential development.

Sequential test for proposals on previously developed land

3.6.6 The development of previously developed land often supports the regeneration of an area. In such circumstances, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. The <u>PPG</u> (para 33 Ref ID: 7-033-20140306) indicates that where this is the case "a *pragmatic approach on the availability of alternatives should be taken.*" In addition, the re-use of previously developed land is highly valued in the planning system and has wider sustainability advantages over the development of greenfield land.

3.6.7 Therefore, where the Council considers that it would be impractical to suggest there are more suitable alternative locations for a proposal on previously developed land, these proposals will be deemed to have passed the sequential test. Of course these developments, in accordance with Appendix B, may still be required to pass the exception test, as set out in Step 4 below.

3.7.0 Step 3 (a) - The area to apply the sequential test for residential development

3.7.1 The PPG at paragraph 033 (reference ID: 7-033-20140306) states that:

"For individual planning applicationsthe area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration......."

The Craven Local Plan Area

3.7.2 The <u>Craven Local Plan (CLP)</u> was found sound by an independent planning inspector, who accepted that the Craven District is an appropriate housing market area to plan for new housing development. Housing need has been measured for the whole district and then for the plan area itself (the latter excludes that part of the district lying within the Yorkshire Dales National Park). There has been no assessment of housing need below the plan wide area. All residential development across Craven is providing for this plan wide need. Therefore, apart from the potential exception outlined below, the plan area is the appropriate 'catchment area' to use as the area of search to identify alternative locations to develop housing on land of a lower risk from flooding.

Potential exception to the Craven Local Plan Area in tiers 1 to 4 settlements

- 3.7.3 Policy SP4 of the local plan seeks to ensure that the plan area wide housing need is distributed in a sustainable pattern of growth. Each individual settlement listed in the settlement hierarchy (tiers 1 to 4 settlements on page 59 of the local plan) has been given a housing provision figure to reflect this sustainable pattern of growth.
- 3.7.4 The local plan has sought to allocate land within these settlements so as to allow their housing provision figure to be delivered. However, if these settlement housing figures are not delivered, this threatens the ability of the plan to achieve sustainable development. Therefore, it is the Council's view that, for residential proposals within or adjoining the main built up area of the settlement, where that settlement is not likely to deliver its housing numbers within the plan period,

the area to apply the sequential test can be confined to within and adjoining the settlement (main built up area) itself. An important, but not conclusive, piece of information in determining whether a settlement is likely to deliver its housing numbers, is the Council's latest quarterly <u>Settlement Growth Monitoring Report</u> of housing completions and commitments for each listed settlement.

3.7.5 Therefore, the Craven Local Plan area is the appropriate catchment area to be used to apply the sequential test, unless the Council consider that the settlement where the proposal is located is unlikely to deliver its (Policy SP4) housing numbers. In this case, the area to apply the sequential test search for alternative sites can be confined to within and adjoining the main built up area of that settlement.

3.8.0 Step 3 (b) - Identifying reasonably available sites for residential development within the Sequential Test (ST) area

- 3.8.1 The purpose of this step is to start to identify whether or not there are any alternative development sites within the relevant ST area (usually the plan area) which offer a lower risk of flooding than the site of the development proposed. There is no definition given in the <u>NPPF</u> or <u>PPG</u> on the meaning of 'reasonably available' sites as it relates to the ST on flood risk. The reference made in paragraph 33 of the PPG to adopting a 'pragmatic approach' on the availability of alternative sites provides guidance on an appropriate ST area.
- 3.8.2 However, paragraph 19 in the <u>PPG's section on 'Housing and Economic Land</u> Availability Assessment' provides useful guidance on housing land availability, stating "The existence of planning permission can be a good indication of the availability of sites." The Council produces a quarterly Settlement Growth Monitoring Report, detailing potential housing delivery from sites with planning consent, and sites allocated in the Local Plan that do not yet benefit from planning consent. To produce these reports, the Council must identify all extant planning permissions within the District. This information can be provided to applicants by the Spatial Planning team а request to (spatialplanning@cravendc.gov.uk).
- 3.8.3 Paragraph 19 of the <u>PPG</u> also states that where a developer or landowner has expressed an intention to develop land, that land can be considered available. These sites are identified through the production of the <u>Strategic Housing and</u> <u>Employment Land Availability Assessments (SHELAA).</u>
- 3.8.4 The Environment Agency (EA) has published its own guidance on what sites might be 'available' at <u>https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants</u>. This advises potential applicants to: *"check with your local planning authority whether there are any 'windfall sites' in your search area. Windfall sites are sites that aren't allocated in the local plan and don't*

have planning permission, but that could be available for development." Craven District Council agree with this approach put forward by the EA, and again draw attention to its SHELAA which identifies such sites.

- 3.8.5 Hence, using the guidance in the <u>PPG</u> (paragraph 19) applicants are advised to draw up their list of 'reasonably available' sites in the plan area (unless different due to the circumstances stated in paragraph 3.5.6 <u>section 3.7.0</u> above), from a review of the following sources:
 - The Craven Local Plan sites allocated for residential development (Policies SP5 – SP10);
 - Non-allocated sites with planning permission (outline, full and reserved matters approval) for residential development, identified in the Council's most recent <u>Settlement Growth Monitoring Report</u>; and
 - The Council's <u>SHELAA</u> is updated annually and provides details of sites that are considered to be 'suitable, available and achievable' for development.
- 3.8.6 All size of sites should be identified in this step, including those sites smaller than the proposed residential development. These smaller sites may, cumulatively, be able to provide sufficient land for the amount of new homes on the proposed development. The sequential test is about the general availability of land for housing development, and not the availability of land on which a particular applicant can build houses.

3.9.0 Step 3 (c) - Which identified 'reasonably available' sites are appropriate / suitable for the proposed residential development?

- 3.9.1 There is no guidance in the PPG on how the wording 'appropriate for the proposed development' should be defined. However, 'appropriate sites' would be those identified as 'suitable, available and achievable' in the SHELAA. It is the Craven District Council's view that all alternative sites identified in Step 3 (b) be considered appropriate for the proposed development unless:
 - The development of the alternative site would be in conflict with the policies of the Craven Local Plan and in particular Policy SP4: Spatial Strategy and Housing Growth; or
 - The development of the alternative site is clearly not suitable for the type of housing proposed on the potential application site.

3.10.0 Step 3 (d) - Are there any available and appropriate alternative sites of lower fluvial flood risk than the proposed residential development site?

3.10.1 The flood risk of any available and appropriate alternative sites identified in Step 3 (c) should now be compared with the flood risk of the proposed application site. The starting point for this comparison will be the Council's <u>Strategic Flood Risk Assessment</u> and the <u>Environment Agency's most up to</u> <u>date flood risk mapping</u> (see Step 1 above). The Environment Agency (EA) has published the related information within their guidance note, available at: <u>https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-</u> <u>applicants</u> and the relevant information text is as follows:

"You need to compare the risk of flooding at the site you're proposing to use with the risk of flooding at the alternative sites you've identified. You can use the following resources to compare flood risk:

- the Environment Agency's Flood Map for Planning;
- the Environment Agency's Long Term Flood Risk Information;
- a <u>strategic flood risk assessment</u> if one's been adopted as part of the <u>local plan</u> contact your local authority to check this and to get a copy
- existing flood risk assessments on the sites contact your local planning authority to get these;
- any other source of flooding information (e.g. surface water management plans from your <u>lead local flood authority</u>).

If the sites you're comparing are in the same flood zone and you compare them using the Environment Agency flood map, you will have to use at least one other method of comparison as well as the flood map to get sufficient detail."

3.10.2 Applicants are recommended to have early discussions with the Council and the EA as to what are the most appropriate flood mapping/assessments to use at that time. Contact details at the time of publication for the Council's Development Management (DM) team are: *planning@cravendc.gov.uk*. The outcome of the above comparison will be the conclusion on whether there are or are not any alternative sites which are of a lower flood risk than the application site proposal.

3.11.0 Step 3 (e) - The applicant's report on the Sequential Test

- 3.11.1 A written report of the applied fluvial flood risk sequential test should be submitted to Craven District Council alongside the relevant planning application, as part of the Flood Risk Assessment that is required as part of the Council's validation requirements (see Table 2 in paragraph 3.2.3 above). This report should list all the sites identified at Steps 3 (b), (c) and (d) above, give reasons why sites have or have not been taken forward from one step to the other, and set out the flood risk position of each site to compare with the application site. As well as information on flood risk from rivers, details of other sources of flood risk need to be included in the report.
- 3.11.2 The Environment Agency has published guidance about information applicants should provide on these sites. This guidance can be found at: https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants.

- 3.11.2 The Environment Agency's stated in this guidance for applicants on the sequential test states that the Council will need information on the number of dwellings likely to be delivered on each site. For sites with planning permission, the sequential test should use the housing numbers granted approval, unless there are good reasons why not. For local plan allocated sites and SHELAA sites, the sequential test should use the estimated housing yield published by Craven District Council, unless there are good reasons why not. If the site has no planning permission or published housing yield, an appropriate density for that particular site/part of site should be agreed with the Council, in line with the Council's adopted local plan Policy SP3 Housing Mix and Density. The applicant can refer here to Policy SP3: Housing Mix and Density, whose objective is that the mix and density of new housing developments will ensure that land is used in an effective and efficient manner to address local housing needs.
- <u>3.11.3</u> The <u>PPG</u>, at paragraph 034 (reference ID: 7-034-20140306), states that: "*It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case." Hence, it is the role of Craven District Council, as the Local Planning Authority, to review the sequential test and inform applicants if the sequential test has been passed.*

3.12.0 Step 4 - The need for, and content of, an exception test: all development proposals

- 3.12.1 Paragraph 163 of the <u>NPPF</u> states that '.....If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainability development objectives), the exception test may have to be applied......' <u>Paragraph 166 of the NPPF states that 'the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.'</u>
- 3.12.2 Paragraph: 068 Reference ID: 7-068-20140306 of the <u>PPG</u> states that: *"It is advisable to contact the local planning authority to confirm whether the exception test needs to be applied and to ensure the appropriate level of information is provided".*
- 3.12.3 In response to the PPG above, the following text and table 3, informed by the <u>PPG</u> (036 Reference ID: 7-036-20140306) provides the Council's position on the need for an exception test in connection with residential development.
 - If the Council is satisfied that the sequential test has been passed, and there are no suitable alternative sites (of lower flood risk) on which to build the proposed new homes, then an exception test will be necessary if the

proposed residential development is within flood zone 3a. <u>The exception</u> <u>test</u> and must be passed to allow the proposal to be permitted;

• If the Council considers the sequential test to have been failed because there are alternative sites (of lower flood risk) on which to build the proposed new dwellings, then an exception test is not necessary as the proposal should not be permitted.

Fable 3: Sequential and Exception test requirements for residential developm	ient
by flood zone	

Flood Zone	Sequential Test	Exception Test
Zone 1	Not required	Not required
Zone 2	Required*	Not required
Zone 3(a)	Required	Required if sequential test passed. Not required if sequential test has been failed**
Zone 3(b)	Not required**	Not required**
	<u>Development</u>	<u>Development</u>
	should not be permitted**	should not be permitted**

*Development should not be permitted if appropriate flood zone 1 sites are available. Development may be permitted without the need for the exception test if there are no appropriate flood zone 1 sites available (see steps 3a to 3d above). **Development should not be permitted.

- 3.12.4 As regards other types of development proposals, the need for the exception test will depend on the potential vulnerability of the site in flood risk terms and of the development proposed, in line with the flood risk vulnerability classifications set out in Table 3 of the <u>PPG</u> (see Appendix B of this SPD). The PPG indicates that an applicant should undertake the exception test if the proposed development is termed 'highly vulnerable' and in Flood Zone 2, 'essential infrastructure' in Flood Zone 3a or 3b, and 'more vulnerable' in Flood Zone 3a.
- 3.12.5 As set out in paragraph 164 of the <u>NPPF</u> (2021), the application of the exception test should be informed by the Council's SFRA and the research contained in a site-specific flood risk assessment (FRA) being prepared for the site. For the exception test to be passed it should be demonstrated that:

- (a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) The development will be safe for its lifetime taking account of the vulnerability of the land use, without increasing flood risk elsewhere, and where possible, reducing flood risk overall.
- 3.12.6 Part (a), paragraph 037 (Reference ID: 7-037-20140306) of the <u>PPG</u> recommends that the applicant can use the local authority's sustainability appraisal process to assess the overall sustainability performance of their proposal. Therefore, Craven District Council would expect applicants to demonstrate how their proposals contribute to the objectives of its own sustainability appraisal, produced for the current Craven Local Plan and available on the Council's website at: <u>https://www.cravendc.gov.uk/planning/spatial-planning/evidence-and-monitoring/sustainability-and-habitats/</u>.
- 3.12.7 The information required to satisfy part (b) should be provided in a site specific FRA (see Step 5 below). Paragraphs 23 to 26 and 35 to 42 of the <u>PPG</u> (Flood risk and Coastal Change) provide guidance on the content of exception tests.

3.13.0 Step 5 – Site specific Flood Risk Assessments (FRAs)

- 3.13.1 A site specific flood risk assessment is carried out by (or on behalf of) an applicant to assess the flood risk to and from a proposed development site. The Council's local validation requirements, reflecting the PPG, states that a FRA is required to accompany planning applications for proposals where the site falls within:
 - Flood Zone 1 (flooding from watercourses) and the development site has a site area of one hectare or greater, or has critical drainage problems as notified by the Environment Agency; or,
 - Flood Zones 2 and 3 (flooding from watercourses); or,
 - Areas identified as having a moderate or high risk of flooding from surface or ground water; or
 - Non mains drainage schemes.
- 3.13.2 The FRA should demonstrate how flood risk will be managed now and over the proposed development's lifetime, taking climate change into account, and with regard to the vulnerability of the land use. Paragraph 030 of the <u>PPG</u> (Reference ID: 7-030-20140306) states that the objectives of the FRA are to establish:
 - Whether a proposed development is likely to be affected by current or future flooding from any source;
 - Whether it will increase flood risk elsewhere;

- Whether the measures proposed to deal with these effects and risks are appropriate;
- The evidence for the planning authority to apply (if necessary) the sequential test; and
- Whether the development will be safe and pass the exception test, if applicable.
- 3.13.3 Paragraphs 30 to 32 of the PPG (Flood Risk and Coastal Change) provide guidance on what a FRA should contain and includes reference to a checklist of information required: https://www.gov.uk/guidance/flood-risk-and-coastalchange#Site-Specific-Flood-Risk-Assessment-checklist-section, and two important guidance documents provided by the EA: https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications. https://www.gov.uk/guidance/flood-risk-assessment-for-planningand applications#when-to-follow-standing-advice. Craven's Development Management team can assist in agreeing the scope of the flood risk assessment with the applicant, using the Environment Agency's standing advice on flood risk (https://www.gov.uk/guidance/flood-risk-assessmentstanding-advice). This process should involve consultation with the Environment Agency and North Yorkshire County Council, as the lead local flood authority.
- 3.13.4 Site-specific flood risk assessments should always be proportionate to the degree of flood risk and make optimum use of information already available, including information in the <u>Strategic Flood Risk Assessment</u> for the Craven local plan area, and the <u>interactive flood risk maps</u> available on the Environment Agency's website. Hence, appropriate analysis of the SFRA and the relevant interactive flood risk maps of the EA can provide a sound basis for a site-specific flood risk assessment.

3.14.0 Outline, Reserved Matters and Planning Conditions

- 3.14.1 The Council may wish to <u>encourages</u> details relating to flood risk and water resources on or near a development site to be agreed as part of the initial permission, so that important elements are not deferred for later consideration. It can also be important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality.
- 3.14.2 Applications for outline planning permission should seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. Flood risk assessment and water resource safeguarding can be considered at this stage in order to assist community engagement, inform a design and access statement (where

required), and provide a framework for the preparation and submission of reserved matters proposals.

3.14.3 Pre-application advice can be used as a stage for applicants and the Council to discuss the use of planning conditions in relation to meeting the requirements of policy ENV6 & ENV8, in terms of flood risk and water resources and quality. For example, if necessary, the requirement for mitigation measures to reduce the risk of proposed development from pollution and deterioration of water resources, as required by criterion (c) of policy ENV8, may be a condition attached to a planning permission. Hence there is an opportunity for prospective applicants and the Council to discuss the intended approach to a site, and how flood risk and water quality policies and guidance need to be applied.

Appendix A Policy ENV6: Flood Risk

Growth in Craven will help to avoid and alleviate flood risk in the following ways:

- a) Development will take place in areas of low flood risk wherever possible and always in areas with the lowest acceptable flood risk, by taking into account the development's vulnerability to flooding and by applying any necessary sequential and exception test;
- b) Development will safeguard waterways and benefit the local environment (aesthetically and ecologically) by incorporating sustainable drainage systems (SuDS); where the use of SuDS is not possible, feasible or appropriate other means of flood prevention and water management should be used. All surface water drainage systems (SuDS or other) should be economically maintained for the lifetime of the development;
- c) Development will maintain adequate and easy access to watercourses and flood defences, so that they may be managed and maintained by the relevant authority;
- d) Development will avoid areas with the potential to increase flood resilience, and seek to enhance as far as possible the natural capacity of soils, vegetation, river floodplains, wetland and upland habitats to reduce flood risk;
- e) Development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal in advance of occupation (as per standards set out by the Environment Agency and subsequent updates to the standards, see Appendix C). Surface water should be managed at the source and not transferred, and every option should be investigated before discharging surface water into a public sewerage network;
- f) Development will maximise opportunities to help reduce the causes and impacts of flooding by ensuring adequate sufficient attenuation and long term storage is provided to accommodate storm water on site without risk to people or property and without overflowing into a watercourse (as per standards set out by the Environment Agency and subsequent updates to the standards, see Appendix C).

In all of the above, it will be important to refer to the latest and best flood risk information from Craven's strategic flood risk assessment and any relevant site-specific flood risk assessment, plus advice from the Environment Agency and the contents of the NPPF.

POLICY ENV8: Water Resources, Water Quality and Groundwater

Growth in Craven will help to safeguard and improve water resources in the following ways:

Water Resources

a) Development will be served by adequate sewerage and waste water treatment infrastructure, which matches the type, scale, location and phasing of the development, and which safeguards surface and ground water resources;

b) Development will maximise opportunities for the incorporation of water conservation into its design, including the collection and re-use of water on site;

Water Quality

c) Development will reduce the risk of pollution and deterioration of water resources by anticipating any likely impact and incorporating adequate mitigation measures into the design;

d) Development will not lead to pollution of controlled waters in line with the requirements of the Water Framework Directive;

Groundwater

e) Developers will protect surface and groundwater from potentially polluting development and activity, by carrying out preliminary site investigations prior to permission being granted to ensure that land is suitable for the intended use;

f) Developers will ensure that sources of groundwater supply are protected by guiding development away from identified Source Protection Zones (SPZ), i.e. areas close to drinking water sources where the risk associated with groundwater contamination is greatest. The Source Protection Zones in the Craven plan area are shown on the Proposals Map.

Appendix B: Flood Risk Vulnerability Tables from the PPG

Table 1: Flood Zones

These Flood Zones refer to the probability of river and sea flooding, ignoring the presence of defences. They are shown on the Environment Agency's Flood Map for Planning (Rivers and Sea), available on the Environment Agency's web site, as indicated in the table below.

Flood Zone	Definition
<u>Zone 1 Low</u> <u>Probability</u>	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
<u>Zone 2 Medium</u> Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
<u>Zone 3a High</u> Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding.(Land shown in dark blue on the Flood Map)
<u>Zone 3b The</u> <u>Functional</u> <u>Floodplain</u>	This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

Note: The Flood Zones shown on the Environment Agency's Flood Map for Planning (Rivers and Sea) do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding. Reference should therefore also be made to the Strategic Flood Risk Assessment when considering location and potential future flood risks to developments and land uses.

Paragraph: 065 Reference ID: 7-065-20140306

Table 4 2: Flood risk vulnerability classification

Essential infrastructure

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.
- Wind turbines.

Highly vulnerable

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure').

More vulnerable

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non–residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).

- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

Water-compatible development

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

It should be noted that the table above is also included in the NPPF (2021) as Annex 3.

	Essential	Highly	More	Less	Water
	Infrastructure	vulnerable	vulnerable	vulnerable	Compatible
Flood Zones					
Zone 1	Yes	Yes	Yes	Yes	Yes
Zone 2	Yes	Exception Test required	Yes	Yes	Yes
Zone 3a^	Exception Test required [^]	No	Exception Test required	Yes	Yes
Zone 3b*	Exception Test required*	No	No	No	Yes*

Table 2 3: Flood Zones and Flood Risk Vulnerability Classification

Key: Yes: Development is appropriate

No: Development should not be permitted

Appendix C: Suggested mitigation measures to reduce risk of pollution and deterioration of water resources (ENV8 Criteria c & d)

Below is a list of suggested measures to mitigate the pollution risk of water bodies during site development in order to meet requirements set out in criteria c) & d) of policy ENV8:

- All works associated with any proposed on-site wastewater treatment system will be carried out in accordance with Environment Agency and current Building Regulations standards. Its installation should be by an experienced contractor and supervised by a qualified engineer;
- Fuels, lubricants and hydraulic fluids for equipment used on the site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment;
- All construction waste materials will be stored within the confiners of the site, prior to removal from the site to a permitted waste facility. Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or recycling;
- Vehicles will never be left unattended during refuelling. Only dedicated trained and competent personnel will carry out refuelling operations and plant refuelling procedures shall be detailed in the contractor's method statements;
- Potential impacts caused by spillages etc. during the construction phase will be greatly reduced by keeping spill kits and other appropriate equipment on-site;
- The materials, equipment or vehicles on site that are used to implement the proposed works should not come into contact with the waters of any nearby water body at any stage, for washing purposes or otherwise.
- The incorporation of sustainable urban drainage systems (SuDS) to minimise the risk of pollution of water resources.

Appendix D: Glossary

Area for Further Assessment (AFA): Areas where, based on the Preliminary Flood Risk Assessment, the risks associated with flooding are considered to be potentially significant. For these areas further, more detailed assessment is required to determine the degree of flood risk, and develop measures to manage and reduce the flood risk.

Climate change: Climate change refers to long-term shifts in temperatures and weather patterns. These shifts may be natural, such as through variations in the solar cycle. But since the 1800s, human activities have been the main driver of climate change, primarily due to burning fossil fuels like coal, oil and gas.

Consequences (flooding): The impacts of flooding, which may be direct (e.g., physical injury or damage to a property or monument), a disruption (e.g., loss of electricity supply or blockage of a road) or indirect (e.g., stress for affected people or loss of business for affected commerce).

Drainage: Works to remove or facilitate the removal of surface or sub-surface water, e.g., from roads and urban areas through urban storm-water drainage systems, or from land through drainage channels or watercourses that have been deepened or increased in capacity.

Flood: The temporary covering by water of land that is not normally covered by water, and the flood extent is often represented on a flood map.

Flood Hazard Map: A map indicating areas of land that may be prone to flooding, referred to as a flood extent map, or a map indicating the depth, velocity or other aspect of flooding or flood waters for a given flood event. Flood hazard maps are typically prepared for either a past event or for (a) potential future flood event(s) of a given probability.

Flood Risk Management Plan: A Plan setting out a prioritised set of measures within a long-term sustainable strategy aimed at achieving defined flood risk management objectives. The plan is developed at a River Basin (Unit of Management) scale, but is focused on managing risk within the AFAs.

Floodplain: The area of land adjacent to a river or coastal reach that is prone to periodic flooding from that river or the sea.

Fluvial: Riverine, often used in the context of fluvial flooding, i.e., flooding from rivers, streams, etc.

Hydrology: The science of the natural water cycle, often used in this context in relation to estimating the rate and volume of rainfall flowing off the land and of flood flows in rivers.

National Planning Policy Framework: This document sets out the government's planning policies for England and how these policies are expected to be applied. The document was last updated in July 2021.

Receptor: Something that may suffer harm or damage as a result of a flood, such as a house, office, monument, hospital, agricultural land or environmentally designated sites.

Risk (flooding): The combination of the probability of flooding, and the consequences of a flood.

Runoff: The flow of water over or through the land to a waterbody (e.g., stream, river or lake) resulting from rainfall events. This may be overland, or through the soil where water infiltrates into the ground.

Surface Water: Water on the surface of the land. Often used to refer to ponding of rainfall unable to drain away or infiltrate into the soil.

Topography: The shape of the land, e.g., where land rises or is flat.

Vulnerability: The potential degree of damage to a receptor (see above), and/or the degree of consequences, that could arise in the event of a flood.

Water Framework Directive: This directive (2000/60/EC) aims to protect surface, transitional, coastal, and ground waters to protect and enhance the aquatic environment and promote sustainable use of water resources.

Appendix C

Strategic Environment Assessment

Screening Report

Prepared in relation to the adoption of the

Flood Risk & Water Management Supplementary Planning Document

of Craven District Council

Presented to Craven Spatial Planning Sub Committee 6th July 2022

Prepared by David Feeney, B.E. (Environmental), MRUP, MSc

Prepared for Craven District Council, and reviewed by RP

Completion Date: May 2022

Table of Contents

1.	Background and SEA Purpose	.3
1.1	Purpose of the SEA Screening Report	.3
4 2		2
1.2	Legislative Background	.3

2.	Overview of the Flood Risk & Water Management SPD	.3
2.1	Relationship with the Local Plan	3
2.2	The content of the Flood Risk & Water Management SPD	4

3.	The Screening Process and Conclusions	4
3.1	Strategic Environmental Assessment Screening	4
3.2	Determination of any significant effects	4
3.3	Screening outcome	6
3.4	Consultation with Statutory Bodies	7

Appendix I: Assessment of Likely Significance of Effects on the Environment	8
Appendix II: Flood Risk & Water Management SPD and the SEA Directive	10
Appendix III: Responses from Statutory Bodies	13
Appendix IV: Acronyms	14

Note for readers:

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. The first iteration of this report was prepared in March 2022, with this version completed in May 2022. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. SEA Purpose and Legislative Background

1.1 Purpose of the SEA Screening Report

1.1.1 This screening report has been prepared to determine whether the Flood Risk & Water Management Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Strategic Environmental Assessment (SEA).

1.2 Legislative Background

1.2.1 The basis for Strategic Environmental Assessment legislation is the European Directive 2001/42/EC (SEA Directive). This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be obtained via in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005).

1.2.2 The Planning Practice Guidance (PPG) discusses SEA requirements in relation to supplementary planning documents in paragraph 11-008. Here, the PPG states that: *Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies*' and later in the same section: *"Before deciding whether significant environment effects are likely, the local planning authority will need to take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies."*

1.2.3 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects must be subject to an environmental assessment.

2. Overview of the Flood Risk & Water Management SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on flood risk and water management in proposed development within the Craven Local Plan area, and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy ENV6: Flood Risk
- Policy ENV8: Water Resources, Water Quality and Groundwater
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change

- Policy SP2: Economic activity and business growth
- Policy SP4: Spatial strategy and housing growth

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formerly adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Flood Risk & Water Management SPD

2.2.1 Policies ENV6 and ENV8 of the Craven Local Plan are the focus of the SPD. The aims of these policies are to set out how flood risk can be reduced and mitigated when planning for new developments, and also how water can be most effectively used within existing and future development sites. These policies are set out in full within Appendix A of the SPD.

2.2.2 Policy ENV6: Flood Risk describes a number of ways of how development growth in the Craven local plan area can help to avoid and alleviate flood risk. Policy ENV8: Water Resources, Water Quality and Groundwater sets out how development growth in Craven can assist to safeguard and improve water resources. The policy content of ENV8 is divided into the subjects of water resources, water quality, and groundwater.

3. The Screening Process and Conclusions

3.1 SEA Screening

3.1.1 Screening is the process for determining whether or not an SEA is required. For this process, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A full determination cannot be made until the three statutory consultation bodies have been consulted; these bodies are Natural England, the Environment Agency, and Historic England.

3.1.2 The SEA Directive requires plans and programmes to be in general conformity with the strategic policies of the adopted development plan for the relevant area. Within 28 days of its determination, the plan makers must publish a statement, setting out its decision. If they determine that an SEA is not required, the statement must include the reasons for this. The table included in Appendix I uses questions based on content of the SEA Directive to establish whether there is a requirement for SEA for the Flood Risk & Water Management SPD. The table included in Appendix II analyses the Flood Risk & Water Management SPD using criteria set out in Annex II of the SEA Directive and Schedule I of the Regulations.

3.2 Determination of significant effects

3.2.1 Paragraph 9 of the SEA Directive states that: *"This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States or incorporated and states and a state of the states or incorporated in specifically established procedures. With a view to avoid a state of the states of the state of the st*

States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes." The policies of the Craven Local Plan have been subject to a full <u>Sustainability Appraisal</u> (SA). The SEA requirements are included under the approach to sustainability appraisal.

3.2.2 Therefore it is considered that the potential significant effects of the Flood Risk & Water Management SPD, either individually or in combination with other plans and projects, have already been assessed in the SA of the local plan. A summary analysis of the potential effects of the SPD based on the key subject areas is shown in the following paragraphs to ensure that the SPD does not give rise to any new significant environmental effects. This analysis relates to that contained within the SA of the local plan.

3.2.3 <u>Population and human health</u>: The aim of Policy ENV6 is to ensure that development growth in Craven will help to avoid and alleviate flood risk in a number of described ways in the policy. This is an important social, environmental and economic objective, particularly in a county such as Yorkshire which has experienced numerous significant flooding episodes in the 2000s. The objective of Policy ENV8 is that development growth in Craven will help to safeguard and improve water resources in a number of described ways. The abundance and quality of water supply is fundamental to human health and well-being, and hence this SPD can have positive impacts.

3.2.4 <u>Biodiversity, flora and fauna:</u> Policy ENV4 of the local plan focuses on biodiversity, and states that growth in housing, business, and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Conformity with the policies covered in this SPD can help improve biodiversity. Policy ENV6 can reduce the risk of flooding, and Policy ENV8 aims to safeguard water abundance and improve water quality by reducing the risk of pollution and deterioration of water resources. There should hence be a positive impact in terms of the flora and fauna in the local plan area, resulting from development in the plan area taking into account the objectives of both of these policies.

3.2.5 <u>Climatic factors:</u> Development in the Craven local plan area that effectively takes into account the objectives of both Policy ENV6: Flood Risk, and Policy ENV8: Water Resources, Water Quality and Groundwater, can greatly assist in the mitigation of climate change impacts. This is through reducing the risk of flooding through carefully planned development, and also the safeguarding of water resources, including groundwater. Protecting and improving water quality means greater water resources are available for consumption.

3.2.6 <u>Cultural heritage:</u> Proposed development must display the need for conformity to the local plan's Policy ENV2 on heritage and Policy ENV3 on good design. Conformity with the policies covered in this SPD, namely Policy ENV6 can help avoid and alleviate flooding in the Craven local plan area and hence better protect existing buildings of heritage value and Policy ENV8 means that rivers, streams, lakes, and canals throughout the Craven local plan area can be kept in better condition and free of pollution which is important for visible cultural heritage.

3.2.7 <u>Soil, water and air:</u> It is clear that adherence to policies ENV6 and ENV8 and the further detail provided in this SPD can have a direct positive impact on soil, water and air. New development must confirm with Policy ENV6 and ENV8. There is not anticipated to be any significant effects on soil as

5

proposed developments will need to meet the criteria of such policies in order to gain planning permission.

3.2.8 <u>Landscape:</u> All proposed development in the Craven local plan area must conform to more sustainable construction and design practices promoted in Policies ENV3 and ENV7. Conformity with the policies covered in this SPD, namely Policies ENV6 and ENV8, can help ensure that the landscapes of Craven are better protected through avoiding and alleviating flood risk and an improvement in water quality.

3.2.9 <u>Material assets</u>: The material assets topic considers social, physical and environmental infrastructure, and hence this paragraph should be read alongside the previous subjects in this section. Policies in the local plan are likely to help ensure that arrangements are put in place to upgrade existing off-site infrastructure in line with new developments coming forward, where appropriate. Critical existing infrastructure and services will be likely to have the capacity to deal with increased demands for their services, in part supported by the implementation of the Community Infrastructure Levy (CIL), if adopted by the Council.

3.3 Screening outcome

3.3.1 Proposals in the draft Flood Risk & Water Management SPD, including requirements for development, refer to policies set out in the district's local plan which have been through sustainability appraisal, which included SEA requirements. An Appropriate Assessment of the local plan was undertaken and it concluded that the plan's contents would not likely have any significant impacts on the integrity of any designated European site or SEA objective. Therefore, it was not necessary to move to the Stage 2 Appropriate Assessment.

3.3.2 The SPD provides further guidance to relevant policies in the Craven Local Plan, principally Policies ENV6 and ENV8, therefore it is closely related to the local plan. The SPD is not likely to have any significant effects on an internationally designated site such as a Special Protection Area (SPA) or Special Area of Conservation (SAC), above and beyond any significant effects that the local plan is likely to have, either individually or in combination with other plans and projects. Therefore, the SPD will not trigger the need for a SEA in this regard. Further analysis and more information on these designated European sites relevant to Craven are available in the HRA Screening Report for the Flood Risk & Water Management SPD. This SPD is not likely to have any significant negative social impacts, and indeed as previously explained, working with good design principles for proposed development in relation to flood risk and water management should have overall positive impacts for the population of Craven.

3.3.3 This screening report has assessed the potential effects of the Craven District Council Flood Risk & Water Management SPD, with a view to determining whether an environmental assessment is required under the SEA Directive. In accordance with topics cited in Annex 1(f) of the SEA Directive, significant effects on the environment are not expected to occur as a result of the SPD. It is recommended that the Flood Risk & Water Management SPD should be screened out of the SEA process.

3.4 Consultation with Strategic Bodies

3.4.1 This SEA screening report is subject to consultation with the three statutory consultees of the Environment Agency, Historic England, and Natural England. Responses from these statutory bodies are presented in Appendix III.

Appendix I: Establishing whether there is a need for SEA

Stage		Discussion	Answer
1.	Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Article 2(a))	The Flood Risk & Water Management SPD has been prepared by and will be adopted by Craven District Council to give detail and guidance on local plan contents which are relevant to this SPD, predominately Policy ENV6 on flood risk and Policy ENV8 on water resources, water quality, and groundwater.	Yes
2.	Is the plan or programme required by legislative, regulatory or administrative provisions? (Article 2(a))	Paragraph 6.3 of the adopted Craven Local Plan refers to the intended production of SPDs. When the Flood Risk & Water Management SPD is adopted, it will be a material consideration, but it will not be part of the adopted Local Plan.	Yes
3.	Is the plan or programme prepared for agriculture, forestry, fisheries, energy industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it set a framework for future development consent of projects in Annexes I and II to the EIA Directives? (Article 3.2(a))	It is a SPD prepared for town and country planning and land use, and provides detail to the local plan policy framework for future consent of projects listed in Schedule II of the EIA Directive.	Yes
4.	Will the plan or programme, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	The Flood Risk & Water Management SPD is not anticipated to have an adverse effect on any designated European sites relevant to the Craven local plan area, in terms of their ecological integrity.	No
5.	Does the plan or programme determine the use of small areas at local level, or is it a minor modification of a plan or programme subject to Article 3.2? (Article 3.3)	The SPD will be a material consideration in the consideration of planning applications for new developments. It provides detailed guidance to adopted local plan policy.	Yes
6.	Is it likely to have a significant effect on the environment? (Article 3.5)	The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the local plan. The policies to which the SPD relates were subject to SEA (incorporated within the SA) through the local plan preparation	No

process. Therefore, the SPD is not likely	
itself have any significant effects on the	
environment, and may assist in	
addressing potential negative effects	
identified in the SEA of the relevant	
adopted policies.	
See Section 3.2 and appendix II detailed	
assessment.	

Appendix II: Flood Risk & Water Management SPD and the SEA Directive

Criteria (from Annex II of SEA Directive and	Response
The characteristics of plans and programmes	
 (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 Flood Risk & Water Management SPD sets a framework for projects by providing detail and guidance on adopted policies of the Craven Local Plan, particularly Policy ENV6 and Policy ENV8. The SPD forms a material consideration in planning application decisions.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Flood Risk & Water Management SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies, which have been subject to SEA (incorporated within the SA). It sits below 'higher tier' documents and does not set new policies.
 (c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development 	The SPD provides guidance on the interpretation of adopted local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.
(d) Environmental problems relevant to the plan or programme	As explained in the local plan, there are a number of environmental issues to be considered in the Craven Local Plan area including: potential impacts of development on natural and historic landscapes, high private vehicle dependency, climate change impacts including fluvial flooding risk, and potential loss of biodiversity. There are no negative environmental issues associated with this SPD, moreover the SPD seeks where possible to achieve environmental improvements via flood risk mitigation, reducing water resource and groundwater demand, and protecting water quality.
 (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) 	This is directly applicable in the case of Flood Risk & Water Management SPD, and there are policies in the Craven Local Plan which address water protection, particularly Policy ENV8, which this SPD focuses on alongside Policy ENV6: Flood Risk. North Yorkshire County Council is the relevant authority who addresses waste management issues for this region.

Characteristics of the effects and of the area likely to be affected	
(a) The probability, duration, frequency and reversibility of the effects	The Flood Risk & Water Management SPD is not expected to give rise to any significant environmental effects.
(b) The cumulative nature of the effects	The Flood Risk & Water Management SPD is not considered to have any significant cumulative effects. As the document provides further guidance to adopted local plan policies, but does not set policies itself, it cannot contribute to cumulative impacts in combination with the Craven Local Plan.
(c) The transboundary nature of the effects	The Flood Risk & Water Management SPD is not expected to give rise to any significant transboundary environmental effects. Any potential significant transboundary environmental effects have already been assessed as part of the local plan's sustainability appraisal, the Habitat Regulations Assessment and the plan's examination process.
(d) The risks to human health or the environment (for example, due to accidents)	There are no anticipated effects of the Flood Risk & Water Management SPD on human health or the environment due to accidents or other related subjects, given that policies ENV6 aims to avoid and alleviate flood risk and ENV8 aims to help safeguard and improve water resources.
 (e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) 	The SPD will be applied to all relevant planning applications in the plan area.
 (f) The value and vulnerability of the area likely to be affected due to: Special nature characteristics or cultural heritage; Exceeded environmental quality standards or limit values Intensive land-use 	The Flood Risk & Water Management SPD is not likely to have significant effects on any special natural characteristics or cultural heritage in the Craven local plan area or beyond its borders. The Flood Risk & Water Management SPD is also not expected to lead to the exceedance of environmental standards or promote intensive land use. The SPD covers areas protected for their special natural characteristics and cultural heritage including the Forest of Bowland AONB, SACs, SPAs and Conservation Areas. However, it provides further guidance on the implementation of existing local plan policies, which have been subject to SEA, to provide further positive

	effects. The SPD does not introduce new policy nor does it propose any new development over and above that assessed within the Craven Local Plan.
(g) The effects on areas or landscapes which have a recognised national, community or international protection status.	As has been outlined in previous paragraphs of this document, the Flood Risk & Water Management SPD is not likely to have any significant effects on areas with national, community or international protection. The SPD covers areas protected for their special natural characteristics and cultural heritage including the Forest of Bowland AONB, SACs, SPAs and Conservation Areas. However, it provides further guidance on the implementation of existing local plan policies, which have been subject to SEA, to provide further positive effects. The SPD does not introduce new policy nor does it propose any new development over and above that assessed within the Craven Local Plan.
Appendix III: Responses from Statutory Bodies

The three statutory bodies were consulted over a time period of 04 April to 29 April 2022. The following responses from the Environment Agency, Historic England, and Natural England were received on 27 April, 28 April, and 29 April 2022 respectively. The text extracts related to the SEA Screening Report for this SPD are shown below.

Environment Agency:

"We have considered these draft SPDs (draft Green Infrastructure & Biodiversity SPD and Floor Risk & Water Management SPD) against those environmental characteristics that fall within our remit and area of interest. Having considered the guidance in the SPDs, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan. We have no further comments to make in this instance."

Historic England:

"In terms of our area of interest, given the nature of the SPD, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD. We would nevertheless like to point out that the potential impact of proposals on historic landscapes are also an important consideration in relation to the theme of cultural heritage. These considerations are however sufficiently covered under the provisions of Local Plan Policy ENV1 which has itself been subject to Sustainability Appraisal/SEA. The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made."

Natural England:

"We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan."

Appendix IV: Acronyms

CDC	Craven District Council
EIA	Environmental Impact Assessment
NPPF	National Planning Policy Framework
РР	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document

Appendix D

Habitat Regulations Assessment

Screening Report

Prepared in relation to the adoption of the

Flood Risk & Water Management Supplementary Planning Document

of Craven District Council

Presented to Craven Spatial Planning Sub Committee 6th July 2022

Prepared by David Feeney, B.E. (Environmental), MRUP, MSc Prepared for Craven District Council, and reviewed by RP Completion Date: May 2022

1

Contents

1.	Background and HRA Purpose	3
1.1	Purpose of the HRA Screening Report	3
1.2	Legislative Background	3
2.	Overview of the Flood Risk & Water Management SPD	.3
2.1	Relationship with the Local Plan	3
2.2	The content of the Flood Risk & Water Management SPD	4
3.	The Screening Process and Conclusions	4
3. 3.1	The Screening Process and Conclusions Habitat Regulation Assessment Screening	4 4
3. 1 3.2	The Screening Process and Conclusions Habitat Regulation Assessment Screening The Craven Local Plan and the HRA	4 4 5
 3.1 3.2 3.3 	The Screening Process and Conclusions	4 4 5
 3.1 3.2 3.3 3.4 	The Screening Process and Conclusions Habitat Regulation Assessment Screening The Craven Local Plan and the HRA Determination of any significant effects related to the SPD Screening outcome	4 5 6
 3.1 3.2 3.3 3.4 3.5 	The Screening Process and Conclusions Habitat Regulation Assessment Screening The Craven Local Plan and the HRA Determination of any significant effects related to the SPD Screening outcome Consultation with Statutory Bodies	4 5 6
 3.1 3.2 3.3 3.4 3.5 	The Screening Process and Conclusions	4 5 6 6

Appendix I: Response from Statutory Body	.7
Appendix II: Acronyms	.8

Note for readers:

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. The first iteration of this report was prepared in March 2022, with this version completed in May 2022. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. HRA Purpose and Legislative Background

1.1 Purpose of the HRA Screening Report

1.1.1 This screening report has been prepared to determine whether the Flood Risk & Water Management Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Habitat Regulations Assessment (HRA) Appropriate Assessment or further assessment.

1.2 Legislative Background

1.2.1 A Habitat Regulation Assessment (HRA) refers to the several distinct stages of assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). These undertaken stages determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. Hence, these regulations are for all plans and projects which may have likely significant effects on a designated international site or sites, and are not directly connected with or necessary to the management of the designated site.

1.2.2 These designated international sites feature Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. The SAC is defined in the Habitats Directive (92/43/EEC) and it is designated to protect habitats and species listed in Annex I and Annex II of the directive, which are considered to be of European and national importance. The SPA focuses on safeguarding the habitats of migratory birds and particularly certain threatened birds. A Ramsar site is a wetland site designated to be of international importance under the Ramsar convention. As a matter of Government policy, the HRA is also required for candidate SACs, potential SPAs, and proposed Ramsar sites for the purposes of considering plans or programmes which may affect them.

1.2.3 In the Planning Practice Guidance (PPG), paragraphs 65-001 to 65-010 give guidance on the use of Habitat Regulations Assessment. In paragraph 65-002, it states: *"if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken"* and *"a significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives."*

2. Overview of the Flood Risk & Water Management SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on flood risk and water management in proposed development within the Craven Local Plan area, and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy ENV6: Flood Risk
- Policy ENV8: Water Resources, Water Quality and Groundwater
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change
- Policy SP2: Economic Activity and Business Growth
- Policy SP4: Spatial Strategy and Housing Growth

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formerly adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Flood Risk & Water Management SPD

2.2.1 Policies ENV6 and ENV8 of the Craven Local Plan are the focus of the SPD. The aims of these policies are to set out how flood risk can be reduced and mitigated when planning for new developments, and also how water can be most effectively used within existing and future development sites. These policies are set out in full within Appendix A of the SPD.

2.2.2 Policy ENV6: Flood Risk describes a number of ways of how development growth in the Craven local plan area can help to avoid and alleviate flood risk. Policy ENV8: Water Resources, Water Quality and Groundwater sets out how development growth in Craven can assist to safeguard and improve water resources. The policy content of ENV8 is divided into the subjects of water resources, water quality, and groundwater.

3. The Screening Process and Conclusions

3.1 Habitat Regulations Assessment Stages

3.1.1 The Habitats Directive sets out various stages of the HRA process, and the relevant plan or programme must be analysed under the relevant stage(s) as deemed suitable based on the likelihood and severity of significant effects. These stages are listed and explained as follows:

- **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 circumstances (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

3.2 The Craven Local Plan and the HRA

3.2.1 A HRA Appropriate Assessment has been produced for the Craven Local Plan. It is available to view under the 'Sustainability and habitats' page of the Craven District Council website, under: <u>https://www.cravendc.gov.uk/media/8742/final-hra-appropriate-assessment-report-november-</u><u>2019.pdf</u>. During the early stages of the local plan's preparation, a Screening Assessment Report was prepared in 2016 to determine the requirement for an Appropriate Assessment. As the draft plan process evolved, the emerging spatial strategy, allocated sites, housing growth options and policies were subject to change in content, and at the time of completion, the screening assessment could not rule out potential significant effects on relevant internationally designated sites. An Appropriate Assessment report was hence deemed suitable to analyse all of the plan's updated elements, as part of the continued interaction of the Habitats Regulations Assessment process with the evolving local plan.

3.2.2 Under this process, a number of iterations of the Appropriate Assessment were prepared to support each key stage of the local plan's progression to adoption. The final Appropriate Assessment iteration was published to coincide with the adoption of the local plan in November 2019 (using the link in paragraph 3.2.1). It was the conclusion of the HRA that the chosen spatial strategy, housing growth option, policies and allocated sites chosen by the adopted Craven Local Plan would not have any adverse impacts on the designated European sites in terms of their ecological integrity.

3.3 Determination of any significant effects relating to the SPD

3.3.1 The aforementioned HRA process for the adopted Craven local plan assessed whether the plan was likely to have significant effects on international sites that are partially inside the local plan boundary, adjacent to the boundary, or thought important through being potentially affected (e.g. downstream of a water body). A full determination cannot be made until the statutory consultation body for the HRA has been consulted; this body is Natural England (see Appendix I). The international sites which are relevant for the Craven Local Plan and any associated SPDs include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites, and are listed in alphabetical order as follows:

- Bowland Fells SPA
- Craven Limestone Complex SAC
- Ingleborough Complex SAC
- Leighton Moss SPA and Ramsar site
- Malham Tarn Ramsar site
- Morecambe Bay Pavements SAC and Morecambe Bay SPA
- North Pennine Dales Meadows SAC
- North Pennine Moors SAC and North Pennine Moors SPA

• South Pennine Moors SAC and South Pennine Moors (Phase 2) SPA

3.3.2 The HRA for the local plan took into account both the extent of the housing and economic growth for the plan area. It concluded that the growth planned could be accommodated without causing significant affects either alone or in combination on any of the aforementioned internationally designated sites. Paragraph 194 of the Craven local plan's <u>Inspector's Report</u> in 09 October 2019 concluded that the policies and allocations in the local plan will not have a significant adverse impact on the integrity of these designated sites. Hence, the criteria of Policy ENV6: Flood Risk and Policy ENV8: Water Resources, Water Quality, and Groundwater, and other policies relevant to this SPD have already been considered in the appropriate assessment of the local plan.

3.3.3 All adopted Craven Local Plan policies, including those policies listed at section 2.1 above were analysed in the Sustainability Appraisal (SA) and HRA of the local plan and in the plan's examination, where they were judged to be a sound and suitably evidenced based policy fit for its purpose. The policies listed at paragraph 2.1.1, in terms of the type and amount of development they seek and promote, are not deemed to cause any likely significant effects on these internationally designated sites.

3.4 Screening outcome

3.4.1 This screening report has assessed the potential effects of the proposed Craven District Council Flood Risk & Water Management SPD, with a view to determining whether an Appropriate Assessment (Stage 2) or further stage in the HRA process is required under the Habitats Directive. The Flood Risk & Water Management SPD provides further guidance to relevant policies in the Craven Local Plan, therefore it is closely related. Proposals in the SPD, including requirements for development, refer to policies set out in the district's local plan, but do not propose policies themselves. The Flood Risk & Water Management SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies. Hence, in line with the HRA of the local plan, the Flood Risk & Water Management SPD is not likely to cause any significant effects alone or in combination on the designated international sites. Therefore, it is not necessary to move to the Stage 2 Appropriate Assessment or beyond.

3.5 Consultation with Statutory Body

3.5.1 This HRA screening report is subject to consultation with the statutory consultee of Natural England. The response from the statutory body is presented in Appendix I.

Appendix I: Response from Statutory Body

For the purposes of this report, it is necessary to consult the statutory body of Natural England. The response from Natural England was received on 29/04/2022. The text related to the HRA Screening Report for this SPD is shown below:

"We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan."

Appendix II: Acronyms

CDC	Craven District Council
EIA	Environmental Impact Assessment
NPPF	National Planning Policy Framework
РР	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document

Appendix E



Draft Green Infrastructure and Biodiversity Supplementary Planning Document (SPD)

Consultation Statement

Presented to Craven Spatial Planning Sub Committee on 6th July 2022

Introduction

- Craven District Council has prepared a draft Supplementary Planning Document (SPD) in relation to Green Infrastructure and Biodiversity which provides further guidance on Green Infrastructure and Biodiversity in the Craven Local Plan area. In accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) and <u>NPPF</u> definitions of SPDs, it adds further detail to help explain the objectives relating to the following policies of the <u>Craven</u> <u>Local Plan (Nov 2019)</u> and, once adopted, forms a material consideration in the determination of relevant planning applications:
 - Policy ENV4: Biodiversity;
 - Policy ENV5: Green Infrastructure;
 - Policy SD1: Presumption in favour of sustainable development;
 - Policy SD2: Meeting the challenge of climate change.

Purpose of the Consultation Statement

 Regulation 12 (a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that, before adopting a Supplementary Planning Document, Local Planning Authorities (LPAs) should prepare a Consultation Statement. This should include the following information:

(i) The persons the local planning authority consulted when preparing the supplementary planning document;

(ii) A summary of the main issues raised by those persons; and

(iii) How those issues have been addressed in the supplementary planning document.

3. Regulation 12(b) requires both the consultation statement and the SPD to be made available for the purpose of seeking representations on a draft SPD.

Public Consultation

- 4. In line with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Council's <u>Statement of Community Involvement</u> (SCI) 2022, draft SPDs are subject to two rounds of public consultation. Regulation 12 requires LPAs to invite comments on a draft SPD during a period of public participation. Regulation 13 then requires LPAs to invite representations on a draft SPD over a period of not less than four weeks.
- 5. The first public consultation on the draft Green Infrastructure and Biodiversity SPD ran for a period of four weeks from Tuesday 4th January until Tuesday 1st February 2022. The first draft SPD was published on the Council's website and comments were invited to be submitted in writing, no later than Tuesday 1st February 2022 either by post or email.

- 6. Following this first round of public consultation, representations are invited on a second draft of this SPD over a four-week period from Monday 11th July until Monday 8th August 2022, in line with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7. The Council has developed a comprehensive local plan consultation database which includes specific and general bodies and individuals for consultation purposes. The <u>Subscriptions</u> web page on the Council's website allows individuals and organisations to submit their details and be entered onto the local plan consultation database, via Mailchimp at any time. All contacts within the local plan consultee database were notified of the draft Green Infrastructure and Water Management SPD consultation by either postal or electronic mailshot. Consultees include:
 - Specific Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations, including Town and Parish Councils;
 - General Consultation Bodies as defined in The Town and Country Planning (Local Planning) (England) Regulations 2012 and amended Regulations;
 - Individuals that have subscribed to receive details of spatial planning consultations.
- 8. A press release was issued by the Council the week commencing 20th December 2021. This was subsequently published in the Craven Herald & Pioneer newspaper on Thursday 23rd December 2021. The consultation was also promoted on social media (Twitter and Facebook). A copy of the press release is included at Appendix 1 to this report.

What issues were raised & How have they been addressed?

9. A total of 14 representations were received to the public consultation. Table 1 below sets out who submitted the response, a summary of the main issues raised, the Council's response and how the issues raised have been addressed in the SPD, together with details of any changes to the SPD, where appropriate.

Table 1: Summary of the issues raised by respondents, the Council's response and recommended changes to the SPD

Respondent	Summary of issues raised	Council
Councillor Andy Brown	The document looks helpful. The only thing that might be missing is a suggestion of exploration of potential for net biodiversity gain for species that are heavily protected such as great crested newts. There are areas where we have them close to a development and some clever design work might enable a spread of the species.	Agreement that the sentence to part enhances the loc crested newts. enable the spree
Pendle Borough Council	 No substantial comments to make, but note the need to mention that: 1. Developers should assess any potential cross boundary issues, which may arise from their proposed development; 2. The Pendle GI Strategy, and those of other neighbouring authorities, as possible sources of such information. 	The two notes ca worded as follo between local a development. V consult Green l as they are pos
Marine Management Organisation	Standard advice regarding marine licensing, marine planning and minerals and waste plans and local aggregate assessments.	The standard ad No change to S
Kate Jennings, Settle resident	• 1.4.4 The Environment Act The Environment Act also strengthens the NERC Act s40 Biodiversity Duty on all public bodies, with implications in the exercise of the planning and other functions. Suggest that this merits a mention here alongside BNG provisions.	This reference c 1.4.4 as follows Rural Commun bodies, with im the exercise of
	• 2.1.3 Screening: Amendment required as follows (see addition in bold) to reflect the relevant legal test: <i>"The first step is a screening process to identify any potential designated European sites that may be impacted by the development. A summary of the screening process involves determination of any likely significant effects, consultation with statutory bodies and screening outcome". This is the legal test and it's important to get this right (albeit that the '.gov.uk' guidance fails to do so) – see Reg 63 (1) (a) <u>https://www.legislation.gov.uk/uksi/2017/1012/regulation/63/made</u></i>	This wording refu paragraph 2.1.3 potential design summary of the effects, consult
	• 2.1.12 Existing designated sites and irreplaceable habitats of national and local importance: This needs editing – see underlined section: <i>"…should be protected from development. Criterion a) ii) aims to</i> <i>ensure that development proposals <u>do not have any there are no</u> adverse impacts on any national or local designated sites and their settings…"</i>	Change to SPD development pl designated site
	• 2.2.1: Here it is stated that "Biodiversity Net Gain (BNG) aims to leave <u>biodiversity on a particular site</u> in a better state after development than before it." [Emphasis added]. The provisions within Schedule 14 of the Environment Act <u>https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpga_20210030_en.pdf</u> make clear that the net biodiversity value created by the development must outweigh the biodiversity value of the site subject to development – but that that net gain may comprise both on- and off-site gains. Provision of on-site and near to site provision should be prioritised. Important to be clear that it need not (and in some cases will not be possible to) confine the required level of BNG provision to that which is possible on-site. See underlining of relevant passage from Schedule 14 in full submission.	The change of w of paragraph 2. biodiversity in a contributions, o
	• 2.3.0 Movement of wildlife, and enhancement, improvement and creation of green infrastructure: While reference is made to the importance of ensuring wildlife can move through developments and the general desirability of bat and bird boxes, there are no clear expectations set for developers. Some minimum standards useful here.	Minimum standa cannot be includ No change to S

I's response and recommended changes to the SPD (shown in bold)

this reference can be accommodated. Change to SPD - additional aragraph 2.3.3 as follows: "Biodiversity net gain provision also local survival prospects of heavily protected species such as great Some appropriate design work close to a proposed development can ead of such protected species."

can be included in the SPD. Change to SPD - additional paragraph 2.4.3 ows: "Applicants should assess any potential cross boundary issues authority plan areas, which may arise from their proposed Where such cross boundary issues are identified, applicants should Infrastructure Strategies of neighbouring authorities where they exist, ssible sources of important ecological information."

dvice is noted. SPD required.

can be accommodated. Change to SPD – additional text to paragraph s: "The Environment Act strengthens the Natural Environment and nities Act 2006 s40 which extends biodiversity duty on all public nplications for Craven District Council and all other public bodies in f their planning and other functions."

ference can be accommodated. **Change to SPD – amended wording to** 3 as follows: "The first step is a screening process to identify any inated European sites that may be impacted by the development. A e screening process involves determination of any likely significant Itation with statutory bodies and screening outcome".

D – re-wording of paragraph 2.1.12 as follows: "aims to ensure that proposals do not have adverse impacts on any national or local es and their settings."

wording can be implemented. Change to SPD – altered wording to part .2.1 as follows: "Biodiversity Net Gain (BNG) aims to leave a better state after development than before it, using onsite or offsite or a combination of both."

ards are not a requirement of Policy ENV4 or Policy ENV5 and hence ded in the SPD. SPD required.

Respondent	Summary of issues raised	Council
	• 2.3.1 Lagoons Some requirements around lagoon design to maximise their biodiversity value (and also limit the risks they can pose to wildlife) – in particular a requirement for shallow areas with accessible gradients to allow safe access and egress for mammals.	Change to SPD "Practical ways elements of any example throug through the reto Lagoons can ef limit the risks to accessible grad
Canal & River Trust	Section 2.3: support for wording in paragraphs 2.3.8 and 2.3.12, which explicitly refer to the canal network as part of the water environment and a GI Asset. This will help make the document more effective, as it will help ensure that consideration is given to our network when considering the impact of proposals on green (and blue) infrastructure assets.	The support for t No change to S
	2.1.22 Water Resources The wording of this section of the document refers primarily to the Water Framework Directive. This might discourage applicants and developers from focussing upon habitats alongside the watercourses, which can have a direct impact on the quality of the water spaces itself. Encourage additional text promoting the protection of habitats along watercourses to ensure that the biodiversity of the water spaces and the general corridor effect is maintained and enhanced.	The wording of t aim is to provide policy ENV4 whi ecological status No change to S
PBA Ecology	p.5, 1.5.0 should read 1.4.0	Change to SPD
	p.6, 1.4.4: Consider adding a final sentence at the end of this paragraph, including reference to Consultation on Biodiversity Net Gain Regulations and Implementation (January 2022). <u>Consultation on Biodiversity Net Gain Regulations and Implementation - Defra - Citizen Space</u>	The inclusion of is not considered Act will come int necessary to refe No change to S
	p.16, 2.2.10 (formally 2.2.9): CIEEM have also published Biodiversity Net Gain Report and Audit Templates that provide a framework for writing reports for projects that are aiming to achieve BNG. Applicants are encouraged to use this framework to demonstrate compliance with Policy ENV4 on delivering net gain in biodiversity. The templates set out a suggested structure and content for reports specifically produced in relation to BNG assessments. Suggested text in submission. p.16, 2.2.9: Perhaps add a new paragraph after 2.2.9 (as supplied in the submission).	Paragraph 2.2.1 demonstrate cor templates. No change to S
	p.24, Table 1: Consider adding requirement for a Biodiversity Gain Plan (ref. Annex B of <u>Consultation on</u> <u>Biodiversity Net Gain Regulations and Implementation - Defra - Citizen Space</u>)	A Biodiversity No Council's local v amended to reco in an Ecological requirements. No change to S
	 p.33, Appendix C: Glossary. Consider the additions/amendments, taken from <u>Consultation on Biodiversity Net</u> <u>Gain Regulations and Implementation - Defra - Citizen Space.</u> Biodiversity metric 3 Biodiversity metric 3 updates and replaces the beta biodiversity metric 2.0 published in 2019. It is a biodiversity accounting tool that can be used for the purposes of calculating biodiversity net gain. 	Some of the sug included. Chang follows: "Biodir and it updates biodiversity acc purposes of ca

D – the second sentence of paragraph 2.3.1 is amended as follows: s to enable wildlife to move throughout both the natural and built by proposed scheme include the creations of new habitats – for gh tree planting or the creation of new wetlands, such as lagoons and tention and integration of existing habitats on a site, where possible. Effectively be designed to maximise their biodiversity value, and also they can pose to wildlife, by for example having shallow areas with dients to allow safe access and egress for mammals."

these paragraphs is welcome. **SPD required.**

this section does refer primarily to the Water Framework Directive and its e further guidance specifically relating to criterion a) and sub criterion vi) of ich ensures there is no deterioration of the Water Framework Directive s of surface or ground water bodies as a result of development. SPD required.

- section '1.5.0' to be changed to '1.4.0'.

f reference to Defra's consultation on BNG Regulations and Implementation ed to be necessary. During the lifetime of the SPD parts of the Environment to force as the necessary regulations are put in place and it is not fer to draft Regulations in this SPD. SPD required.

10 of the SPD already encourages applicants to use this framework to mpliance with Policy ENV4 and provide a weblink to the report and

SPD required.

let Gain Plan is not a requirement of either Policy ENV4 or ENV5 or the validation requirements, and hence cannot be included. Table 1 has been commend that the results of applying the BNG/Small Sites metric is included I Impact Assessment, required as part of the Council's local validation

SPD required to section 2.2.0.

ggested additions and amendments to the Glossary of the SPD can be ge to SPD – Appendix D Glossary (formally Appendix C), additions as iversity Metric 3.0: Biodiversity Metric 3.0 was released in July 2021 and replaces the beta biodiversity metric 2.0 published in 2019. It is a ecounting tool, produced by Natural England, that can be used for the alculating biodiversity net gain.

Respondent	Summary of issues raised	Council's
	Biodiversity net gain or biodiversity gain (suggested replacement) The term 'biodiversity gain' can be used interchangeably with 'biodiversity net gain' or can be used to mean the enhancements or gains which are delivered as part of meeting an overall biodiversity net gain objective	"Biodiversity un unit represents
	Biodiversity unit A biodiversity unit is the 'currency' of the biodiversity metric. A unit represents a combined measure of babitat	"Conservation c natural or herita
	distinctiveness, area, and condition.	<i>"Irreplaceable h</i> very significant
	Conservation covenants A legally binding, voluntary agreement to conserve the natural or heritage features of the land.	taking into acco ancient woodlar sand dunes, sal
	Irreplaceable habitat Defined in the NPPF as: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, saltmarsh and lowland fen.	Mitigation hierar users towards li development pro Rehabilitation, F
	Mitigation hierarchy (suggested replacement) The principle that environmental harm resulting from a development should be avoided (through locating development where there will be less harmful impacts), adequately mitigated, or, as a last resort, compensated for.	"Priority habitat included in the l section 41 of the
	Priority habitats and species Species and Habitats of Principal Importance included in the England Biodiversity List published by the	supporting featu
	Secretary of State under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Protected species Many species of plants and animals in England and often their supporting features and habitats are protected by law.	"Small Sites Me specifically desi to do so."
	Small Sites Metric (SSM) A simplified version of biodiversity metric 3. It has been specifically designed for use on small development sites where the project chooses to do so.	
Bradley Parish Council	The draft SPD does not mention Neighbourhood Development Plans. The SPD ought to explain the relationship to existing and future Neighbourhood Plans which may contain more local policies and provisions for Green Infrastructure and Biodiversity.	In order to explain Neighbourhood F included. Change following wordin
	<u>Comments on Part 2 – Conforming with relevant policies of the Craven Local Plan:</u> Paragraph 2.1.10 of the draft SPD explains that Local Green Space (LGS) designations allow communities to protect green spaces of local importance and that the adopted Local Plan policy ENV10 lists sites that are designated as LGS. The SPD should mention the designation of LGS sites within adopted NDPs (e.g. Gargrave NDP) and any future NDPs.	development pla comply with any neighbourhood proposed.
	<u>Comments on Part 3 – Preparing and Submitting Planning Applications</u> Acknowledge that paragraph 3.4.1 (formally 3.5.1) of Part 3 of the draft SPD references the importance of community engagement by developers when developing schemes and planning for Green Infrastructure. This is welcomed but consider that more emphasis should be placed in the SPD for applicants to demonstrate how they have effectively engaged with communities and how final scheme designs have reflected and taken on board the views of the local community. This needs to be proportionate to the scale of development proposed but consider that it ought as a minimum be required for schemes comprising multiple new houses.	Change to SPD should refer to k engagement bet validation requin locally significan current develop which sets out t the community i of a planning ap

nit: A biodiversity unit is the 'currency' of the biodiversity metric. A a combined measure of habitat distinctiveness, area, and condition."

covenants: A legally binding, voluntary agreement to conserve the age features of the land."

habitat: Habitats which would be technically very difficult (or take a t time) to restore, recreate or replace once destroyed, ount their age, uniqueness, species diversity or rarity. They include and, ancient and veteran trees, blanket bog, limestone pavement, altmarsh and lowland fen."

archy: The mitigation hierarchy is a widely used tool that guides limiting as a far as possible the negative impacts on biodiversity from rojects. It includes a hierarchy of steps: Avoidance, Minimisation, Restoration and Offset.

Its and species: Species and Habitats of Principal Importance England Biodiversity List published by the Secretary of State under The Natural Environment and Rural Communities (NERC) Act 2006."

cies: Many species of plants and animals in England and often their tures and habitats are protected by law."

etric (SSM): A simplified version of biodiversity metric 3.0. It has been signed for use on small development sites where the project chooses

in the relationship between the adopted Craven Local Plan and made Plans and policies contained within them, the following new paragraph is ge to SPD – additional text added to end of paragraph 1.1.3 with the ing: "Once made or adopted, neighbourhood plans form part of the lan. It will therefore be necessary for development proposals to by biodiversity and green infrastructure policies in made of plans where they exist and cover the location where development is

additional sentence to paragraph 3.4.1 as follows: "Applicants both paragraphs 126 and 132 of the NPPF, which relate to effective etween applicants and the community. One of the Council's local irements for major development, development that is judged to be ant and when development is classified as a departure from the oment plan is the preparation of a <u>Community Involvement Statement</u>, the level and nature of consultation that has been undertaken with in the formulation of a development proposal prior to the submission pplication."

Respondent	Summary of issues raised	Council'
CPRE	Supportive of this draft SPD in general as it clearly sets out the intentions of the relevant policies in the adopted Local Plan.	Support for the d
	Paragraph 1.4.4 could be strengthened by acknowledgment being given to the fact that whilst 'biodiversity net gain in England is not mandatory' the Environment Act and the NPPF are both material considerations in the determination of planning applications. The NPPF clearly states at paragraph 174d that planning decisions should contribute to and enhance the natural and local environment. The Council should set out clear aspirations in this paragraph to strongly require measurable net gains to be delivered (in line with Policy ENV4a of the Craven Local Plan and section 2.2 of the SPD).	The role of this S ENV5. ENV4 req contribution towa specifically requir Instead, in order encourages a mi the level of prom ENV4. No change to S
	Encouraging to see the reference to Natural England's Biodiversity 3.0 within the document as the preferred tool for measuring biodiversity gain. Useful to add the words, 'or successor versions' immediately after the text in paragraph 2.2.3 to read ' <i>it is highly recommended that they utilise the Biodiversity Metric 3.0 <u>or successor</u> <u>versions</u>, which was launched by Natural England in July 2021' as this is still a relatively novel area and may be likely to change again in the future as new models are released.</i>	This reference to as suggested. Cl sentence as foll Metric 3.0, whic versions"
North Yorkshire County Council	Biodiversity focussed comments: In general, the policy ENV4 is quite strong and provides clear expectations on applicants in relation to biodiversity (including net gain). Consider that the SPD may not be clear enough to guide developers on what CDC are expecting in relation to their submission. It is more of a justification for the policy rather than additional guidance.	The SPD is comp criteria of Policies the SPD sets out planning applicat enough to guide a result of a resp changes have be
	Policy references to both the UK BAP and Craven BAP are out of date and at 2.1.14 - 2.1.16 inclusive there is a need to update this to be NERC s41 habitats and species. They need to update references to priority habitats and species to 'Habitats of Principal Importance' and 'Species of Principal Importance'. Draft SPD makes reference to these in the context of the Craven BAP but then it doesn't really tell developers what they expect. A clear statement to say that Ecological Assessments will need to take account of the presence and impact upon habitats and species of principal importance as set out in s.41 NERC. This is a clear expectation that the developer can communicate to their ecological consultant.	Change to SPD Paragraph 2.1.' specifically requ enhancement of and species ide text at Appendi Craven BAP (w relating to polit regards to impo Importance are National Enviro required to take affected into con and timing of a wildlife that ben early in the de demonstrate a c importance."
		"Public bodies, conserving biod that Ecological

draft SPD is welcomed.

SPD is to provide further guidance to adopted local plan policies ENV4 and quires that, wherever possible, development will make a positive ards achieving a net gain in biodiversity. As policy ENV4 does not ire measurable net gains to be delivered, the SPD cannot require it. to achieve a net gain in biodiversity wherever possible, the SPD inimum percentage of BNG in accordance with the Defra BNG Metric, and notion is deemed sufficient and appropriate, given the wording of Policy

PD required.

b successor versions of the Biodiversity Metric 3.0 can be accommodated change to SPD – change to paragraph 2.2.4 within the second llows: *"it is highly recommended that they utilise the Biodiversity* ch was launched by Natural England in July 2021, or successor

prised of 3 parts. Part 2 is intended to be an explanation of the various es ENV4 and ENV5, and it is not perceived to be a justification. Part 3 of it guidance to developers on what developers must submit with their ation to meet the policy criteria. It is considered that the SPD is clear developers on what CDC are expecting in relation to their application. As ponse received during public consultation on the draft SPD, further een made to provide further clarity.

- paragraphs 2.1.14, 2.1.15 & 2.2.4 can be updated in this respect. 14 has been amended as follows: "Policy ENV4 criterion (a)(iii) uires development to avoid the loss of and encourage the recovery or f ecological networks, habitat and species, especially priority habitats entified in the Craven BAP, or any subsequent update (see full policy ix A of this SPD). It should be noted that both the UK BAP and the which can be accessed via the Council's policy evidence webpage cy ENV4), no longer provide the most up to date information with ortant habitats and species. Lists of Habitats and Species of Principal now set out by Natural England, as required by section 41 of the onment and Rural Communities (NERC) Act 2006. Applicants are habitats and species of principal importance that could be potentially nsideration during the development process when planning the layout development. By avoiding negative impacts at the outset, it is not only nefits. Time and financial resources are saved by planning for wildlife evelopment process, and there is also the opportunity to actively commitment to conserve and protect habitats and species of principal

added to paragraph 2.1.15 as follows:

s, including local authorities, have a legal duty to have regard to diversity in the exercise of their normal functions, including ensuring I Assessments, required as part of the Council's local validation

Respondent	Summary of issues raised	Council
		requirements ta principal impor species of princ set out how the in Part 3 of this
		The first senten " <u>Section 41 NER</u>
		The last sentend "The Natural En (see paragraph species of impo
	Para.1.4.4 setting out of the Environment Act 2021 requirements in relation to BNG could be a lot more positive. The approach outlined probably doesn't really help the developer, especially what policy ENV4 states. It should be supported by the text in the SPD. Need to advocate the key principles of the Environment Act 2021 in relation to BNG i.e. 10% net gain, use of the Defra Metric and secure for 30 years. In the short term, add the caveat 'where possible' to match the policy and the NPPF. Figure 1 – the arrow seems to be going the wrong way? As in 'avoid last'? Language used is potentially confusing and doesn't seem to match the mitigation hierarchy.	The key principle appropriate to ad of a percentage r policy wording, a No change to SI Change to SPD shown as cross reference to avo order of prefere Mitigate, Compe
	2.3.3 – Whilst built features for wildlife can be beneficial they are only acceptable in addition to retained or created habitat networks – which can be demonstrated by BNG and landscape scheme.	Change to SPD features for wild improved or cre Net Gain and a
	Table 1 – pages 24 & 25: Recommend updating the reference to Ecological Assessment and use the industry standard of Ecological Impact Assessment (EcIA) making reference to the current CIEEM guideline. It seems to indicate that an assessment is only needed where a designated site is affected (or potentially affected) by the development. Recommend including one entry for EcIA which requires the assessment to be submitted for any application which may have an impact upon designated sites, protected species, irreplaceable habitats, habitats and species of principal importance (HPI & SPI s41 NERC). Recommend providing links to relevant CIEEM guidance and also including a link to North and East Yorkshire Environmental Data Centre. No	Change to SPD Assessment (Ec assessment to b habitats and spo links are provide Yorkshire Ecolo
	reference in the SPD to where developers can get up to date ecological data and this is a key requirement of an EcIA.	Additional text in "Applicants are Data Centre (NE (www.neyedc.or SINCs, and main data for the Cra up to date source sites."
		Setting out when the criterion requ No change to Si
	Table 1 does not set out when a BNG assessment (Defra metric) will be required. This is the ideal point to set out when CDC would expect a BNG report including thresholds (e.g. number of houses or size of site).	Change to SPD detailing Ecolog

ake account of the presence and impact upon habitats and species of rtance. An Ecological Assessment can identify where a habitat or cipal importance may be present on a proposed development site and ese habitats or species can be conserved (Table 1 and paragraph 3.2.6 s SPD provide further detail about Ecological Assessments)."

nce of paragraph 2.1.16 has been amended as follows: <u>RC lists</u> cover a wide range of semi-natural habitat types."

ice of paragraph 2.2.5 has been amended as follows: ngland <u>Lists of Habitats and Species of Principal Importance</u> 2.1.14) can provide relevant information to applicants on local ortance to assist such assessments."

es of the Environment Act 2021 in relation to BNG are advocated. It is not dd the caveat 'where possible' to match the policy and the NPPF in terms net gain, use of metric and conservation covenants, as it goes beyond the as these specific elements are not mentioned. **PD required.**

- Amended Figure 3 is now underneath the original Figure 1 which is sed through. The arrow is shown with a 'decreasing preference' oid any doubt, and the options are to be numbered from 1 to 4 in ence. The figure will use the mitigation hierarchy language of Avoid, ensate, and Enhance (Net Gain).

- additional sentence to paragraph 2.3.3 as follows: "Whilst built dlife can be beneficial, they should be in addition to retained, eated habitat networks, which can be demonstrated by Biodiversity landscape scheme."

D – Table 1 will use the industry standard of Ecological Impact cIA). This table will include one entry for EcIA which requires the be submitted for any application which may have an impact on the becies mentioned. In terms of Environmental Impact Assessment, ded to the relevant CIEEM guidance and also a link to North and East ogical Data Centre (NEYEDC).

referring to the NEYEDC added to paragraph 2.1.13 as follows: e also encouraged to contact the North and East Yorkshire Ecological EYEDC) with regards to the current status of SINCs org.uk). The NEYEDC has a key role in designating and mapping intaining biodiversity records. The NEYEDC can provide ecological aven local plan area, including information on SINCs, and is a more rce of information than the Council's policies maps for these types of

n Craven DC would expect a BNG report including thresholds goes beyond uirements of Policy ENV4 or ENV5. SPD required.

) – Table 1 has the following additional amendment into the row gical Assessments: "The results of applying the BNG/Small Sites

Respondent	Summary of issues raised	Council
	Harrogate BC have done this and it saves time going back to each applicant individually and ensures consistency.	Metric should b could be includ local validation Amending text i Geological) Imp may be necessa the results of ap Impact Assess
	3.3.6 – This paragraph is very limiting to designated sites and again wrongly insinuates that an Ecological Assessment (EcIA) is needed in these circumstances. An EcIA is required for any application that has the potential to impact upon any designated sites, legally protected species, HPI, SPI, irreplaceable habitat etc.	Change to SPD state that: "An I that has the pot species, Habita irreplaceable ha
	3.4.1 – An EcIA is essential to most outline applications (in particular major applications). Consideration of protected species is a material consideration in the determination of all applications (full or outline) and as such this should be requested and include key avoidance and mitigation principles. EcIA or any ecological assessment of impacts (including surveys) must not be left to condition or reserved matters.	Change to SPD EcIA is essentia Consideration of determination of part of the Court avoidance and a (including surve
	3.4.2 – NYCC agrees that for outline or full applications, the details of biodiversity enhancement along with monitoring and management can be left to condition or reserved matters	The support is w
	Overall, the SPD provides an opportunity to provide clarity to the developer, provide a level playing field and sign post key sources of information. Remove some of the more descriptive material in order to focus more on key advice for developers.	The SPD aims to information. As a Parts 2 and 3 wil unnecessary des
	Landscape focussed comments: These landscape comments relate more closely to Green Infrastructure (ENV5) rather than Biodiversity and Net Gain (ENV4).	The SPD will foc Infrastructure, so
	GI is a broad multi-functional concept capable of delivering a wide benefit range (including biodiversity and biodiversity are related but different concepts.	Infrastructure a of this SPD pro
	SPD may perhaps be interpreted as over-focused on Biodiversity and Biodiversity Net Gain - providing more information on the principles and aims of Green infrastructure would be beneficial.	applicants achi policy requirem
	Recommend that the Principles of GI are more closely aligned with Natural England's fifteen GI Principles of 'Why', 'What' and 'How', and linked to baseline evidence and assessment methods set out within the England Green Infrastructure Mapping Database:	resource mater the Craven area examples of ho provide multiful and more attrac
	SPD document could express the Council's aspirations to develop a future GI Strategy and mapping as national guidance develops. SPD could consider GI Principles at a strategic and local level.	
	Link to Natural England's Green Infrastructure Principles and the England Green Infrastructure Mapping: https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Principles/GIPrinciples.aspx	
Environment Agency	Pleased that additional information for this topic area is being presented as an SPD for Craven District. The SPD is a very comprehensive document and a useful tool for planning applications, partners and the LPA.	Support for the S

be submitted to the Council as part of a planning application and led in an Ecological Impact Assessment which is part of the Council's requirement for planning applications."

in supporting document column as follows: "Ecological (or bact Assessment (EcIA) is on the Council's local validation list and ary to accompany the planning application. It is recommended that pplying the BNG/Small Sites metric is included in an Ecological ment."

– paragraph 3.2.6 will be corrected accordingly, with a sentence to Ecological Impact Assessment (EcIA) is required for any application tential to impact upon any designated sites, legally protected ats of Principal Importance, Species of Principal Importance, abitat etc."

• Paragraph 3.3.1 is to include additional sentences as follows: "An al to most outline applications (in particular major applications). of protected species in particular is a material consideration in the of all applications (full or outline) and as such this is requested as incil's local information requirement and should include key mitigation principles. EcIA or any ecological assessment of impacts reys) should not be left to condition or reserved matters."

velcomed for the position on outline or full applications.

o provide clarity to the developer, and sign posts key sources of a result of some responses received during consultation on the draft SPD, ill be revised to focus more clearly on key advice and to reduce any scriptive text.

cus on providing more information on the principles and aims of Green to that there is also a strong focus on Green Infrastructure within the nge to SPD – a new Appendix C setting out the Principles of Green as described. Additional text to paragraph 2.3.5 stating: "Appendix C ovides a table listing Green Infrastructure principles, based on t forward by Natural England. These GI Principles can be used to help ieve requirements of policy ENV5. They do not introduce any new ment. Craven District Council is currently developing a selection of rials, including mapping to identify green and blue infrastructure in a and promote its multi-functionality. This resource material provides by appropriately sited and designed green and blue infrastructure can unctional benefits such as biodiversity provision, flood risk reduction, ctive areas to live including recreational benefits."

SPD and its content is welcomed.

Respondent	Summary of issues raised	Council's
	2.0.0 Introduction; 2.0.2: Pleased to see the recognition that GI includes 'blue' spaces. Refer to 'Green-Blue Infrastructure' throughout the SPD for ease of understanding that blue spaces are included. This should also be reflected in the title of the SPD.	Paragraph 2.0.2 of functional green a such as parks, fo as well as man-m No change to SF
	Page 12, Figure 1 (Sequential steps of the mitigation hierarchy for biodiversity): This figure appears to be incorrect. Arrow indicating the order of preference is the wrong way around. Figure should be updated to ensure the order of preference within the hierarchy is clear and correct.	Change to SPD 'decreasing pref have been numb Avoid, Mitigate, presented under through.
	Water Resources, 2.1.23: SPD should be more explicit that one of the WFD measures of the quality of water bodies is an assessment of its physical habitats. It is not only about the quality of the water as measured in chemical terms or pollution terms. The link to riverine Biodiversity Net Gain should be made here. It may be useful to rename this section of the SPD to 'Water Framework Directive' (page 13) 2.1.22 and 2.1.23. The heading <i>Water Resources</i> is misleading as this section does not focus on water quantity. Please see appendix 1 for some additional information regarding Water Framework Directive.	Paragraphs 2.1.2 references to phy be incorporated. <i>WFD measures</i> habitats. Develo waterbody by, fo vegetation, impa- improve physica weirs and the lik the impacts on w morphology (ph does not result Net Gain, in term creating new su
		The SPD cannot use of the Metric recommending th recommended by the current policy
	2.2.0 Biodiversity net gain page 14, Section 2.2.3 and 2.2.4, Biodiversity Metric 3.0 Recommend further detail on the requirements of the Metric and what Craven wishes to see, such as: - Support the suggestion that BNG to be assessed and measured using the latest version of the DEFRA Biodiversity Metric. Rather than the use of the metric being 'highly recommended', the text could set out the expectation (requirement) that the metric will be used unless justification for not doing so is set out. Advise changing this to be the 'latest version of the Biodiversity Metric' rather than 'Biodiversity Metric 3.0' to ensure the SPD remains valid should subsequent versions of the metric be released. For example, Metric version 3.1 is due to release in the next few months. The submission includes some recommendations in this regard.	Change to SPD Metric is include
	2.2.5 (formally 2.2.4) sets out that an ecologist is required in using the metric. Recommend amending 2.2.4 in the interests of clarity and set out more about what comprises a suitably qualified person, the qualifications/certificates required, e.g. trained in UKHab, accredited in RiverMorph. Understand there is a definition in BS8683:2020.	Paragraph 2.2.5 i apply the metric. qualifications/cert No change to SF
	2.2.8 (formally 2.2.7) 'The results of applying the metric should be submitted to the Council' – better if the document was explicit that the actual metric calculation spreadsheet is submitted and not only the high level results. It has been a problem for some LA ecologists in not having sight of the calculation spreadsheet and have found it difficult to assess the quality of the assessment, and acceptability of results. Wording from the CIEEM templates:	Paragraph 2.2.8 - authorities in term 2.2.8: "The comp the final biodive of any metric ca the protection a

explains that states 'Green' Infrastructure (GI) is a network of multiand blue spaces and that it is a broad concept, including natural features, orest reserves, hedgerows, restored and intact wetlands and marine areas, made features, such as eco-ducts and cycle paths. **PD required.**

– within this figure (now Figure 3) the arrow is changed with a eference' reference to indicate the preferred direction. The options abered from 1 to 4 in order of preference. The suggested language of , Compensate and Enhance is now used. The amended figure is erneath the original figure and the original version is crossed

22 - 2.1.25 are already titled Water Framework Directive. The suggested ysical habitats associated with water bodies and also to riverine BNG can Change to SPD – additional paragraph 2.1.24 as follows: "One of the of the quality of water bodies is an assessment of its physical opment can impact on the quality of the physical habitats in a for example, introducing hard infrastructure, walls, removing bacting on the riparian zone. Development also has the opportunity to cal habitat quality by removing hard infrastructure such as walls and ike, and by establishing riparian vegetation and trees. Assessment of waterbody WFD status requires an assessment of impacts on the hysical habitats) of the river to ensure that a proposed development in a deterioration, but aims for improvement. Riverine Biodiversity ms of improving the habitat quality of rivers and streams and uch habitat, can contribute greatly in this regard."

t set out a requirement that the Biodiversity Metric is used by applicants, as c is not a requirement of Policy ENV4 or ENV5. The current wording, he use of the BNG Metric, is hence deemed appropriate. The detail y the EA on the metric cannot be included in the SPD, as it goes beyond y criterion requirements.

- the suggested reference to the latest version of the Biodiversity ed at paragraph 2.2.4.

is clear that an applicant is required to utilise a professional ecologist to . It is not considered appropriate to include details in this SPD of what rtificates are required to work as an ecologist. **PD required.**

- SPD can be amended to state what should be provided to local ms of metric calculations. Change to SPD - additional text in paragraph npleted metric spreadsheet, including the full calculations that lead to ersity unit scores should be submitted. Summary results or extracts alculations would not be sufficient alone. The metric does not change afforded to biodiversity. Existing levels of protection afforded to

Respondent	Summary of issues raised	Council'
	- The completed metric spreadsheet, including the full calculations that lead to the final biodiversity unit scores should be submitted. Summary results or extracts of any metric calculations would not be sufficient alone.	protected speci Statutory obliga
	2.2.9 (formally 2.2.8) Consider adding <i>"and applications should comply with these good practice principles for development."</i>	Change to SPD comply with the encouraged to a undertaken in a
	2.2.10 (formally 2.2.9) additional references include: - BS 8683 Process for designing and implementing Biodiversity Net Gain - Specification. The British Standards Institution 2021. Please see appendix 1 for some additional information regarding Biodiversity Net Gain.	Para 2.2.10 can Change to SPD advised to cons implementing E Institution 2021
	2.3.0 As well as creation of new habitats and site layout and building design there are some other key elements that benefit riverine wildlife (element list in submission).	It is considered to paragraph 2.1.24 No change to S
	2.3.4 Welcome that rivers are recognised as GI assets.2.3.8 (formally 2.3.7) Welcome that rivers, streams and watercourses are highlighted.	Support for the p
	Water Environment as part of GI: Welcome that the value of rivers, streams and canals is recognised, and their importance as both rural and urban assets. In addition to their value as corridors with semi-natural margins, as stated, it should be recognised that the quality of the aquatic environment itself is also important. This includes both the quality of the physical habitats in the river and the quality of the water which is vital for the rivers value as a recreational resource as well as for biodiversity and fisheries. 2.3.10 is the Fresh Aire Project still current?	Change to SPD value as corrido quality of the ac of the physical river's value as Change to SPD been removed a
	2.3.12: Recommend that this could also refer to pocket parks where watercourses have been opened up.	Change to SPD included where
	2.4.2: Welcome that this sets out the Environment Act requirements and conservation covenants.	Support for parag
	3.2.0: Documents to Support a Planning Application: this section should also have a paragraph setting out that a BNG assessment is required.	The submission of been amended to included in an Ec
	Table 1: Supporting documents which are commonly required to accompany a planning application. The table should set out the documents required to demonstrate BNG, including the Biodiversity Metric spreadsheet. It could refer back to section 2.2.9 CIEEM BNG Report and Audit Templates, and should also refer to the need to provide the actual Metric calculation spreadsheets.	validation require No change to S
	Appendix 1 Water Framework Directive: The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. NPPF paragraph 174 (e) promotes the use of the River Basin Management Plan to enhance the environment. Catchment and River Basin Management Plans (RBMPs) water quality priorities should be reflected in strategic planning documents. The WFD needs to be considered throughout the development of the Local Plan and SPDs. Local planning authorities have an important role when it comes to the WFD - making sure	All of the text that details to the crit Framework Direc waterbodies as a No change to S
	new development does not cause deterioration and whenever possible supports measures to improve water bodies. The WFD(E&W) Regulations 2017 requires all water bodies to reach good status by 2027. New development is a major pressure on water bodies that might prevent them reaching, or maintaining, good status. The Water Environment (WFD)(E&W) Regulations 2017 Part 6, paragraph 33 places a duty on each public body including local planning authorities to 'have regard to' River Basin Management Plans (RBMPs).	Change to SPD Basin Managen to prevent deter plan designatio which covers N

ies and habitats are not changed by using this or any other metric. ations will still need to be satisfied."

- additional text to paragraph 2.2.9: "Applications are encouraged to ese good practice principles for development. Applicants are also demonstrate that the achievement of BNG calculations have been accordance with the document (or any subsequent publications)."

be amended to refer to BS 8683

) – additional text added to end of paragraph 2.2.10 "Applicants are sult the British Standards 8683: Process for designing and Biodiversity Net Gain – Specification (The British Standards 1)."

that the general subject area referred to here is covered in the new 4.

PD required at paragraph 2.3.0.

paragraphs mentioned is welcomed.

additional text to paragraph 2.3.8 as follows: "In addition to their ors with semi-natural margins, it should be recognised that the quatic environment is also important. This includes both the quality habitats in the river and the quality of the water which is vital for the a recreational resource as well as for biodiversity and fisheries."
in paragraph 2.3.10, the reference to the Fresh Aire Project has as it is not a current project.

 in paragraph 2.3.12, the reference to 'pocket parks' has been watercourses have been opened up.

graph 2.4.2 is welcomed.

of a BNG assessment is not a policy requirement. Instead Table 1 has to recommend that the results of applying the BNG/Small Sites metric is Ecological Impact Assessment, required to meet the Council's local rements.

PD required.

at is mentioned here in Appendix 1 is noted. The SPD provides further terion (a) and sub criterion (vi) which specifically relates to the Water active and ensures that there is no deterioration of the WFD status of a result of development.

PD required.

- new paragraph 2.1.25 with the following text: "The Humber River nent Plan requires the restoration and enhancement of water bodies rioration and promote recovery of water bodies. This management on is of relevance to Craven District because it is the plan in England lorth Yorkshire. This document sets out the current state of the water

		т
Respondent	Summary of issues raised	Council
	Strongly encourage the SPD to set out water policies that reflect the requirements of River Basin Management Plans and WFD.	environment, pu for protecting a needed to achie Weblink to plan
	Biodiversity Net Gain: growth and development carry the potential for both positive and negative environmental impacts. Net gain is about ensuring that the overall impact from development on the environment is positive. Strongly encourage to consider at the earliest opportunity how to incorporate net gain within Local Plan policies and Supplementary Planning Documents. Need to consider any supporting evidence requirements. Biodiversity net gain policy and guidance needs to be founded on a good yet proportionate evidence base. A good evidence base puts LAs in a strong position to shape the subsequent direction of policy. Use the best available local environmental data. There is also an opportunity to consider Nature Recovery Strategies within this evidence gathering and wider natural capital goals. Consider the importance of local context and partnership in net gain implementation. This could include wider regional working with other authorities across North Yorkshire to consider a joined-up approach to net gain and wider nature recovery. This is the opportunity to consider the local biodiversity priorities and the level of significance for sites. Encourage the inclusion of reference to this in the SPD and how efforts to achieve ENG would be welcomed by the LPA.	The information and ENV5 were and also the met appropriate. Re review and upda No change to S The references t as the lead author and as a result the Local Governme No change to S
Yorkshire Wildlife Trust	The document is very comprehensive, with the following comments: Local Wildlife Sites: LWS (or Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats of substantive nature conservation value. As a result, many LWS are of SSSI quality and together with the statutorily protected sites, contain most of the country's remaining high quality natural habitat and threatened species.	Sites of Importar 2.1.13 and the w No change to S
	2.2.12 – Criterion a) ii) needs some re-wording'aims to ensure that development proposals do not have any there are no adverse impacts on any national or local designated sites and their settings'.	Change to SPD "Criterion (a) (ii impacts on any Additional text
	2.1.13 Please note that Defra's MAGIC database does not include SINC sites (Local Wildlife Sites) and this information would need to be obtained from the local record centre <u>www.neyedc.org.uk</u> , which would normally be required as part of the desk study of an Ecological Impact Assessment. Note that SINCs are on the Local Plan Policy maps.	contact the Nor to the current s designating and can provide ecc SINCs, and is a maps for these
	Biodiversity Net Gain Welcome a mandatory requirement for a minimum of 10% Biodiversity Net Gain as a first step, but in the context of the ecological crisis, believe that development must deliver at least 20% net gain. Support the use of a biodiversity metric to demonstrate how net gains for biodiversity can be achieved as part of development proposals. Welcome the implementation of Defra v3.0 metric as industry standard. The metric is however, just one part of BNG, and it should be clearly demonstrated that the good practice principles for net gain have been met, by submission of appropriate supporting information. Welcome reference to these and the CIEEM guidance on the supporting information requirements within the SPD at 2.2.8 and 2.2.9.	Policy ENV4 doe the SPD cannot otherwise. The s mandatory BNG No change to S The support is w principles for net
	Native Planting 2.2.14 & 2.2.15 (formally 2.1.13 & 2.1.14) Policy ENV4 (a)(v) also refers to incorporating appropriate planning – should read planting.	Change to SPD <i>"planting"</i> will r
•		<u>م</u>

ressures affecting the water environment, environmental objectives and improving the waters, programme of measures, and actions eve the objectives."

n document is also provided.

provided on Biodiversity Net Gain is noted. Considering that Polices ENV4 published in a local plan prior to the introduction of mandatory net gain, stric implementing it, the information on BNG within the SPD is considered equirements of the Environment Act will inform the Craven Local Plan ate

PD required.

to this mentioned published guidance are noted. NYCC has been identified ority for preparing a Local Nature Recovery Strategy for North Yorkshire there will joint working throughout North Yorkshire, both prior to and after ent Reorganisation.

PD required.

nce for Nature Conservation (SINCS) are discussed in paragraphs 2.1.7 vording used is consistent with policy ENV4. SPD required.

) – re-wording of the second sentence of paragraph 2.1.12 as follows: i) aims to ensure that development proposals do not have adverse v national or local designated sites and their settings....."

to paragraph 2.1.13 as follows: "Applicants are also encouraged to th and East Yorkshire Ecological Data Centre (NEYEDC) with regards status of SINCs (www.neyedc.org.uk). The NEYEDC has a key role in d mapping SINCs, and maintaining biodiversity records. The NEYEDC ological data for the Craven local plan area, including information on more up to date source of information than the Council's policies types of sites."

es not require a minimum percentage of Biodiversity Net Gain, therefore specify or recommend a specific percentage requirement, 20% or SPD encourages a minimum 10% percentage in line with the upcoming requirements.

PD required.

velcomed for the references to the Defra v3.0 metric, good practice t gain, and CIEEM guidance.

) – the typos are to be corrected in (now) paragraphs 2.2.15 & 2.2.16: replace *"planning"*.

Respondent	Summary of issues raised	Council':
	Recommend inclusion of details of the 'Building with Nature' initiative within the SPD, which is a framework that enables developers to integrate high-quality multifunctional green infrastructure to create places in which people and nature can flourish. Building with Nature sets out standards to provide a benchmark to be used in addition to the Biodiversity Net Gain metric, in order to provide a qualitative assessment of a proposed development site. The Building with Nature (BwN) key themes are listed in the submission. Building with Nature is a voluntary approach developed by practitioners, policy-makers and academic experts, and tested with the people who will use and benefit from the framework. Schemes can be assessed at pre-application, reserved matters and post-construction/in-use stages. Further information can be accessed via the website: https://www.buildingwithnature.org.uk .	Information on the SPD – text to pa voluntary initiati to the Natural El assessment of application, res information can
United Utilities	Identification of Opportunities for BNG: Our operational sites, such as treatment works and pumping stations, are key infrastructure for the district which may need to expand in the future to meet growth needs or respond to new environmental drivers. Maintaining a space around such operational sites and preserving land within works to meet future operational needs is therefore desirable to respond to any future requirements. In this regard, emphasise the need for any policy relating to the implementation of BNG to acknowledge the importance of flexibility in the delivery of any BNG required in response to the delivery of our capital infrastructure. Keen to ensure that any spatial hierarchy is sufficiently flexible to ensure we can safeguard land which could be used in the future for critical infrastructure such as land within and around water and wastewater infrastructure. Consider this to be reflective of national planning policy and guidance.	The comment is r plan policies relat SPD to prepare a process relating t Local Plan policie No change to SF
	 highlight the need for flexibility to be able to consider offsetting on wider land rather than on, or adjacent to operational land. A strategic approach has a number of benefits which are listed in the submission. Water Management: highlight support for the delivery of BNG which is truly multifunctional. Strongly encourage the guidance to continue to reflect the importance of linking the delivery of BNG to multi-functional sustainable drainage systems, in preference to conventional tanked and oversized storage systems for the management of surface water. In masterplanning new development sites, encourage BNG which is able to contribute to natural flood management techniques especially when new development sites are located adjacent to existing watercourses. Water Resources: Note that a large part of the district is public water supply catchment land. Development proposals on water catchment land can have an impact on water supply resources and recommend that the draft SPD recognises that any proposals for BNG may also need to have regard to the implications for public water supply in liaison with the relevant water undertaker for the area. 	In terms of water incorporated. Cha paragraphs renu BNG should be management teo adjacent to exist regard to the im undertaker for the Water Managem
	Management and Maintenance of Biodiversity and green Infrastructure – Long-term GI management mechanisms in Craven This section refers to the use of planning obligations / conservation covenants for long term management and maintenance of BNG. Encourage the council to give more detailed thought to a potential template approach which could be used by applicants including template unilateral undertakings which would assist in the timely issue of new planning permissions.	Para 2.4.0 provid A suggested pote maintenance of B ENV4 and Policy No change to SF
	Our Assets: it is important to outline to the LPA the need for our assets to be fully considered in proposals relating to BNG. We will not normally permit development over or in close proximity to our assets. Noting the key requirement of BNG to be delivered as part of a 30-year management plan, any BNG will need to carefully consider water and wastewater apparatus and the need for access to this apparatus for maintenance, repair and replacement. This will be important to consider when masterplanning development sites. All United Utilities' assets will need to be afforded due regard in the masterplanning process for a site. This should	Policies ENV4, E relating to United introduced in the and wastewater to Change to SPD renumbered as to

he 'Building with Nature' initiative can be included as suggested. **Change to** paragraph 2.2.1 with the following wording: "The Building with Nature tive sets out standards to provide a benchmark to be used in addition England Biodiversity Net Gain metric, in order to provide a qualitative f a proposed development site. Schemes can be assessed at preeserved matters and post-construction / in-use stages. Further in be accessed via the website: <u>https://www.buildingwithnature.org.uk.</u>

noted. The aim of this SPD is to provide further guidance to adopted local ating to biodiversity and green infrastructure. It is not the role of this or any and adopt new local plan policy as this can only be done via the statutory to the preparation and adoption of development plans. Adopted Craven is are reflective of national planning policy.

r management and water resources, some additional text can be hange to SPD – new paragraph 2.2.3 added with subsequent humbered as follows: "In the planning of proposed development sites, e encouraged if possible where it is able to contribute to natural flood echniques, especially when new development sites are located sting watercourses. Any proposals for BNG may also need to have inplications for public water supply in liaison with the relevant water the area. Applicants should cross refer to the Council's Flood Risk & ment SPD for further information."

des details of conservation covenants and the use of planning conditions. tential template approach in terms of long-term management and BNG is noted, but in this case it is beyond the requirements of Policy y ENV5 and hence cannot be included in this SPD. **SPD required.**

ENV5 and ENV3 (Good Design) do not include specific requirements d Utilities assets, and hence no such policy requirements can be SPD. However, appropriate text can highlight the importance of water treatment works in this respect.

- new paragraph 2.2.14 added with subsequent paragraphs follows: *"Where utility assets such as water and wastewater*

Respondent	Summary of issues raised	Council
	include careful consideration of landscaping and biodiversity proposals in the vicinity of our assets and any changes in levels. Strongly recommend that the LPA advises future applicants of the importance of fully understanding site constraints as soon as possible, ideally before any land transaction is negotiated, so that the implications of our assets on a development site and the delivery of BNG can be fully understood. Where UU assets exist on a site, ask site promoters to contact United Utilities to understand any implications.	apparatus are ir and BNG on a s assets exist, ap
Skipton Town Council	The proposals are broadly welcome but whatever gains in aquatic biodiversity may be achieved can be ruined by unplanned discharges of polluted water by Yorkshire Water. A mature tree photosynthesises approximately 15 times the amount of air as a sapling so to replace a mature tree with a single sapling is not sufficient. Consequently, STC recommend the planting of up to 15 saplings to replace 1 mature tree in the course of any development. If more saplings are available than can be accommodated on the existing site, then the STC would assist in finding other locations for planting.	Support for the d The reference to ENV4 and ENV5 The suggestion r any adopted loca No change to S
Natural England	Welcome the additional detail provided on the application of Biodiversity Net Gain (BNG) in plan policies. Part One: Context of the SPD successfully outlines the approach taken in the Craven LP, including clearly stating which policies are covered in and are the focus of the guidance. It also successfully outlines the relationship between the Craven LP and the requirements for BNG as stated in the NPPF 2021 and Environment Act (2021).	Support is welcom policies, in addition No change for S
	 Part Two: Confirming with relevant policies of the Craven LP adds further detail to help explain the objectives relating to relevant policy criteria. Welcome paragraphs 2.2.0 to 2.2.10 which refer specifically to BNG. Suggest the following improvements could be made: Paragraph 1.4.4 makes specific reference to at least 10% BNG being required when mandatory biodiversity net gain commences for new applications. However, it would be useful if the document clearly stated what is currently expected. Although ENV4 b) states that 'development proposals should achieve benefits in biodiversity that are equal to, or where possible exceed the biodiversity value of the site prior to development', recommend that the SPD should be more aspirational. Recommend a requirement that ALL developments MUST at least achieve benefits in biodiversity that are equal to the biodiversity value of the site prior to development, and that developers voluntarily delivering any net gain, and in particular net gain of at least 10% are encouraged. 	Support is welcon reference to at le BNG becoming n The SPD cannot role of the SPD is Plan policy criteri No change for S
	Paragraph 1.4.4 could also be further strengthened with the addition of wording to reflect that The Act sets out the habitat secured via BNG should be secured for at least 30 years. Paragraph 2.4.2 refers to the 30-year obligation, however, it isn't implicitly clear that the requirement is pertinent to Policy ENV4 as well as ENV5.	Change to SPD year legal obliga the requirement management of
	Paragraph 2.2.3 should be strengthened by stating that ALL applicants MUST use the Biodiversity Metric. Once mandatory net gain commences there will be an obligation to use the Biodiversity Metric, it is beneficial to incorporate it into this document. Suggest that reference is made to 'the latest version of the Biodiversity Metric' rather than 'Biodiversity Metric 3.0'. This will ensure that the SPD remains up to date should the tool be updated.	Paragraph 2.2.4 Metric, as the use not yet mandator gain in biodiversi the Biodiversity N No change to Si
		Change to SPD applicants in fu highly recomme launched by Na biodiversity acc biodiversity net

ncluded within a site, applicants should consider how landscaping site can be incorporated to ensure access to the asset. Where utility oplicants are advised to contact the utility company."

document content is welcome.

perceived Yorkshire Water discharges is not within the remit of Policies 5.

regarding tree plantings is noted, however as this is not a requirement of al plan policy, it cannot be included in this or any other SPD. SPD required.

omed for the additional detail provided on the application of BNG in plan ion to the comments on Part One: Context. **SPD required.**

t be 'more aspirational' than the policies under consideration here, as the is to explain and provide guidance on the existing adopted Craven Local ria.

SPD required.

– the last sentence of paragraph 2.4.2 amended, as follows: "A 30lation or conservation covenant is considered by the Council to meet its of Policies ENV4 and ENV5 for long-term maintenance and f green infrastructure and biodiversity."

(formally 2.2.3) cannot state that applicants must use the Biodiversity se of the metric is not a specific requirement of Policy ENV4 and BNG is ry. Instead paragraph 2.2.4 states: 'to assist applicants in fulfilling the net ity requirement of Policy ENV4, it is highly recommended that they utilise Metric'.

PD required.

9 – paragraph 2.2.4 amended as follows: Reference to "To assist ulfilling the net gain in biodiversity requirement of Policy ENV4, it is ended that they utilise the <u>Biodiversity Metric</u> 3.0, which was atural England in July 2021, or successor versions. This is a counting tool that can be used for the purposes of calculating t gain."

Respondent	Summary of issues raised	Council
	Paragraph 2.2.8 (formally 2.2.7) should be more detailed to ensure consistent information about the results of applying the metric is submitted by all applicants as part of the planning application. Recommend that full Excel calculation worksheets, condition assessment sheets, maps and GIS layers for pre- and post-development habitats are required, as well as a habitat and monitoring plan. The BNG Regulations and Implementation consultation (pp50-55) provides detail of the type of information likely to be required under the provisions of the Environment Act.	Change to SPD spreadsheet, in scores should I would not be su relevant amendn the metric and su
	Paragraph 2.2.8 (formally 2.2.7) refers to Table 2 and paragraph 3.26, however, neither are present in the document.	Change to SPD
	• Paragraph 2.2.9 (formally 2.2.8) should state the purpose of including the reference. For example, is the expectation that applicants must demonstrate net gain calculation and achieving BNG has been undertaken in accordance with the document (or any subsequent publications).	Change to SPD encouraged to Applicants are calculations ha subsequent put
	• Paragraph 2.2.10 should be more explicit about the use of template. Or need to develop a bespoke list of what you would expect to be included in an Ecological Assessment in relation to BNG assessments (See related comments above (2.2.8 and 2.2.9).	It is considered t Audit Templates of the Council's I requirement for a together with a li No change to S
		Change to SPD change the pro- to protected sp Statutory obliga
	Recommend that the SPD should also provide guidance on the following: more detail about the Biodiversity Metric: • The metric does not change the protection afforded to biodiversity. Existing levels of protection afforded to protected species and habitats are not changed by using this or any other metric. Statutory obligations will still need to be satisfied. The metric includes separate calculations for area habitats (such as woodland) and linear habitats (such as a hedgerow or steam). There are three broad categories of habitats and biodiversity units for which scores are calculated differently: area habitats, linear hedgerows and lines of trees, and linear rivers and streams. It is an important rule of the metric that the three types of biodiversity units described above are unique and cannot be summed, traded, or converted. When reporting biodiversity gains or losses with the metric, the three different biodiversity unit types must be reported separately and not summed to give an overall biodiversity unit. The metric focuses on typical habitats and widespread species. Protected and locally important species needs are not considered through the metric and should be addressed through existing policy and legislation. Impacts on protected sites (e.g., SSSIs) and irreplaceable habitats are not adequately measured by the metric. They will require separate consideration which must comply with existing national and local policy and legislation. 'Trading down' must be avoided. Losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition thas heave left.	Comments relati Natural England adopted Craven detailed informat the metric and pa applying and wo metric works and set out such leve metric. No change to S This approach w criteria cannot be No change to S There has been to provide refere No change to S
	than those lost. Habitats should be classified using the UK Habitat Classification System <u>http://ukhab.org</u> . Unique reference numbers should be assigned to each habitat parcel, hedgerow, line of trees or watercourse and any maps generated should clearly display the unique reference of each parcel and linear feature. The metric calculation applies to all land within the 'red line' of the application site. Be specific about this and define what it is if required. Being 'better' and 'more joined-up' are important facets of habitats that can contribute to halting and reversing biodiversity declines, so the metric accounts for whether the habitat is sited in an area identified as	Policy ENV4 req require the use of policy requirement developing inform Craven local plan relating to a plan

• additional text in paragraph 2.2.8: "The completed metric including the full calculations that lead to the final biodiversity unit be submitted. Summary results or extracts of any metric calculations ufficient alone." Relating to other submission comments, there are ments to Table 1 and the submission of information relating to the use of ubmission of results.

- references to table 2 and paragraph 3.26 have been removed.

– additional wording to paragraph 2.2.9 as follows: "Applicants are comply with these good practice principles for development. also encouraged to demonstrate that the achievement of BNG we been undertaken in accordance with the document (or any blications)."

that the reference and link to the CIEEM Biodiversity Net Gain Report and s provided in paragraph 2.2.10 is sufficient. Table 1 in Part 3 provide details local validation requirements for planning applications, including the an EcIA, Ecological Assessment or Biodiversity Survey and Report ink to further information relating to such a report. SPD required.

additional text to paragraph 2.2.8 as follows: "The metric does not tection afforded to biodiversity. Existing levels of protection afforded becies and habitats are not changed by using this or any other metric. ations will still need to be satisfied."

ing to the detail of the BNG Metric is noted. The metric been prepared by I and is not a Council-owned document. Its use is not a requirement of Local Plan policy ENV4. Therefore, it is not the role of the SPD to provide tion on the workings of the Metric. Paragraph 2.2.4 recommends the use of paragraph 2.2.5 states that an applicant is required to utilise an ecologist in orking with the BNG metric. A qualified ecologist will be aware of how the d the requirements for reporting the results. It is not the role of this SPD to el of detail for the current or future versions of the Natural England BNG

PD required.

vould result in a change of policy in the local plan, and existing policy e changed without a local plan review.

a change made to paragraph 2.1.13, as a result of other comments made ence to the NEYEDC as a source of up-to-date ecological data. SPD required.

uires a net gain in biodiversity, where possible, and does not specifically of the BNG Metric, therefore the SPD is unable to set these out as new ents, as this is not the role of an SPD. The Spatial Planning team are mation and mapping relating to Green & Blue Infrastructure delivery in the n area, and this will show how the on-site and/or off-site BNG contributions nning application can have the greatest strategic significance, by linking to

Respondent	Summary of issues raised	Council'
	being of strategic significance for nature. Are there relevant local strategies or plans that could be used to inform the level of strategic significance? For example, Local Plan, Biodiversity Action Plan, Local Nature Recovery Strategy or Green Infrastructure Strategy.	known ecological applications can produce stepping
	What approach will be taken if a site has zero or very little existing biodiversity value? If a site has a baseline biodiversity unit value of zero, then it would be advisable any biodiversity unit gains are calculated as a numerical unit value as opposed to a percentage. It would be at the discretion of the LPA to agree an appropriate number of biodiversity units to be delivered for the site in question on a site-by-site basis. Where a local authority knows that several development sites are likely to have very little to no biodiversity value or of a major allocation that fits this bill, e.g., urban, recently-previously developed land, they could consider setting expected unit gain values for these sites in Local Plan policy.	Council's Develo No change to SP
	Additional guidance on the expectations for on-site and off-site delivery in the context of known ecological assets including protected sites and priority habitats. What measures would work best to enhance biodiversity within Craven? What core areas are priority to be increased, what are the priority habitats you want to see increase in quantity and/or quality, what new priority habitat to do you want to see created and where to act as stepping-stones or corridors?	
	Addition of a process map to clearly outline the stages to be followed in the application process within Craven.	
	Welcome the emphasis placed on pre-application discussions, provided in Part 3 of the SPD, which in the case of BNG are crucial.	The support is we No change to S
	More detail needs to be provided regarding the specific documents needed to support a BNG proposal. Suggest Table 1 is amended to make a reference to BNG in the purpose of the Ecological Assessment supporting document. A list of key BNG documents would be a useful addition. Note 2.1.15 (formally 2.1.16) states that table 2 and paragraph 3.2.6 provide further detail about ecological assessments, however, it should refer to Table 1, and para 3.2.6 does not exist (note there are several references to Table 2 and paragraph 3.2.6 in the document).	Once amended in the SPD should p policy compliant a No change to SP In Table 1, refere Assessment supp metric. Change to SPD
	The Planning Advisory Service provides a useful resource for Local Authorities on the topic of BNG, in particular the Biodiversity Net Gain FAQ's.	This comment is No change to SI
	The sections of GI could also include GI targets, standards, requirements for development and opportunity areas. Please note Green Infrastructure standards and guidance are currently under development at Natural England and should be embedded in future guidance once finalised.	Recommended ir are not a requirer No change to Si

assets where this possible. This information will show how such then potentially expand the habitat of existing ecological assets, or -stones or corridors. The suggestion of a process map can also be Green & Blue Infrastructure work, upon further discussion with the pment Management team. PD required.

elcomed for the emphasis placed on pre-application discussions. PD required.

in response to comments made during the consultation process, Part 3 of provide the reader with enough information with respect to submitting applications, without the need for a process map. PD required.

ence has been made to BNG in the purpose of the Ecological Impact porting document, and submission of information relating to the use of the

- the references to Table 2 and paragraph 3.2.6 have been removed.

noted regarding PAS. PD required.

nclusions on GI cannot include GI targets, standards, requirements that ment of policy ENV5. PD required.

Appendix 1

Craven Herald Press Release (text from website) – 23rd December 2021

Comments to be invited on flooding and homes for rural workers policies 23rd December 2021

CRAVEN residents are being invited to comment on policies of the area's local plan including flooding and homes for rural workers.

A four week consultation will get underway in the new year on draft Supplementary Planning Documents (SPDs) of the Craven Local Plan, which was adopted by Craven District Council two years ago at the end of 2019.

The consultation will invite people to comment on first drafts of supplementary documents on flood risk and water management; and also on green infrastructure and biodiversity, and will be used to add further detail to the local plan.

Also out for consultation are second draft documents on good design and rural workers' dwellings.

The Craven Local Plan will be used to assess and decide planning applications and how land is used in the area outside the Dales national park up until 2032.

The four Supplementary Planning Documents will add further detail to the relevant policies of the local plan and once adopted should help those submitting planning applications to the council.

The public consultation will run from Tuesday, January 4 until February 1. To find out more, from January 4, visit: www.cravendc.gov.uk/spatialplanningconsultations. Paper copies will also be available at the council offices, Belle Vue Square, Skipton, and at libraries.

The Spatial Planning Team can be contacted by emailing spatialplanning@cravendc.gov.uk .

https://www.cravenherald.co.uk/news/19804618.comments-invited-flooding-homes-rural-workers-policies/

Appendix F



Green Infrastructure and Biodiversity in Craven Supplementary Planning Document

Second Draft for Consultation – July 2022

Presentation to Craven Spatial Planning Sub Committee 6th July 2022

CONT	ENT	Page
PART	ONE: CONTEXT	4
1.1.0	Introduction	4
1.2.0	Preparing, submitting, and front loading of planning applications	5
1.3.0	Public consultation, document format and status	5
1.4.0	The relationship between the Craven Local Plan, the National Planning Policy Framework (NPPF), and the Craven Climate Emergency Strategic Plan	6
PART LOCA	TWO: CONFORMING WITH RELEVANT POLICIES OF THE CRAVE	N 8
2.0.0	Introduction	8
2.1.0	The Protection of Areas, Sites, Habitats, Species, Trees and Hedgerows	8
2.2.0	Biodiversity Net Gain	22
2.3.0	Movement of wildlife, and protection and enhancement of green infrastructure	28
2.4.0	Management and maintenance of Biodiversity and Green	35
	Infrastructure	
PART	THREE: PREPARING AND SUBMITTING PLANNING APPLICATION	IS 37
3.1.0	Pre-application discussions	37
3.2.0	Documents to support a Planning Application	40
3.3.0	Outline, Reserved Matters and Planning Conditions	43
3.4.0	Community Engagement	44
3.5.0	Masterplans	44

Figure as vie	es 1 & 2: Vegetation of the SINC designation either side of Skipton ewed from Gargrave Road	bypass 11 & 12
Figure	e 3: Sequential steps of the mitigation hierarchy for biodiversity	16
Figure green	es 4 & 5: Sustainable urban Drainage (SuDS) provision combin infrastructure and recreational space at Wyvern Park, Skipton	ed with 20 & 21
Figure Hayto	es 6 & 7: SINC designation and track from White Hills Lane, Skipto on Way footpath to Aireville Park	n and 25 & 26
Figure Hill La	es 8 & 9: Supplementary tree planting, Aireville Park and infill trees a ane. Skipton	at White 33 & 34
Figure have a with t	es 10 & 11: The provision and maintenance of green infrastructure a multitude of benefits for the local Craven environment and its pe his example of Gawflatt meadow in Skipton	can ople, 38 & 39
Figure Drive,	e 12: The SINC designation and Sharphaw Hill, as viewed from Par , Skipton	k Wood 50
Table accon	1: Supporting documents which are commonly required to npany a planning application	40
Table	2: Green Infrastructure Principles	47
APPE	NDICES	
Α	Text of Policies ENV4 and ENV5, Craven Local Plan	45
B Crave	International, National and Local Designated Sites of relevance In Local Plan	to the 47
С	Green Infrastructure Principles	50
D	Glossary	53

PART ONE: CONTEXT

1.1.0 Introduction

1.1.1 Supplementary Planning Documents (SPDs) are described in the glossary of the <u>National Planning Policy Framework (NPPF)</u> as:

"Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan."

- 1.1.2 This SPD provides further guidance on the delivery of green infrastructure and biodiversity protection and enhancement in the Craven Local Plan area. It cannot and does not introduce any new policy requirements. Rather, in accordance with the legal and <u>NPPF</u> definitions of SPDs, it adds further detail to help explain the objectives relating to the relevant policies of the <u>Craven Local Plan</u> and provides information to assist applicants meet the requirements of each relevant policy criteria. This information is set out in Part 2 of this SPD. Part 3 provides guidance for applicants in preparing planning applications involving green infrastructure and biodiversity.
- 1.1.3 The plan policies referred to in this SPD are:
 - Policy ENV4: Biodiversity
 - Policy ENV5: Green Infrastructure
 - Policy SD1: Presumption in favour of sustainable development
 - Policy SD2: Meeting the challenge of climate change

Policies ENV4 and ENV5 are the focus of this SPD. The aim of these policies is to ensure that development in Craven is accompanied by positive change in green infrastructure and biodiversity, which in turn improves quality of life, including health and well-being. The full text of policies ENV4 & ENV5 are set out in Appendix A. Policies SD1 and SD2 can be read in the <u>Craven Local Plan</u>. Once made or adopted, neighbourhood plans form part of the development plan. It will therefore be necessary for development proposals to comply with any biodiversity and green infrastructure policies in made neighbourhood plans where they exist and cover the location where development is proposed.

<u>1.1.4 Planning applications proposing the delivery of green infrastructure and biodiversity enhancement measures should take account of all relevant local plan policies. The Council has adopted other SPDs, which provide further guidance to specific adopted local plan policies. Applicants are encouraged to the specific adopted local plan policies.</u>

refer to these SPDs, when preparing and submitting an application to the Council (see Craven Local Plan webpage for details of all SPDs).

1.2.0 Preparing, submitting and front loading of planning applications

1.2.1 In accordance with Policy SD1 of the Craven Local Plan and paragraphs 11 and 39-46 of the <u>NPPF</u>, the Council will take a proactive approach and will work cooperatively with people and organisations wishing to carry out development and applying for planning permission. This is to find solutions to secure sustainable development that meets the relevant plan policies and be approved wherever possible. Solutions to secure sustainable development for Craven, including contributing to the implementation of the Council's Climate Emergency Strategic Plan 2020 to 2030 through the policies of the local plan, and the efficient processing of planning applications, can be achieved through early pre-application engagement with the Council. This is called the process of 'front loading' and is strongly encouraged by the <u>NPPF</u> at paragraphs 39 to 46. Further guidance on this process set out in Part 3.

1.3.0 Public consultation, document format and status

- 1.3.1 This is a consultation draft SPD which is required under Regulations 12 and 13 of the Town & Country Planning (Local Planning) (England) Regulations 2021 (as amended). The first draft of the SPD is currently was subject to a four-week period of public participation from 04/01/2022 to 01/02/2022. Following this period of public participation, representations will be invited on a second draft of this SPD over a four-week period in 2022. As required by regulation 12(a), a Consultation Statement will be prepared and published alongside the second draft SPD which sets out the persons the authority has consulted when preparing the SPD, a summary of the main issues raised, and how they have been addressed in the SPD. Comments submitted during the first period of public participation have been taken into account and amendments have been made to the draft SPD for the purposes of this second round of public consultation. These amendments, and other minor changes which have been made to ensure the draft SPD reflects the updated NPPF 2021, reflects the current stage of public consultation, is consistent with the other draft SPDs that the Council are currently preparing, and is generally improved from the previous draft (with the inclusion of images), are shown as follows:
 - Where additions to the first consultation draft have been made the text is underlined;
 - Where text has been deleted from the first consultation draft the text is crossed through.

- 1.3.2 <u>Representations are now invited on a second draft of this SPD over a four-week</u> period from Monday 27th June until Monday 25th July 2022. As required by regulation 12(a), a Consultation Statement has been prepared and published alongside this second draft SPD which sets out the persons the authority has consulted when preparing the SPD, a summary of the main issues raised and how they have been addressed in the SPD.
- 1.3.3 Following these two periods of public participation and inviting of representations on the draft SPD, comments and representations received will inform the final SPD, which will be presented to the Council's Policy Committee for adoption and confirmed by Council (if required). Once adopted, the SPD will be capable of being a material consideration.
- 1.3.4 A sustainability appraisal is not necessary for the preparation and approval of this SPD, which does not set the framework for decisions on planning applications. Sustainability appraisals have been undertaken for the local plan policies which this SPD supports. Strategic Environmental Assessment and Habitats Regulation Screening Reports for the SPD will be published alongside the second consultation draft.

1.4.0 The relationship between the Craven Local Plan, the National Planning Policy Framework (NPPF), and the Craven Climate Emergency Strategic Plan

- 1.4.1 The <u>Craven Local Plan</u> (hereafter referred to as 'the plan') was adopted on 12 November 2019.
- 1.4.2 The preparation of the plan, and its examination, has been based on the provisions of the 2012 NPPF, and the accompanying planning practice guidance (<u>PPG</u>). Therefore, Policies ENV4 and ENV5 reflects these provisions.
- 1.4.3 The mostly recent updated <u>2021 NPPF</u> (paragraphs 174 182) retain the same main policy approach to contribute to and enhance the natural and local environment, and to protect and enhance biodiversity within it. Indeed, the 2021 NPPF now specifically requires planning decisions to provide net gains for biodiversity (paragraph 174 d). Policy ENV4 of the plan requires <u>that</u>, wherever possible, development will make a positive contribution towards achieving a net gain in biodiversity. the same net gain by ensuring that growth is accompanied by improvements in biodiversity (first paragraph). Hence, notwithstanding changes to the NPPF since the plan was prepared, Policy ENV4 (and Policy ENV5) remain consistent with the latest version of the NPPF.
- 1.4.4 The Environment Bill that was re-introduced by the Government in January 2020 received Royal Assent on 9 November 2021, meaning it is now an Act of

Parliament. The Act aims to improve air and water quality, tackle waste, increase recycling, halt the decline of species, and improve our natural environment. There are a number of elements within the Act which are relevant to biodiversity and green infrastructure, including the introduction of a mandatory requirement for biodiversity net gain for built development and a healthier freshwater environment, requiring developments to deliver at least 10% increase in biodiversity. However, at present biodiversity net gain in England is not mandatory and will only become mandatory by amending the Town & Country Planning Act (TCPA) 1990, which is anticipated by the Government to become law in Winter 2023. The Environment Act sits alongside adopted Craven Local Plan policy requirements and is legally binding. The Environment Act strengthens the Natural Environment and Rural Communities (NERC) Act s40 which extends biodiversity duty on all public bodies, with implications for Craven District Council and all other public bodies in the exercise of their planning and other functions.

1.4.5 In January 2020, the Council approved the Craven Climate Emergency Strategic Plan (CESP) 2020 to 2030, which seeks to act upon the Council's Climate Change Emergency Declaration adopted in August 2019 for the district to be carbon neutral by 2030. The CESP can be viewed at: https://www.cravendc.gov.uk/media/9460/cdc-climate-emergency-strategicplan-february-2020.pdf. and reinforces the existing policies of the local plan which address climate change and carbon reduction measures. It is capable of being a material consideration in determining relevant planning applications and supports adopted local plan policies ENV4, ENV5, SD1, and SD2 (as well as policies ENV6, ENV7, ENV8 and ENV9) to reduce energy use, water use and carbon emissions, maximise the energy efficiency of development, and reduce the environmental impact of materials used in construction.

PART TWO: CONFORMING WITH RELEVANT POLICIES OF THE CRAVEN LOCAL PLAN

2.0.0 Introduction

- 2.0.1 Biodiversity is a term used to describe the variety of life on the planet. It can be used more specifically to refer to all of the species in one region or ecosystem. Biodiversity refers to every living thing, including plants, bacteria, animals, and humans. Biodiversity provides functioning ecosystems that supply oxygen, clean air and water, pollination of plants, pest control, wastewater treatment and many ecosystem services.
- 2.0.2 Green Infrastructure (GI) is a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and well-being benefits for nature, climate, local and wider communities and prosperity. It is a broad concept, and includes natural features, such as parks, forest reserves, hedgerows, restored and intact wetlands and marine areas, as well as manmade features, such as eco-ducts and cycle paths. The aims of GI are to promote ecosystem health and resilience, contribute to biodiversity conservation and enhance ecosystem services. <u>Green infrastructure in this</u> <u>context also refers to blue spaces such as lakes, rivers, streams and canals.</u>

2.1.0 The Protection of Areas, Sites, Habitats, Species, Trees and Hedgerows

Internationally Designated Sites

[Policy ENV4 (a)(i)]

- 2.1.1 There are a number of internationally designated sites of importance to the district of Craven, namely Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. The internationally designated sites are discussed in paragraphs 5.42 to 5.45 in the local plan and displayed in its policies map. The internationally designated sites are listed in Appendix B (in addition to national and local designations of relevance of Craven), including where they are located in relation to the Craven local plan area. They have been referenced and analysed in the local plan's <u>Habitats Regulation Assessment</u>.
- 2.1.2 The policies of <u>the</u> Craven Local Plan were written, and the local plan adopted, whilst the UK was a member state of the European Union. In terms of environmental legislation of relevance to spatial planning and this SPD, <u>at the time of writing</u>, the UK is <u>at the time of writing</u> continuing with similar environmental standards to those of current EU States, <u>upon agreement as agreed</u> with the EU before its departure in January 2021. The changes carry predominately procedural implications for the Government, Natural England, Defra and local authorities, with some technical alterations, and thus they have

limited impacts for development proposals and applicants. Criterion (a)(i) of policy ENV4 reflects the requirement of EU environmental legislation that if a proposed plan or project is considered likely to have a significant effect on a protected site (either individually or in combination with other plans or projects), and if the risk of significant effects cannot be excluded at the screening stage, then an appropriate assessment of the implications for the site in view of the site's conservation objectives must be undertaken (see full policy text at Appendix A of this SPD). The following website provides guidance on the appropriate assessment process: <u>https://www.gov.uk/guidance/appropriate-assessment</u>. The main components of the process are explained in the paragraphs below.

- 2.1.3 Screening: <u>The first step is a screening process to identify any potential</u> <u>designated European sites that may be impacted by the development. A</u> <u>summary of the screening process involves determination of any likely</u> <u>significant effects, consultation with statutory bodies and screening outcome.</u>
- 2.1.4 Appropriate Assessment: The Appropriate Assessment is a detailed consideration of the impact of the project on that designated site. Criterion (a)(i) of policy ENV4 requires that if the result is a negative assessment of the implications for the designated site and there is no alternative solution, the 'IROPI' test must be satisfied if the proposed development is to be allowed. IROPI stands for Imperative Reasons of Overriding Public Importance. If there are such reasons, then the proposed development can be allowed so long as appropriate compensatory measures are taken to ensure the overall coherence of Natura 2000 sites are protected (Article 6(4) of the Habitats Directive). An example is the re-creation of a comparable habitat.
- 2.1.5 Measures designed to compensate for known negative effects of a project should not be taken into account for the purposes of the appropriate assessment carried out under Article 6(3) when it is not sufficiently certain that those measures would be effective in avoiding harm to the designated site. A distinction must be drawn between:
 - Protective measures intended to avoid or reduce any adverse effects that a project may have on a designated European site, which are considered in the appropriate assessment required by Article 6(3);
 - Measures that are aimed at compensating for the negative effects of the project on the designated site, which are required by Article 6(4).
- 2.1.6 The appropriate assessment must contain complete and precise findings, and conclusions capable of removing all reasonable scientific doubt as to the effects of the development on the site concerned. For small scale projects, satisfying the IROPI test can be viewed as quite a high hurdle to overcome, and applicants
in such cases should carefully review the steps outlined above relating to the proposal.

National and Local Designated Sites

[Policy ENV4 (a)(ii)]

2.1.7 National and local designated sites relate to Special Sites of Scientific Interest (SSSIs), <u>Special Protection Areas (SPAs)</u>, <u>Special Areas of Conservation (SACs)</u>, Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs), and ancient woodland/pasture or individual veteran trees. The national or local designated sites of relevance to the Craven local plan area are explained in this and the following paragraphs.

Figures 1 & 2: Vegetation of the SINC designation either side of Skipton bypass as viewed from Gargrave Road.





- 2.1.8 Sites of Special Scientific Interest (SSSIs) are designated under the Wildlife & Countryside Act 1981, where they support habitats and/or species of national importance. Over half of these SSSIs in England, by area, are also internationally important (i.e. they are also designated as SACs, SPAs and/or Ramsar sites, which are internationally designated sites see above). Within the Craven local plan area, there are 12 SSSIs. Where development is proposed within or immediately adjacent to a SSSI, an applicant is required to contact Natural England for its consent that permission be granted and confirm that any conditions recommended by Natural England will be complied with. More information can be found under: https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest.
- 2.1.9 Local Nature Reserves (LNRs) are based on a statutory designation made under Section 21 – "Establishment of nature reserves by local authorities" – of the National Parks and Access to the Countryside Act 1949. LNRs are of local importance and can also be of national importance. The LNR may be given protection against damaging operations, and it also can have certain protection against proposed development on and around it. There are no LNRs within the Craven plan area, however they do exist close to the plan area, for example within the part of Embsay that is located within the Yorkshire Dales National Park. The applicant is therefore advised to consult with Craven District Council where proposals may impact on an LNR.
- 2.1.10 Other important wildlife sites also contribute to the ecological network in Craven. To safeguard these sites, they are designated as Sites of Importance for Nature Conservation (SINCs). They represent a legacy of good management and rely upon continued stewardship by landowners in Craven and nationally. Local Green Space (LGS) designation allows communities to protect green spaces of local importance for reasons including nature conservation and/or their setting. Adopted Craven Local Plan policy ENV10 lists sites that are designated as LGS and aims to protect such sites from incompatible development.
- 2.1.11 Ancient woodland designations are of key importance in Craven. They represent those woods that have a continuous history of cover since before the period when afforestation became common practice and widespread throughout Britain (approximately from 1600 onwards for England and Wales). These include:
 - Ancient semi-natural woods these are woods that have developed naturally. Most have been used by humans (often managed for timber and other industries over the centuries), but they have woodland cover for over 400 years;
 - Plantations on ancient woodland sites these are ancient woods that have been felled and replanted with non-native species. Typically, these

are conifers, but it can also include broadleaved planting such as nonnative beech, red oak, and sweet chestnut. Although damaged, they all still have the complex soil of ancient woodland, and all are considered to contain remnants of the woodland specialist species which occurred before;

Ancient woodlands are shown on the Craven <u>Local Plan policies maps</u> policies map of the Craven Local Plan, and applicants should check this map to establish whether a site contains ancient woodland or is within close proximity to it. There is a requirement to prevent the loss of aged or veteran trees found outside ancient woodland, as per criterion (e) of Policy ENV4.

- 2.1.12 Existing designated sites and irreplaceable habitats of national and local importance should be protected from development. Criterion a) ii) aims to ensure that development proposals do not have any there are no adverse impacts on any national or local designated sites and their settings, unless it has been demonstrated to the satisfaction of the local planning authority that the benefit of, and need for the development clearly outweighs the impact on the importance of the designation (see full policy text at Appendix A of this SPD). Analysing and facilitating climate change adaptation at a local level as part of an application ensures that adverse impacts on designated sites in the long term are reduced as much as possible.
- 2.1.13 To determine the location of existing SSSIs, SPAs, SACs, Ramsar sites, AONBs, National Parks LNRs, SINCs, Ancient Woodland sites or individual veteran trees and Local Green Space, the applicant can consult the webpage https://www.gov.uk/check-your-business-protected-area. Information can also be obtained from or the Council's Open Spatial Data webpage. Applicants can also check if their site is close / adjacent to these designated sites on the local plan policies maps. Such information can allow the assessment of the location of the proposed development in relation to the designated site. If a site of nature conservation importance has 'statutory protection', it means that it receives protection by means of certain legislation in recognition of its biodiversity and/or geological value. Applicants are also encouraged to contact the North and East Yorkshire Ecological Data Centre (NEYEDC) with regards to the current status of SINCs (www.neyedc.org.uk). The NEYEDC has a key role in designating and mapping SINCs, and maintaining biodiversity records. The NEYEDC can provide ecological data for the Craven local plan area, including information on SINCs, and is a more up to date source of information than the Council's policies maps for these types of sites.

Ecological networks, habitats and species populations [Policy ENV4 (a)(iii)]

- 2.1.14 Policy ENV4 criterion (a)(iii) specifically requires development to avoid the loss of and encourage the recovery or enhancement of ecological networks, habitat and species, especially priority habitats and species identified in the Craven BAP, or any subsequent update (see full policy text at Appendix A of this SPD). It should be noted that both the UK BAP and the Craven BAP (which can be accessed via the Council's policy evidence webpage relating to policy ENV4), no longer provide the most up to date information with regards to important habitats and species. Lists of Habitats and Species of Principal Importance are now set out by Natural England, as required by section 41 of the National Environment and Rural Communities (NERC) Act 2006. Therefore. a Applicants are required to take priority habitats and species and habitats of principal importance that could be potentially affected into consideration during the development process when planning the layout and timing of a development. By avoiding negative impacts at the outset, it is not only wildlife that benefits. Time and financial resources are saved by planning for wildlife early in the development process, and there is also the opportunity to actively demonstrate a commitment to conserve and protect priority habitats and species and habitats of principal importance.
- 2.1.15 Public bodies, including local authorities, have a legal duty to have regard to conserving biodiversity in the exercise of their normal functions, including ensuring that For a local authority, a Biodiversity Action Plan is a means of managing an area's environmental resources to contribute to the conservation of biodiversity, or wildlife, through developing a local plan for the area. Priority habitats and species lists are published as part of the Craven Biodiversity Action Plan (BAP). The purpose of the lists is to promote the conservation of these habitats and species, and this includes making effective use of the planning system for this purpose. A list of protected species can be found in the Craven BAP. Ecological Assessments, required as part of the Council's local validation requirements take account of the presence and impact upon habitats and species of principal importance. An biodiversity survey or Ecological Assessment can identify where a priority habitat or species of principal importance (identified in the Craven BAP) may be present on a proposed development site and set out how these habitats or species can be conserved (Table 1 and paragraph 3.2.6 in Part 3 of this SPD, table 2 and paragraph 3.2.6 provide further detail about Ecological Assessments).
- 2.1.16 <u>Section 41 NERC lists</u> cover a wide range of semi-natural habitat types. They are identified as being the most threatened in the country and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). If such habitats are present, applicants are advised to apply the mitigation hierarchy

(see Figure 4 3). This hierarchy implies that significant adverse impacts on these habitats should be avoided and, if this is not possible, measures which reduce any such negative impact should be explored. Failing that, losses of such habitats should be compensated for as part of the development proposals. The general process for priority species is similar to that for priority habitats. If such species are found on proposed development sites and their habitat is to be damaged or lost, it may be necessary to provide alternative, replacement habitats elsewhere.



2.1.17 There are numerous publications now available in England to assist applicants in terms of advice on managing impacts of development on existing wildlife and their habitats. One such publication is produced by the NHBC Foundation in cooperation with the RSPB, entitled '*Biodiversity in new housing developments* – *creating wildlife-friendly communities*'.

Loss of Biodiversity and Green Infrastructure [Policies ENV4(c, d, e) and ENV5 (a)(i) & (c)]

- 2.1.18 Policies ENV4 and ENV5 both resist significant losses to biodiversity and green infrastructure from a proposed development without any compensatory measures put forward by the applicant which can be deemed suitable by Craven District Council. The focus of criterion (c) in policy ENV4 is on protecting biodiversity within the proposed site, and criterion (d) advises applicants on the practicality of compensation measures. Criteria (a)(i) and (c) of Policy ENV5 target the avoidance of harm or loss of green infrastructure (and hence also biodiversity) on a wider level within and adjacent to the local plan area (see full policy text at Appendix A of this SPD).
- 2.1.19 Inappropriate and poorly designed development proposals could result in a significant loss or harm to biodiversity on or around the site. No new green infrastructure may be proposed, or the green infrastructure proposed on the site may be inappropriately located, in a way that it does not provide effective linkages to existing areas of green infrastructure, so that wildlife cannot move in the wider landscape.
- 2.1.20 Where compensation is thought to be needed for biodiversity assets, careful consideration needs to be given to what biodiversity assets can be adequately and satisfactorily replaced. It may be impractical or unrealistic to put forward proposals that seek to replace certain types of biodiversity that could be lost. Ancient woods are irreplaceable, in that it is impossible to replace the complex biodiversity of ancient woods which has accumulated over hundreds of years. Many species that thrive in ancient woodland are slow to colonise new areas.
- 2.1.21 Criterion (e) of Policy ENV4 strongly resists the loss or deterioration of irreplaceable habitats, such as ancient woodland and aged or veteran trees. Such losses are to be wholly exceptional (see full policy text at Appendix A of this SPD). Hence, where such instances must occur, the applicant Applicants must clearly demonstrate that the loss of such irreplaceable habitats is justified by setting out how and why the socio-economic benefits of the project outweigh the socio-economic and/or environmental consequences of the loss or deterioration of irreplaceable habitats. The applicant Applicants can show this via an Ecological or Geological Assessment (further details at table 2 and paragraph 3.2.6 in Part Three of this SPD).

Water Framework Directive

- 2.1.22 Policy ENV4(a)(vi) aims to ensure that there is no deterioration in the Water Framework Directive (WFD) ecological status of waterbodies as a result of development (see full policy text at Appendix A of this SPD). The WFD is an approach adopted in the UK and many other European countries to protect and improve water resources and aquatic ecosystems across much of the continent. The WFD aims to protect all waters and water-dependent ecosystems: groundwater, rivers, lakes, transitional water (estuaries), coastal waters and wetlands. A primary environmental objective of the WFD for surface waters is that the ecological and chemical status of all water bodies are of 'good' or 'high' status, and that in no case will the status deteriorate below its present condition. Habitats adjacent to and alongside watercourses can have a direct impact on the quality of the water bodies in the vicinity. These habitats should be considered and adequately protected to ensure that the biodiversity of the water spaces and the general corridor effect is maintained and enhanced.
- 2.1.23 Applicants are required to ensure that a proposed development does not result in a deterioration of water quality in any water body that it may affect. This is to protect local and regional water bodies from pollution, in terms of ensuring safe drinking water provision, biodiversity enhancement, etc. Impacts on water quality can result from a proposed site being adjacent to a water body such as <u>a</u> river or lake, or where there is a recognised flood risk within or adjacent to a site (e.g. via a high groundwater table). In this respect, where there is thought to be any influence on water quality, there is great importance in the applicant consulting with the relevant bodies of Craven District Council, the Environment Agency and Natural England from the outset of the scheme design. Applicants should refer to the Council's Flood Risk & Water Management SPD, which provides further guidance on policy ENV8 (criteria c) & d), which aims to reduce the risk of pollution and deterioration of water resources in line with the requirements of the <u>WFD</u> Water Framework Directive.
- 2.1.24 One of the Water Framework Directives (WFDs) measures of the quality of water bodies is an assessment of its physical habitats. Development can impact on the quality of the physical habitats in a waterbody by, for example, introducing hard infrastructure, walls, removing vegetation, impacting on the riparian zone. Development also has the opportunity to improve physical habitat quality by removing hard infrastructure such as walls and weirs and the like, and by establishing riparian vegetation and trees. Assessment of the impacts on waterbody WFD status requires an assessment of impacts on the morphology (physical habitats) of the river to ensure that a proposed development does not result in a deterioration, and development should aim but aims for improvement. Riverine Biodiversity Net Gain, in terms of improving

the habitat quality of rivers and streams, and creating new such habitat, can contribute greatly in this regard.

- 2.1.25 <u>The Humber River Basin Management Plan requires the restoration and</u> enhancement of water bodies to prevent deterioration and promote recovery of water bodies. This management plan designation is of relevance to Craven District because it is the plan in England which covers North Yorkshire. This document sets out the current state of the water environment, pressures affecting the water environment, environmental objectives for protecting and improving the waters, programme of measures, and actions needed to achieve the objectives.
- 2.1.26 The overall aim of the Directive is to provide the opportunity to plan and deliver a better water environment, focusing on ecology. Land utilised for Sustainable urban Drainage (SuDS) provision can greatly assist in achieving this objective. SuDS environments can provide water quality improvement in terms of pollutant reduction and removal, in addition to water quantity control (thus reducing flood risk), and also providing green infrastructure, biodiversity, and recreational opportunities. Figures 4 and 5 provides such an example in Craven. In effect, there can be a multi-functional usage of land when planning for new development.

Figures 4 & 5: Sustainable urban Drainage (SuDS) provision combined with green infrastructure and recreational space at Wyvern Park, Skipton.





2.2.0 Biodiversity net gain

Managing and Promoting Biodiversity and Green Infrastructure [Policy ENV4 (a) 7 ENV5]

- 2.2.1 Policy ENV4 (a) requires all developments to provide a net gain in biodiversity, wherever possible. Policy ENV5 requires development to be accompanied by an improved and expanded green infrastructure (GI) network, which, in turn, provides opportunities for net gain in biodiversity (see full policy text at Appendix A of this SPD). Whether it is a small or a large-scale development, it should generally be possible to achieve a net gain in biodiversity, provided this objective is 'built in' to the early planning of the development. Biodiversity Net Gain (BNG) aims to leave biodiversity on a particular site in a better state after development than before it, using onsite or offsite contributions, or a combination of both. In order to achieve BNG, applicants are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. BNG can be demonstrated by comparing the baseline biodiversity of a site prior to the commencement of any development with the increase of biodiversity that is proposed. Paragraphs 2.2.3 to 2.2.6 below provide relevant information on the suggested suitable metrics to use for BNG calculations. The Building with Nature voluntary initiative sets out standards to provide a benchmark to be used in addition to the Natural England Biodiversity Net Gain metric, in order to provide a qualitative assessment of a proposed development site. Schemes can be assessed at pre-application, reserved matters and post-construction / in-use stages. Further information can be accessed via the website: https://www.buildingwithnature.org.uk.
- 2.2.2 On sites where size allows, GI should contribute to biodiversity gain by enhancing and creating wildlife habitat, and by integrating biodiversity with the proposed buildings. The built environment of the site should aim to be permeable to wildlife, incorporating design features aimed at sustaining and increasing the population of particular species and also facilitating climate change adaptation. Figures 6 and 7 below show examples of how linkages can be made between residential areas and existing green area designations.
- 2.2.3 In the planning of proposed development sites, BNG should be encouraged if possible where it is able to contribute to natural flood management techniques, especially when new development sites are located adjacent to existing watercourses. Any proposals for BNG may also need to have regard to the implications for public water supply in liaison with the relevant water undertaker for the area. Applicants should cross refer to the Council's Flood Risk & Water Management SPD for further information.

- 2.2.4 Planning for biodiversity and GI requirements should be undertaken from the outset and should consider costs for purchase, design, implementation, monitoring and management of biodiversity and GI. To assist applicants in fulfilling the net gain in biodiversity requirement of Policy ENV4, it is highly recommended that they utilise the <u>Biodiversity Metric</u> 3.0, which was launched by Natural England in July 2021, <u>or successor versions</u>. This which is a biodiversity accounting tool that can be used for the purposes of calculating biodiversity net gain.
- 2.2.5 This metric is designed to provide applicants, planners, ecologists, and other interested parties with a means of assessing changes in biodiversity value (losses or gains), brought about by development or changes in land management. The metric is a habitat-based approach to determining a proxy biodiversity value, and an applicant is required to utilise an ecologist in working with this metric. The Natural England Lists of Habitats and Species of Principal Importance Craven Biodiversity Action Plan and any subsequent update (see paragraph 2.1.14 5) can provide relevant information to applicants on local species of importance to assist such assessments. <u>are now set out by Natural England.</u>
- 2.2.6 A <u>Small Sites Metric</u> is also available from Natural England it is a version designed to simplify the process of calculating biodiversity net gain on smaller development sites. It is not appropriate to use the Small Sites Metric to calculate offsite losses and gains. Unlike the aforementioned Biodiversity Metric, an applicant does not have to source the services of its ecologist when using the Small Sites Metric, unless the proposed site in question is adjacent to, or potentially affects, a nationally designated site (see paragraph 2.1.13).
- 2.2.7 For the purposes of using the <u>Applicants should use The</u> small sites metric <u>should be used when a site meets</u>, <u>small sites are required to meet with regard</u> <u>to sites that meet</u> both of the following criteria:

(a) Development sites where:

- For residential developments, the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare;
- Where the number of dwellings to be provided is not known, the site area is less than 0.5 hectares;
- For all other development types where the site area is less than 0.5 hectares or less than 5,000 square metres.

(b) Where there is no priority habitat present within the development area (excluding hedgerows and arable margins).

- 2.2.8 The results of applying the Biodiversity Metric or Small Sites Metric should be submitted to the Council as part of a planning application and could be included in an Ecological Assessment which is part of the Council's <u>local validation</u> requirement for planning applications (see table 2 on Part Three of this SPD and para 3.2.6). The completed metric spreadsheet, including the full calculations that lead to the final biodiversity unit scores should be submitted. Summary results or extracts of any metric calculations would not be sufficient alone. The metric does not change the protection afforded to biodiversity. Existing levels of protection afforded to protected species and habitats are not changed by using this or any other metric. Statutory obligations will still need to be satisfied.
- 2.2.9 The Chartered Institute of Ecology and Environmental Management (CIEEM) has published a document entitled 'Good Practice Principles for Development' which is focused on BNG. Applications are encouraged to comply with these good practice principles for development. Applicants are also encouraged to demonstrate that the achievement of BNG calculations have been undertaken in accordance with the document (or any subsequent publications).
- 2.2.10 CIEEM have also published <u>Biodiversity Net Gain Report and Audit Templates</u> that provide a framework for writing reports for projects that are aiming to achieve BNG. Applicants are encouraged to use this framework to demonstrate compliance with Policy ENV4 on delivering net gain in biodiversity. The templates set out a suggested structure and content for reports specifically produced in relation to BNG assessments. Such report templates could be used and included in an Ecological Assessment, which is part of the Council's <u>local validation requirement</u> for planning applications (see table 1 and para 3.2.6 in Part Three of this SPD). <u>Applicants are advised to consult the British Standards 8683</u>: Process for designing and implementing Biodiversity Net Gain Specification (The British Standards Institution 2021).
- 2.2.11 Figures 6 and 7 are examples in Craven of how green infrastructure and recreational provision can be successfully linked to existing ecological and green space designations in these examples the SINC designation northwest of Skipton, and Aireville Park within the town itself. Similarly, properly planned and designed Biodiversity Net Gain provision can effectively provide ecological corridors and recreational linkages to such designations within and around the boundaries of the Craven local plan area.

Figures 6 & 7: SINC designation and track from White Hills Lane, Skipton and Hayton Way footpath to Aireville Park.





The biodiversity and geodiversity of land and buildings [Policy ENV4(a)(iv)]

- 2.2.12 Paragraph 2.0.1 introduced the concept of biodiversity; it is the term used to refer to all of the living species in one region or ecosystem. Geodiversity is the variety of rocks, minerals, fossils, soils, landforms and the natural processes which form and alter them. Applicants are required under Policy ENV4 (a)(iv) to conserve and manage the biodiversity and/or geodiversity value of land and buildings within a proposed site (see full policy text at Appendix A of this SPD). Applicants are required to show how the requirements of this criterion has have been met through an Ecological/Geological Assessment see Table 2 in Part Three of this SPD and para 3.2.6.
- 2.2.13 Understanding the natural processes that shape our landscapes and ecosystems has an important role to play in their sustainable management. Accordingly, all new developments must be developed based on a clear understanding of their effects on biodiversity and geodiversity and other environmental interests. In this respect, the relevant publication of Natural England entitled 'Geology and biodiversity making the links' is useful in informing and assisting applicants in terms of site management and carrying out surveys.
- 2.2.14 Where utility assets such as water and wastewater apparatus are included within a site, applicants should consider how landscaping and BNG on a site can be incorporated to ensure access to the asset. Where utility assets exist, applicants are advised to contact the utility company.

Trees, woodlands and hedgerows

[Policy ENV4(a)(v)]

- 2.2.15 Policy ENV4 (a) (v) refers to incorporating appropriate planting into a development, using native tree and plant species where possible (see full policy text at Appendix A of this SPD). Native plants are plants indigenous to a given area in geologic time. This includes plants that have developed, occur naturally, or existed for many years in an area. There are several important advantages to planting and retaining native plants. For example, native plants require less usage of pesticides and fertilisers. Planning Planting native trees and shrubs is an excellent way to support biodiversity. Flowering trees can be particularly important for pollinators in springtime and they also provide food for birds and mammals in the autumn. Paragraph 131 of the NPPF (2021) promotes the planting of trees in all new streets.
- 2.2.16 Policy ENV4 (a)(v) also refers to incorporating appropriate planning planting, using locally characteristic tree and plant species, where possible (see full policy text at Appendix A of this SPD). These may not necessarily be native

planting but are characteristic to a particular area. There is reference in this policy criterion to retaining and integrating hedgerows, which play an important part in both wildlife protection and contributing to the character, appearance and setting of a local area. Many hedgerows act as ecologically favourable and visually attractive natural boundaries to development sites.

- 2.2.17 It should be noted that tree planting is also an important element of the Craven Climate Emergency Strategic Plan, in terms of devising methods to reduce carbon in the local plan area. Applicants can contribute to this aim by meeting the policy requirement of ENV4(a)(v) by increasing trees and woodland on development sites, using native and locally characteristic species on where possible.
- 2.2.18 Retaining and integrating existing mature and healthy trees and hedgerows that make a positive contribution to the character and appearance of an area is an aim of criterion (a)(v). Both existing trees and hedgerows provide vital environments for biodiversity as well as corridors for biodiversity across the countryside, and particularly in framed landscapes such as in Craven. Hedgerows provide both food and nesting areas for insects, birds and mammals. Flowering hedgerows that contain willow, blackthorn, and hawthorn provide vital food for bees in spring and for birds and mammals in the autumn. Hedgerows should only be cut every three years to encourage flowering. The bases of hedgerows should not be sprayed so as to allow wildflowers to grow and provide suitable areas for insects (see full policy text at Appendix A of this SPD).

2.3.0 Movement of wildlife, and enhancement, improvement and creation of green infrastructure

Enabling the Movement of Wildlife [Policy ENV4(a)(vii)]

2.3.1 Policy ENV4 (a)(vii) requires development proposals to achieve BNG, where possible by enabling wildlife to move freely throughout the environment (see full policy text at Appendix A of this SPD). Practical ways to enable wildlife to move throughout both the natural and built elements of any proposed scheme include the creations of new habitats - for example through tree planting or the creation of new wetlands, such as lagoons and through the retention and integration of existing habitats on a site, where possible. Lagoons can effectively be designed to maximise their biodiversity value, and also limit the risks they can pose to wildlife, by for example having shallow areas with accessible gradients to allow safe access and egress for mammals. Applicants need to assess what wildlife habitats exist on a site and demonstrate how a proposal enables the free movement of wildlife throughout the local environments, which includes the site itself and the ability of wildlife to move to the wider area.

- 2.3.2 The site layout of relatively large developments is important in ensuring the easier movement of wildlife. For example, if a site has a body of water such as a stream on its southern boundary, it would usually make sense to concentrate the site's green infrastructure in its southern area. In this example, native and locally characteristic tree and shrub planting can provide additional area and shelter for the biodiversity inhabiting and using the stream. Such planting could provide links to other existing areas of green infrastructure, both within and outside the application site, allowing wildlife to move throughout the local environment. Hence, it is about planning a suitable layout and using green infrastructure for the maximum benefit of wildlife, given the general constraints that the applicant is working under.
- 2.3.3 In addition to the layout, the design of the buildings can assist wildlife to move more freely and easily throughout the local environment. For example, suitably located bat and bird boxes attached to buildings and farmyard barns can greatly assist such biodiversity in terms of providing a home and allowing easier movement within the site and beyond. <u>Biodiversity net gain provision also</u> enhances the local survival prospects of heavily protected species such as great crested newts. Some appropriate design work close to a proposed development can enable the spread of such protected species. Whilst built features for wildlife can be beneficial, they should be in addition to retained, improved or created habitat networks, which can be demonstrated by Biodiversity Net Gain and a landscape scheme.

Enhancement, Improvement and Creation of Green Infrastructure [ENV5 (a) (ii), (iii) & (b)]

- 2.3.4 Policy ENV5 (a) (ii) (iii) & (b) require development proposals to avoid loss or harm to existing GI networks, and to enhance or create new links in the existing GI network, where possible (see full policy text at Appendix A of this SPD). GI assets can take many forms, but the main types are:
 - Natural and semi-natural urban green spaces;
 - Parks and gardens, including urban parks, country parks and formal gardens;
 - Green corridors, including river and canal banks and extensive areas of natural habitat;
 - Cycleways and rights of way;
 - Outdoor sports facilities and provision for children, teenagers and adults;
 - Amenity green space and accessible countryside in urban fringe areas;
 - Allotments and community gardens, cemeteries and churchyards;
 - Green roofs and walls.

2.3.5 For green infrastructure policy and strategies to be successfully implemented, it is necessary to have the mutual support and cooperation of many diverse and separate agencies and individuals working closely together in an open and positive manner. Provision of GI and natural habitats is the key element of enabling movement of wildlife within local and regional environments, as discussed in paragraphs 2.3.1 to 2.3.3. The Yorkshire & Humber GI Mapping project, and the GI corridors it identifies, is useful to applicants in ensuring they incorporate means of enhancing, improving and creating new GI. Appendix C of this SPD provides a table listing Green Infrastructure principles, based on information put forward by Natural England. These GI Principles can be used to help applicants achieve the requirements of policy ENV5. They do not introduce any new policy requirement. Craven District Council is currently developing a selection of resource materials, including mapping to identify green and blue infrastructure in the Craven area and promote its multifunctionality. This resource material provides examples of how appropriately sited and designed green and blue infrastructure can provide multifunctional benefits such as biodiversity provision, flood risk reduction, and more attractive areas to live including recreational benefits.

Green & Grey Infrastructure:

- 2.3.6 Some elements of green infrastructure may not be 'green' in a traditional sense. Natural areas, parks and recreational systems and open spaces can be considered to be 'green infrastructure', whereas built infrastructure and systems, roads and bridges, water and electrical lines and other community systems can be described as 'grey infrastructure'. Some elements, such as service areas of industrial parks, could be classed as 'grey' but still contribute to the wider functioning of a green infrastructure network. Hence, the potential contribution of roadside verges and amenity areas, for example, will play a role in the Craven's green infrastructure network. Figures 8 and 9 below show examples of how existing areas of green infrastructure can be extended and how simple green corridors can be created adjacent to residential areas.
- 2.3.7 It follows that green infrastructure can take a variety of forms and fulfil a variety of functions, including:
 - Biodiversity ranging from large designated sites to habitats identified within Biodiversity Action Plans and the Natural England Lists of Habitats and Species of Principal Importance;
 - Landscape designated features and other valuable landscape components;
 - Open space amenity green space in urban and rural areas;
 - Rivers, streams and watercourses;
 - Public Rights of Way.

Water Environment as part of GI:

- 2.3.8 The local plan area's rivers, streams and the Leeds & Liverpool canal are key components of the green infrastructure network, as they provide unique habitats and settings for wildlife, acting as linear linkages across the local plan area and beyond that can, in a natural or semi-natural form, facilitate habitat migration. Rivers and watercourses can be enhanced to maximise these functions by, for example, establishing wide, semi-natural margins along at least one bank. River corridors are important rural assets, but are also particularly important in urban areas, where corridors can be constrained by development. In addition to their value as corridors with semi-natural margins, it should be recognised that the quality of the aquatic environment is also important. This includes both the quality of the physical habitats in the river and the quality of the water which is vital for the river's value as a recreational resource as well as for biodiversity and fisheries.
- 2.3.9 The water environment can also provide an important resource for sport and recreation. This can contribute to the enhanced health of residents, and it adds to the multi-functionality of the water environment as a green infrastructure asset. Streams and watercourses can, however, also be a cause of flooding, which is a recognised problem in some parts of the local plan area. Flooding can also arise as a result of surface water management problems. Green infrastructure has the potential to alleviate some of these forms of flooding through providing flood storage in times of heavy rain, and the increased presence of permeable surfaces within green spaces can play a substantial role in minimising surface water run-off. Paragraph 5.55 of the local plan references The Green & Blue Infrastructure Strategy (2017 2036) developed by the Leeds City Region. It also references the Leeds and Liverpool Canal Towpath Access Development Plan, which is a current project with the aim of capitalising on the value of the Leeds & Liverpool Canal.
- 2.3.10 The Green & Blue Infrastructure Strategy is a useful document for applicants to refer to when considering how a proposal can enhance existing GI corridors. It includes the Fresh Aire Project for the enhancement of GI assets along the Aire and Calder river valley, linking the south of Craven to the YDNP upstream and to the urban areas of Bradford and Leeds downstream. Figures 8 and 9 provide Craven examples of how extensions to existing green spaces can be designed and implemented using appropriately planned tree planting, and also how tree infilling can provide simple but effective wildlife corridors.
- 2.3.11 Proposed developments that are large enough can create a lagoon system for SuDS schemes, which can also be of enormous importance for biodiversity in Craven. A newly created pond or other wetland will be colonised immediately by aquatic insects, and over time this will evolve to serve as a local reservoir of

biological diversity. Wetlands of any size are generally favourable for biodiversity. The Council's Flood Risk & Water Management SPD provides more information on SuDS schemes.

- 2.3.12 Green infrastructure within a development should include attractive, engaging and safe outdoor spaces which meet a variety of social, health and well-being needs for local people, including contact with nature, recreation, education, active travel (including walking and cycling), water management, landscape amenity, and 'climate cooling'. Such spaces may include parks, play areas, community gardens, housing estate landscapes, playing fields, off-road walking and cycling routes, rivers, canals, <u>pocket parks</u>, road verges and structural landscaping, Local Space Green designations and private gardens. Accessibility need not always be direct and physical it can be visual and/or experienced through hearing. There are numerous good practice documents which the applicant can refer to. Natural England have published <u>GI Guidance</u>, and the TCPA and the Wildlife Trusts have released good practice guidance for <u>GI and biodiversity</u>.
- 2.3.13 The integration and interaction of different GI functions within a single site is sought where appropriate, and across a GI network as a whole. Within the network, some spaces will have primary functions, such as biodiversity within nature reserves or amenity within local parks, but this does not necessarily exclude other functions. Multi-functional GI can also be viewed as the application of an 'ecosystem approach'. The planning and implementation of GI should be based on up-to-date ecological evidence and relevant information about GI assets.

Figures 8 & 9: Supplementary tree planting, Aireville Park and infill trees at White Hill Lane. Skipton.





Development Principles for Allocated Sites [Policies ENV4 (f), ENV5 (d)]

- 2.3.14 Criterion (f) of Policy ENV4 and criterion (d) of Policy ENV5 list allocated named sites located within the settlements of Skipton, Settle, Bentham, Glusburn & Cross Hills, Gargrave, and Burton in Lonsdale (see full policy text at Appendix A of this SPD). These allocated sites are accompanied by development principles which require the incorporation of areas of green infrastructure where an overall net gain in biodiversity will be expected. Development principles for allocated sites are set out in the <u>Craven Local Plan</u> policies SP5 SP11.
- 2.3.15 These development principles also explain, apart from biodiversity enhancement on site, what the wider landscape purpose(s) of the green infrastructure provision is. These reasons can include the provision of recreation mitigation for a nearby Special Protection Area (SPA) or Special Area of Conservation (SAC), providing a buffer to open woodland close by, helping to provide a new Public Rights of Way connection, or providing a buffer to Flood Risk Zone 2 or 3 areas close or adjacent to the site. Applicants proposing development on allocated sites should pay particular attention to the development principles for that allocated site, and how they interact in order to produce the desired outcomes for the site.
- 2.3.16 In order to meet the Council's existing local validation requirements, an ecological assessment/ biodiversity appraisal may be required for some allocated sites. Specific allocated sites require a biodiversity appraisal to be prepared, which would form part of an ecological assessment.

2.4.0 Management and maintenance of Biodiversity and Green Infrastructure

Long-term GI management mechanisms in Craven [Policy ENV5 (a)(ii)]

- 2.4.1 Policy ENV5 (a)(ii) requires that the long-term maintenance and management of existing and newly created green infrastructure (and thereby the biodiversity within them) should be secured where possible (see full policy text at Appendix A of this SPD). Craven District Council will use planning conditions within permissions for small-scale development for ensuring appropriate maintenance and management of sites where biodiversity net gain has been secured. For larger proposals, Section 106 legal agreements would be the primary mechanism for achieving long-term management and maintenance.
- 2.4.2 Paragraph 1.4.4 of this SPD refers to the Environment Act. The Act sets out that the habitat secured via biodiversity net gain should be secured for at least 30 years via obligations or a conservation covenant. A conservation covenant is an agreement between a landowner and a body such as a local authority to do or not do something on their land for a conservation purpose. This may be,

for example, an agreement to maintain woodland and allow public access to it, or to refrain from using pesticides on native vegetation. These agreements are long lasting and can continue after the landowner has parted with the land, ensuring that its conservation value is protected for the public benefit. Within the Environment Act provisions, conservation covenants are legally binding. This means that once these covenants are agreed, they cannot be ignored/avoided/removed, and the rules of the covenant must be abided by indefinitely (or for whatever length of time has been specified). Conservation covenants are voluntary, which means landowners can choose whether or not to enter into them freely. A 30-year legal obligation or conservation covenant is considered by the Council to meet the requirements of <u>Policies $\frac{y}{2}$ ENV4 and</u> ENV5 for long term maintenance and management of green infrastructure and biodiversity.

2.4.3 <u>Applicants should assess any potential cross boundary issues between local</u> <u>authority plan areas, which may arise from their proposed development. Where</u> <u>such cross boundary issues are identified, applicants should consult Green</u> <u>Infrastructure Strategies of neighbouring authorities where they exist, as they</u> <u>are possible sources of important ecological information.</u>

PART THREE: PREPARING AND SUBMITTING PLANNING APPLICATIONS

3.1.0 Pre-application discussions

- 3.1.1 The importance of pre-application engagement between developers and the local planning authority and early resolution of policy issues ('front loading') is highlighted within the <u>NPPF</u>, in paragraphs 39 to 46. Also, in light of the Council's Climate Emergency Strategic Plan (CCESP), it is important to reflect one of the actions of the CCESP here. This action (CND03) states that the Council will *"work with developers as new sites across Craven are approved to ensure that opportunities for efficiency and carbon reduction are maximised."*
- 3.1.2 The key aim of policies ENV4 and ENV5 is that growth in housing, business and other land uses are accompanied by improvements in biodiversity and enhancements and expansion of the green infrastructure network for the benefit of the environment, people and wildlife (see Figures 10 & 11 below). In order to achieve this in proposed developments, and to meet the specific requirements of each policy, an applicant should refer to the relevant policies of the adopted local plan and the further detail provided in Part Two of this SPD. The applicant should then discuss these matters at the earliest opportunity with the Council's Development Management (DM) team. It is the Council's practice to charge for all such engagement. Pre-application enquiry forms and charging rates for the Council can be found at here: https://www.cravendc.gov.uk/planning/information-and-advice/obtaining-preapplication-planning-advice-temporarily-suspended/. Contact details at the time of publication for the Council's Development Management (DM) team: planning@cravendc.gov.uk.
- 3.1.3 Paragraph 174 of the <u>NPPF</u> states that planning policies and decisions should contribute to and enhance the natural and local environment. Early discussions between applicants, Craven District Council and the relevant local community about existing and proposed biodiversity and green infrastructure of an emerging scheme is important for clarifying expectations and reconciling local and commercial interests. The opportunity for the Council to inform and influence the green infrastructure design of a proposed development early in the design process and suggest ways in which a net gain in biodiversity can be achieved is a more efficient process than an applicant trying to implement suggested revisions at a later stage, particularly with major proposals.

Figures 10 & 11: The provision and maintenance of green infrastructure can have a multitude of benefits for the local Craven environment and its people, with this example of Gawflatt meadow in Skipton.





3.2.0 Documents to Support a Planning Application

- 3.2.1 The information in Table 1 below lists relevant supporting documents, many of which will be necessary and/or helpful, to accompany an application to show how the requirements of policies ENV4 and ENV5 have been met, both in relation to the Council's validation requirements and other supporting documentation. Table 1 includes the national validation requirement for architectural drawings to accompany any planning application, therefore applicants are encouraged to commission an architect or suitably qualified professional to produce drawings that fully consider the design of any development proposal. Applicants may also need to provide other supporting documents not listed in the table below (such as a <u>Planning Statement</u>) depending on the individual circumstances of a proposal.
- 3.2.2 Where the supporting documents, necessary to meet the Council's validation requirements are <u>not</u> required, applicants are encouraged to provide supporting documentation setting out similar information, in order to show how the proposal conforms with relevant adopted local plan policy criteria, including policies ENV4 and ENV5.
- 3.2.3 The local validation requirements referred to in this SPD were published by the Council on 1st September 2020. It should be noted that the Council has a requirement to review local validation lists at least every two years, hence users of this SPD should refer to the most up to date <u>local validation requirements</u> published on the Council's website.

Craven Local Plan Policy	Supporting Documents	Purpose	Further Information
SD1, SD2, ENV3, ENV4 & ENV5	Preliminary drawings, site and location plans.	Pre-application discussions relating to overall design of a proposal.	Pre-application enquiry forms and charging rates for the Council can be found <u>here</u> at: <u>https://www.cravendc.gov.uk/planning/information-</u> <u>and-advice/obtaining-pre-application-planning-</u> <u>advice-temporarily-suspended/</u>
ENV3, ENV4 & ENV5	Architectural drawings are a national validation requirement and are necessary to accompany the planning application.	To set out the_scale, design and layout of a proposal.	CDC website: <u>https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/statutory-national-information-requirements/</u>
ENV4 & ENV5	Environmental Impact	To analyse the impact of the proposal on the	CDC website:

Table 1: Supporting documents which are commonly required to accompany a planning application

	Assessment (EIA) is a national validation requirement and may be necessary to accompany a planning application	environment and put forward mitigation effects (see guidance below in paragraphs 3.2.4 and 3.2.5).	https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/environmental- impact-assessments/ North and North Yorkshire Ecological Data Centre: www.neyedc.org.uk <u>CIEEM (Guidelines for Ecological Impact</u> <u>Assessment – EcIA)</u> https://cieem.net/resource/guidelines-for- ecological-impact-assessment-ecia/
ENV4 & ENV5	Ecological (or Geological) <u>Impact</u> Assessment (EcIA) is on the <u>Council's local</u> validation list and may be <u>necessary to</u> accompany the planning application. It is recommended that the results of applying the <u>BNG/Small</u> <u>Sites metric is</u> included in an <u>Ecological</u> <u>Impact</u> Assessment.	To set out where a designated site may be affected by the proposed development, with the survey appropriate to the scope and scale (see guidance below in paragraph 3.2.6). The results of applying the BNG / Small Sites Metric should be submitted to the Council as part of a planning application and could be included in an Ecological Impact Assessment which is part of the Council's local validation requirement for planning applications.	CDC website: https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local- information-requirements/ecologicalgeological- assessment/
ENV3 (s) & (t), ENV4 and ENV5	A Sustainable Design and Construction Statement is on the Council's local validation list and is necessary to accompany the planning application.	To explain how a proposal's design and construction will contribute towards the achievement of sustainable development and, in particular, to the mitigation of and adaptation to climate change, in line with relevant policies of the Craven Local Plan and the <u>National</u> <u>Planning Policy</u> <u>Framework (NPPF).</u>	Appendix B of the Good Design SPD and CDC website: <u>https://www.cravendc.gov.uk/planning/planning-applications-and-notifications/national-and-local-planning-validation-requirements/local-information-requirements/sustainable-design-and-construction-statement-sdcs/</u>
ENV4	A Protected species report/survey is on the Council's local validation list and may be necessary to accompany the	A biodiversity assessment will be required for all major applications or greenfield development that could directly or indirectly impact on	CDC website: https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local- information-requirements/protected-species- survey-and-report/

	planning application.	rare, protected, or notable species or habitats. A protected species report/survey would form part of a biodiversity assessment.	
ENV4	A Tree and Hedgerow Care Plan / Arboricultural Survey is on the Council's local validation list and may be necessary to accompany the planning application.	If there are any trees and/or hedges within a 10m distance where they may be affected by the proposed development, an Arboricultural Survey will be required.	CDC website: https://www.cravendc.gov.uk/planning/planning- applications-and-notifications/national-and-local- planning-validation-requirements/local- information-requirements/tree-and-hedgerow- care-plan-arboricultural-survey/

- 3.2.4 Certain proposed developments may require an Environmental Impact Assessment (EIA), depending on an analysis of their environmental impact (see Table 1). An EIA is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socioeconomic, cultural and human-health impacts, both beneficial and adverse. The EIA assists Craven District Council to determine applications which require such environmental impact analysis. An EIA is required for proposed developments listed under the Town and Country Planning (Environmental Assessment) Impact Regulations 2017 (https://www.gov.uk/guidance/environmental-impact-assessment). There are also Screening Report and/or Appropriate Assessment requirements for internationally designated sites, and more information is available at paragraphs 2.1.2. to 2.1.6 above.
- 3.2.5 If applicants are unsure whether a proposal requires an EIA, they can submit a request for a Screening Opinion to the Council. The <u>A</u> site location plan, plus a description of the proposal and its possible effects on the environment, are required to be submitted. The Development Management team can consult with relevant organisations and reply to the request within 21 days. If an applicant is sure that a proposal requires an EIA by virtue of either Schedule 1 or Schedule 2 of the Regulations, or from the results of a screening opinion, then they can request a scoping opinion. Craven District Council can confirm what is considered to be the main effects of the development and the topics that the environmental statement should cover.

3.2.6 An ecological or geological assessment is required for a proposed development where it is likely to affect a designated site of ecological or geological interest, which is an existing validation requirement. Such assessments are required for all developments within or immediately adjacent to the protected sites: Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), and Special Areas of Conservation (SACs). The location of such designations is available to view using the webpage: https://www.gov.uk/check-your-businessprotected-area. Some of these layers are also on the Open Spatial Data page on the Craven District Council website. An Ecological Impact Assessment (EcIA) is required for any application that has the potential to impact upon any designated sites, legally protected species, Habitats of Principal Importance, Species of Principal Importance, irreplaceable habitat, etc. The requirements are different for each protected site designation, and any survey would be informed by the results of a search for ecological and/or geological data. The survey must be to an appropriate level of scope and detail and must record which habitats and features are present on and around the development site. In addition to an assessment, a protected species survey and report may be required, and this can be established through discussion with the Development Management team.

3.3.0 Outline, Reserved Matters and Planning Conditions

- 3.3.1 The Council may wish to encourage details relating to green infrastructure and biodiversity on a development site to be agreed as part of the initial permission, so that important elements are not deferred for later consideration. It can also be important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality. <u>An EclA is essential to most outline applications (in particular major applications)</u>. Consideration of protected species in particular is a material consideration in the determination of all applications (full or outline) and as such this is requested as part of the Council's local information requirement and should include key avoidance and mitigation principles. EclA or any ecological assessment of impacts (including surveys) should not be left to condition or reserved matters.
- 3.3.2 Applications for outline planning permission should seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. Green infrastructure provision and biodiversity enhancements can be considered at this stage in order to assist community engagement, inform a design and access statement (where required), and provide a framework for the preparation and submission of reserved matters proposals. Design quality of green infrastructure proposals and biodiversity improvements cannot be fully achieved through an outline planning application alone. Outline applications can include some details relating to proposals for green infrastructure and biodiversity enhancements on

a development site where these are fundamental to decision making, however the Council would expect the reserved matters application to provide full details of GI and biodiversity net gain, where possible, within a proposed scheme.

3.3.3 <u>Pre-application advice</u> can be used as a stage for applicants and the Council to discuss the use of planning conditions in relation to proposed enhancement, improvement and/or creation of green infrastructure and biodiversity. Hence, this is an opportunity for prospective applicants and the Council to discuss the intended approach to a site and how green infrastructure and biodiversity policies and guidance need to be applied.

3.4.0 Community engagement

3.4.1 Paragraph 174 of the <u>NPPF</u> states that planning policies and decisions should contribute to and enhance the natural and local environment. Green infrastructure and biodiversity should be considered throughout the evolution and assessment of individual proposals. Early community involvement and consultation on a scheme is encouraged by the Council. as set out in section five of the Council's <u>Statement of Community Involvement (SCI)</u>. Applicants should refer to both paragraphs 126 and 132 of the NPPF, which relate to effective engagement between applicants and the community. One of the Council's local validation requirements for major development, development that is judged to be locally significant and when development is classified as a departure from the current development plan is the preparation of a Community Involvement Statement, which sets out the level and nature of consultation that has been undertaken with the community in the formulation of a development proposal prior to the submission of a planning application.

3.5.0 Masterplans

3.5.1 There are a number of allocated sites in the <u>local plan</u> which require the preparation of a masterplan, as set out within the development principles for the site (within policies SP5 and SP6). Masterplans set the vision and implementation strategy for a development. They are distinct from local design guides as they focus on site specific proposals such as the scale and layout of the development, mix of uses, transport and green infrastructure. Masterplans generally should include details of green infrastructure and biodiversity improvements, in the manner discussed in this SPD.

Appendix A

Policy ENV4: Biodiversity

Growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. This means that:

- (a) Wherever possible, development will make a positive contribution towards achieving a net gain in biodiversity and in particular will:
- (i) "Ensure that there is no adverse effect on any international designated site's integrity, either alone or in combination with other plans and projects, which is to be demonstrated through Appropriate Assessment. In cases where Appropriate Assessment concludes that adverse effects cannot be avoided or adequately mitigated, development proposals will not be acceptable unless the IROPI test under Article 6(4) of the EU Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (The Habitats Directive) has been passed and appropriate and suitable compensatory measures are provided."
- (ii) "Ensure that there is no adverse impact on any national or local designated sites and their settings, unless it has been demonstrated to the satisfaction of the local planning authority that the benefit of, and need for the development clearly outweighs the impact on the importance of the designation".
- (iii) "Avoid the loss of, and encourage the recovery or enhancement of ecological networks, habitats and species populations (especially priority habitats and species as identified in the Craven Biodiversity Action Plan, 2008 or any subsequent update) by incorporating beneficial biodiversity features in the design (i.e. through landscaping or SuDS)".
- *(iv)* Conserve and manage the biodiversity and/or biodiversity value of land and buildings within the site;
- (v) Increase trees and woodlands by incorporating appropriate planting, using native and locally characteristic tree and plant species where possible, and retaining and integrating existing mature and healthy trees and hedgerows that make a positive contribution to the character, appearance and setting of an area;
- (vi) Ensure there is no deterioration in the Water Framework Directive ecological status of surface or ground waterbodies as a result of the development;
- (vii) Enable wildlife to move more freely and easily throughout the local environment, including both the natural and built elements.
- (b) Development proposals should achieve benefits in biodiversity that are equal to, or where possible exceed the biodiversity value of the site prior to development. Where improvements in biodiversity are achievable these should be on site; however if this is not possible or practical, an equivalent improvement should be provided off-site by way of mitigation; ideally, this should be as close to the site as possible.
- (c) Development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted."
- (d) Would-be developers should be aware that compensation through replacement of biodiversity assets may not be practical or realistic in every case (e.g. recreating ancient woodland or ancient wood pastures) and that any development scheme based on such impractical or unrealistic proposals will not be acceptable."
- (e) The loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland would be wholly exceptional;
- (f) The following allocated sites (local plan, page 143) are accompanied by guiding development principles which identify indicative areas of green infrastructure within each site where an overall net gain in biodiversity will be expected.

Policy ENV5: Green Infrastructure

Growth in housing, business and other land uses will be accompanied by an improved and expanded green infrastructure network. This will be achieved in the following ways:

- (a) Wherever possible, development proposals will:
 - (i) Avoid the significant loss of, or harm to, existing green infrastructure assets and the disruption or fragmentation of the green infrastructure network;
 - (ii) Enhance existing or create new green infrastructure and secure its long-term management and maintenance;
 - (iii) Enhance existing or create new links in the green infrastructure network, including habitat corridors that help wildlife to move more freely through the local environment.
- (b) Development proposals should achieve improvements to the green infrastructure network where possible. Where improvements are viable these should be achieved on site, however if this is not possible or practical, contributions for off-site enhancements should be made for projects as close to the site as possible in order to promote linkages and stepping stones across the green infrastructure network.
- (c) Development proposals that result in a significant fragmentation or loss to the green infrastructure network, and where no compensatory measures are proposed, will be resisted.
- (d) The following allocated sites (local plan, page 149) are accompanied by guiding development principles which set out more specifically how improvements and growth to the green infrastructure network can be achieved on each site.

Appendix B: International, National and Local Designated Sites of relevance to the Craven Local Plan

The designated sites listed below in the following two tables are sites deemed of relevance to the Craven Local Plan because they are either:

- Within or partially within the local plan area;
- Are located on the boundary or sufficiently close to the local plan area;
- Are close to the local plan area and may be affected by means of a connecting water network such as a river.

SPAs and Location	SACs and Location	Ramsar sites and location
North Pennine Moors (northeast of district area)	South Pennine Moors (northeast of district area)	Leighton Moss (northwest of district area)
South Pennine Moors Phase 2 (south-eastern boundary, and southeast of district area)	North Pennine Moors (south- eastern boundary, and southeast of district area)	Malham Tarn (north of district area)
Bowland Fells (to west and southwest of district area)	Ingleborough Complex (northeast of district area)	Humber Estuary (east of district area)
Leighton Moss (northwest of district area)	Craven Limestone Complex (north of district area)	
Morecambe Bay (west of district area)	Morecambe Bay Pavements (west of district area)	
	North Pennine Dales Meadows (north of district area)	

(a) International Designated Sites of relevance to the Craven Local Plan

See Appendices I and II of the Craven Local Plan's Habitats Regulation Assessment for mapping information for these internationally designated sites. This is available to view at <u>https://www.cravendc.gov.uk/planning/spatial-planning/evidence-andmonitoring/sustainability-and-habitats/</u> National and Local Designated Sites of relevance to the Craven Local Plan

SSSIs	SINCs* (see Figure 12 below as an example)	LNRs
Hambleton Quarry	Information and mapping regarding SINCs is available from the NEYEDC	Embsay Nature Reserve (within the YDNP)
Haw Crag Quarry		
Hesley Moss		
Holy Well Bridge		
Pan Beck Fen		
River Ribble (Long Preston		
Deeps)		
Stonehead Beck		
South Pennine Moors		
West Nidderdale, Barden and Blubberhouses Moors		
White Moss		

Figure 12: The SINC designation and Sharphaw Hill, as viewed from Park Wood Drive, Skipton.



Appendix C: Green Infrastructure Principles

Natural England has developed a set of GI Principles that underpin the GI Framework. The GI Principles are intended to provide a baseline for different organisations to develop stronger green infrastructure policy and delivery. The principles below cover the Why, What and How of providing effective green infrastructure. The reasons behind the selection of principles within the table, and the full table itself, are available to view using the following link:

https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Principles/GIPrinciples.aspx

Table 2: Green Infrastructure Principles

Principle Why 1	Nature rich beautiful places
	<u>GI</u> supports nature to recover and thrive everywhere, in towns, cities and <u>countryside</u> , conserving and enhancing natural beauty, wildlife and habitats, geology and soils, and our cultural and personal connections with nature.
<u>Principle</u> Why 2	Active and healthy places
	Green neighbourhoods, green / blue spaces and green routes support active lifestyles, community cohesion and nature connections that benefit physical and mental health, wellbeing, and quality of life. GI also helps to mitigate health risks such as urban heat stress, noise pollution, flooding and poor air quality.
Principle Why 3	Thriving and prosperous places
	<u>GI helps to create and support prosperous communities that benefit everyone</u> and adds value by creating high quality environments which are attractive to businesses and investors, create green jobs, support retail and high streets, and to help drive regeneration and prosperity.
Principle Why 4	Improved water management
	<u>GI reduces flood risk, improves water quality and natural filtration, helps</u> maintain the natural water cycle and sustainable drainage at local and catchment scales, reducing pressures on the water environment and infrastructure, bringing amenity, biodiversity and other benefits.
Principle Why 5	Resilient and climate positive places
	<u>GI makes places more resilient and adaptive to climate change and helps to</u> <u>meet zero carbon and air quality targets.</u> <u>GI itself should be designed to adapt</u> <u>to climate change to ensure long term resilience.</u>
Principle What 1	Multifunctional: GI delivers multiple functions and benefits
	<u>GI should deliver a range of functions and benefits for people, nature and places, address specific issues and to meet their needs. Multifunctionality</u>

	(delivering multiple functions from the same area of GI) is especially important	
	in areas where provision is poor quality or scarce.	
Principle What 2	Varied: GI includes a mix of types and sizes that can provide a range of functions and benefits to address specific issues and needs.	
	Varied: GI should comprise a variety of types and sizes of green and blue spaces, green routes and environmental features (as part of a network) that can provide a range of different functions, benefits and solutions to address specific issues and needs.	
Principle	Connected: GI connects as a living network at all scales,	
<u>What 3</u>	<u>connecting provision of GI with those who need its benefits.</u> <u>Connected: GI should function and connect as a living network at all scales</u> (e.g., within sites; and across regions/ at national scale). It should enhance <u>ecological networks and support ecosystems services, connecting provision of</u> <u>GI with those who need its benefits.</u>	
Principle What 4	Accessible: GI creates green, liveable places where everyone has access to good quality green and blue spaces routes and features.	
	GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all.	
Principle What 5	GI should respond to an area's character	
	GI should respond to an area's character so that it contributes to the conservation, enhancement and/or restoration of landscapes; or, in degraded areas, creates new high-quality landscapes to which local people feel connected.	
Principle How 1	Partnership and vision; partnership working, collaboration and stakeholder engagement; create a vision for GI	
	Work in partnership, and collaborate with stakeholders from the outset to co- plan, develop and deliver a vision for GI in the area. Engage a diverse and inclusive range of people and organisations including citizens, local authorities, developers, landowners, communities, green space managers, environmental, health, climate, transport and business representatives.	
Principle How 2	Evidence; Use evidence, sound science and good land use practices to underpin plans, projects, programmes and policies.	
	Use scientific evidence, and good land use practices when planning and enhancing green and blue infrastructure. Understand the evidence for the benefits of current GI assets; and data on environmental, social and economic challenges and needs in the area.	

Principle How 3	Plan GI strategically to secure GI as a key asset in policies to create and maintain sustainable places.
	Plan strategically and secure GI as a key asset in local strategy and policy, at all scales. Integrate and mainstream GI into environmental, social, health and economic policy. In order to create and maintain sustainable places for current and future populations and address inequalities in GI provision and its benefits.
<u>Principle</u> How 4	Design GI to create beautiful, well-designed places
	Use an understanding of an area's landscape/townscape and historic character, to create well-designed, beautiful and distinctive places.
Principle How 5	Managed, valued, monitored and evaluated. Establish good governance, funding, management, monitoring, and evaluation of GI
	Plan good governance, funding, management, monitoring, and evaluation of green infrastructure as a key asset from the outset and secure it for the long-term. Make the business case for GI. Engage communities in stewardship where appropriate. Celebrate success and raise awareness of GI benefits.

Appendix C <u>D</u>: Glossary

Adaptation: Adjustment in natural or human systems to a new or changing environment.

Baseline study: Work done to collect and interpret information on the condition/trends of the existing environment. This can be used to establish a baseline state against which future change is measured.

Biodiversity: Biological diversity means the variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are a part, this includes diversity within species, between species and of ecosystems.

Biodiversity Metric 3.0: this metric was released in July 2021 and it updates and replaces the beta biodiversity metric 2.0, published in 2019. It is a biodiversity accounting tool, produced by Natural England, that can be used for the purposes of calculating biodiversity net gain.

Biodiversity net gain: Additional conservation outcomes that can be achieved for the biodiversity values. Net gains may be achieved through the implementation of programs to enhance habitat, and protect and conserve biodiversity and/or the development of a biodiversity offset.

Biodiversity offsets: Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from development after appropriate prevention and mitigation measures have been taken.

Biodiversity unit: A biodiversity unit is the 'currency' of the biodiversity metric. A unit represents a combined measure of habitat distinctiveness, area, and condition.

Climate change: A change in the state that can be identified (e.g. by using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer.

Conservation covenants: A legally binding, voluntary agreement to conserve the natural or heritage features of the land.

Green infrastructure: An interconnected network of natural areas and open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides a wide array of benefits to people and wildlife.

Habitat banking: A market where credits from actions with beneficial biodiversity outcomes can be purchased to offset the debit from environmental damage. Credits can be produced in advance of, and without ex-ante links to, the debits they compensate for, and stored over time.

Habitat fragmentation: The 'breaking apart' of continuous habitat into <u>smaller</u>, distinct species <u>patches</u>, <u>which are isolated from each other</u>.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, saltmarsh and lowland fen.

Landscape approach: Dealing with large-scale processes in an integrated and multidisciplinary manner, combining natural resources management with environmental and livelihood considerations.

Landscape connectivity: The degree to which the landscape facilitates or impedes movement among resource patches.

Mitigation: Measures which aim to reduce impacts to the point where they have no adverse effects.

Mitigation hierarchy: <u>The mitigation hierarchy is a widely used tool that guides users</u> towards limiting as far as possible the negative impacts on biodiversity from development projects. It includes a hierarchy of steps: Avoidance, Minimisation, <u>Rehabilitation, Restoration and Offset.</u>

National Planning Policy Framework (NPPF): This document provides the framework for producing local plans for housing and other development, which in turn provide the background against which applications for planning permission are decided. It was first published in 2012 and it applies only to England.

Priority habitats and species: Species and habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Protected species: Many species of plants and animals in England and often their supporting features and habitats are protected by law.

Resilience: The capacity of a natural system to recover from disturbance.

Restoration: The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. An ecosystem has recovered when it contains sufficient biotic and abiotic resources to continue its development without further assistance or subsidy it would sustain itself structurally and functionally, demonstrate resilience to normal ranges of environmental stress and disturbance, and interact with contiguous ecosystems in terms of biotic and abiotic flows and cultural interactions.

Small Sites Metric (SSM): A simplified version of biodiversity metric 3.0. It has been specifically designed for use on small development sites where the project chooses to do so.

Species richness: The number of species within a given sample, community, or area.

Sustainability: A characteristic or state whereby the needs of the present and local population can be met without compromising the ability of future generations or populations in other locations to meet their needs.

Viable population: A self-supporting population with sufficient numbers and genetic variety among healthy individuals and breeding pairs that are well enough distributed to ensure a high probability of survival despite the foreseeable effects of demographic, environmental and genetic events, and of natural catastrophes.

Watercourse: Natural or man-made channel through or along which water may flow.

Appendix G

Strategic Environment Assessment

Screening Report

Prepared in relation to the adoption of the

Green Infrastructure & Biodiversity Supplementary Planning Document

of Craven District Council

Presented to Craven Spatial Planning Sub Committee 6th July 2022

Prepared by David Feeney, B.E. (Environmental), MRUP, MSc Prepared for Craven District Council, and reviewed by LW Completion Date: May 2022

Table of Contents

1.	Background and SEA Purpose	3
1.1	Purpose of the SEA Screening Report	3
1.2	Legislative Background	.3
		-

2.	Overview of the Green Infrastructure & Biodiversity SPD	3
2.1	Relationship with the Local Plan	3
2.2	The content of the Green Infrastructure & Biodiversity SPD	.4

3.	The Screening Process and Conclusions	4
3.1	Strategic Environmental Assessment Screening	4
3.2	Determination of any significant effects	4
3.3	Screening outcome	6
3.4	Consultation with Statutory Bodies	6

Appendix I: Assessment of Likely Significance of Effects on the Environment	7
Appendix II: Green Infrastructure & Biodiversity SPD and the SEA Directive	.9
Appendix III: Responses from Statutory Bodies	.12
Appendix IV: Acronyms	13

Note for readers:

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. The first iteration of this report was prepared in March 2022, with this version completed in May 2022. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. SEA Purpose and Legislative Background

1.1 Purpose of the SEA Screening Report

1.1.1 This screening report has been prepared to determine whether the Green Infrastructure & Biodiversity Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Strategic Environmental Assessment (SEA).

1.2 Legislative Background

1.2.1 The basis for Strategic Environmental Assessment legislation is the European Directive 2001/42/EC (SEA Directive). This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be obtained via in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005).

1.2.2 The Planning Practice Guidance (PPG) discusses SEA requirements in relation to supplementary planning documents in paragraph 11-008. Here, the PPG states that: *Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies'*, and later in the same section: *"Before deciding whether significant environment effects are likely, the local planning authority will need to take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies."*

1.2.3 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects must be subject to an environmental assessment.

2. Overview of the Green Infrastructure & Biodiversity SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on biodiversity and green infrastructure for proposed development in the Craven Local Plan area, and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy ENV4: Biodiversity
- Policy ENV5: Green Infrastructure
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formerly adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Green Infrastructure & Biodiversity SPD

2.2.1 Policies ENV4 and ENV5 of the Craven Local Plan are the focus of the SPD. The aim of these policies is to ensure that development in Craven is accompanied by positive change in biodiversity and green infrastructure, which in turn improves quality of life, including health and well-being. These policies are set out in full within Appendix A of the SPD.

2.2.2 Policy ENV4: Biodiversity describes how growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Policy ENV5: Green Infrastructure shows how growth in housing, business and other land uses will be accompanied by an improved and expanded green infrastructure network.

3. The Screening Process and Conclusions

3.1 SEA Screening

3.1.1 Screening is the process for determining whether or not a SEA is required. For this process, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A full determination cannot be made until the three statutory consultation bodies have been consulted; these bodies are Natural England, the Environment Agency, and Historic England.

3.1.2 The SEA Directive requires plans and programmes to be in general conformity with the strategic policies of the adopted development plan for the relevant area. Within 28 days of its determination, the plan makers must publish a statement, setting out its decision. If they determine that an SEA is not required, the statement must include the reasons for this. The table of Appendix I uses questions based on content of the SEA Directive to establish whether there is a requirement for SEA for the Green Infrastructure & Biodiversity SPD. The table of Appendix II analyses this SPD using criteria set out in Annex II of the SEA Directive and Schedule I of the Regulations.

3.2 Determination of significant effects

3.2.1 Paragraph 9 of the SEA Directive that: "This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes." The policies of the Craven Local Plan have been subject to a full <u>Sustainability Appraisal</u> (SA).

3.2.2 Therefore it is considered that the potential significant effects of the Green Infrastructure & Biodiversity SPD, either individually or in combination with other plans and projects, have already been assessed in the SA of the local plan. A summary analysis of the potential effects of the SPD based on the key subject areas is shown in the following paragraphs to ensure that the SPD does not give rise to any new significant environmental effects. This analysis relates to that contained within the SA of the local plan.

3.2.3 <u>Population and human health:</u> The provision of green infrastructure and the safeguarding and enhancement of biodiversity is of fundamental importance to the population of Craven District Council. The aim of Policy ENV4 is to ensure that development growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Policy ENV5 states that development growth in housing, business and other land uses will be accompanied by an improved and expanded green infrastructure network.

3.2.4 <u>Biodiversity, flora and fauna:</u> Policy ENV4 of the local plan focuses on biodiversity, and states that growth in housing, business, and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Specifically, well designed development will then make a positive contribution towards achieving a net gain in biodiversity. There should hence be a positive impact in terms of the flora and fauna in the local plan area, resulting from development in the plan area. Policy ENV5 on green infrastructure also contributes tremendously towards the provision and enhancement of biodiversity, flora and fauna.

3.2.5 <u>Climatic factors</u>: All proposed development in the Craven local plan area must conform to more sustainable construction and design practices promoted in Policy ENV3 - criteria (s) & (t), and also in Policy ENV7. Conformity with Policies ENV4 and ENV5 of this SPD would contribute significantly to both the mitigation and adaptation to climate change in North Yorkshire, as biodiversity and green infrastructure provision is of great importance in this regard.

3.2.6 <u>Cultural heritage:</u> There is not anticipated to be any significant effects on cultural heritage due to the need for conformity to the local plan's Policy ENV2 on heritage and Policy ENV3 on good design. Indeed, conformity with Policies ENV4 and ENV5 of this SPD would contribute positively to the cultural heritage of the Craven local plan area.

3.2.7 <u>Soil, water and air</u>: Conformity with Policy ENV4: Biodiversity and Policy ENV5: Green Infrastructure will contribute significantly to the preservation of soil, water and air in the Craven local plan area. Biodiversity protection and enhancement, and green infrastructure provision promoted under these policies hence contribute in a direct, positive manner on this subject area.

3.2.8 <u>Landscape</u>: There are direct, positive impacts on the landscapes of the Craven local plan area from implementing Policy ENV4 and Policy ENV5. In particular, Policy ENV5, in its promotion of green infrastructure, is of key importance in terms of safeguarding and improving the natural landscapes of the local plan area. Policy ENV3: Good Design is also of importance in terms of good adherence to the cultural and build heritage, which contributes greatly to landscapes and views of landscapes in Craven.

3.2.9 <u>Material assets</u>: The material assets topic considers social, physical and environmental infrastructure, and hence this paragraph should be read alongside the previous subjects in this section. Policies in the local plan are likely to help ensure that arrangements are put in place to upgrade

5

existing off-site infrastructure in line with new developments coming forward, where appropriate. Critical existing infrastructure and services will be likely to have the capacity to deal with increased demands for their services, in part supported by the implementation of the Community Infrastructure Levy (CIL), if adopted by the Council.

3.3 Screening outcome

3.3.1 Proposals in the draft Green Infrastructure & Biodiversity SPD, including requirements for development, refer to policies set out in the district's local plan which have been through sustainability appraisal. An Appropriate Assessment of the local plan was undertaken and it concluded that the plan's contents would not be likely to have any significant impacts on the integrity of any designated European site or SEA objective. Therefore, it was not necessary to move to the Stage 2 Appropriate Assessment.

3.3.2 The SPD provides further guidance to relevant policies in the Craven Local Plan, principally policies ENV4 and ENV5, therefore it is closely related to the local plan. The SPD is not likely to have any significant impacts on an internationally designated site such as a Special Protection Area (SPA) or Special Area of Conservation (SAC), above and beyond any significant effects that the local plan is likely to have, either individually or in combination with other plans and projects. Therefore, the SPD will not trigger the need for a SEA in this regard. Further analysis and more information on these designated European sites relevant to Craven are available in the HRA Screening Report for the Green Infrastructure & Biodiversity SPD. This SPD is not likely to have any significant negative social impacts, and indeed as previously explained, working with green infrastructure principles for proposed development, including biodiversity enhancement, should have overall positive impacts for the population of Craven.

3.3.3 This screening report has assessed the potential effects of the Craven District Council Green Infrastructure & Biodiversity SPD, with a view to determining whether an environmental assessment is required under the SEA Directive. In accordance with topics cited in Annex 1(f) of the SEA Directive, significant effects on the environment are not expected to occur resulting from the SPD content. It is recommended that the Green Infrastructure & Biodiversity SPD should be screened out of the SEA process.

3.4 Consultation with Strategic Bodies

3.4.1 This SEA screening report is subject to consultation with the statutory consultees of the Environment Agency, Historic England, and Natural England. Responses from the statutory bodies are presented in Appendix III.

6

Appendix I: Establishing whether there is a need for SEA

Stage		Discussion	Answer
1.	Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Article 2(a))	The Green Infrastructure & Biodiversity SPD has been prepared by and will be adopted by Craven District Council to give detail and guidance on local plan contents which are relevant to this SPD, predominately Policy ENV4 on biodiversity and ENV5 focusing on green infrastructure.	Yes
2.	Is the plan or programme required by legislative, regulatory or administrative provisions? (Article 2(a))	Paragraph 6.3 of the adopted Craven Local Plan refers to the intended production of the Green Infrastructure & Biodiversity SPD. When the Green Infrastructure & Biodiversity SPD is adopted, it will be a material consideration, but it will not be part of the adopted Craven Local Plan.	Yes
3.	Is the plan or programme prepared for agriculture, forestry, fisheries, energy industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it set a framework for future development consent of projects in Annexes I and II to the EIA Directives? (Article 3.2(a))	This is a SPD prepared for town and country planning and land use, and provides detail to the local plan policy framework for future consent of projects listed in Schedule II of the EIA Directive.	Yes
4.	Will the plan or programme, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	The Green Infrastructure & Biodiversity SPD is not anticipated to have significant negative impacts on any designated European sites relevant to the Craven local plan area, in terms of their ecological integrity.	No
5.	Does the plan or programme determine the use of small areas at local level, or is it a minor modification of a plan or programme subject to Article 3.2? (Article 3.3)	The SPD will be a material consideration in the consideration of planning applications for new developments. It provides detailed guidance to adopted local plan policy.	Yes
6.	Is it likely to have a significant effect on the environment? (Article 3.5)	The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the local plan. The	No

policies to which the SPD relates were subject to SEA (incorporated within the SA) through the local plan preparation process. Therefore, the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects identified in the SEA of the relevant adopted policies.	
See Section 3.2 and appendix II detailed assessment.	

Appendix II: Green Infrastructure & Biodiversity SPD and the SEA Directive

Criteria (from Annex II of SEA Directive and	Response
Schedule I of Regulations)	
Schedule For Regulationsy The characteristics of plans and programmes (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 (b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Green Infrastructure & Biodiversity SPD sets a framework for projects by providing detail and guidance on adopted policies of the Craven Local Plan, particularly Policy ENV4 and Policy ENV5. The SPD forms a material consideration in planning application decisions. The Green Infrastructure & Biodiversity SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies, which have been subject to SEA (incorporated within the SA). It sits below 'higher tier' documents and does not
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD provides guidance on the interpretation of adopted local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.
(d) Environmental problems relevant to the plan or programme	As explained in the local plan, there are a number of environmental issues to be considered in the Craven Local Plan area including: potential impacts of development on natural and historic landscapes, high private vehicle dependency, climate change impacts including fluvial flooding risk, and potential loss of biodiversity. There are no negative environmental impacts associated with this SPD, moreover the SPD seeks where possible to achieve environmental improvements via good quality green infrastructure provision.
(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)	This is not directly applicable in the case of the Green Infrastructure & Biodiversity SPD, and there are other policies in the Craven Local Plan which address water protection (particularly Policy ENV8). North Yorkshire County Council is the relevant authority who addresses waste management issues for this region.
Characteristics of the effects and of the area likely to be affected	

(a)	The probability, duration, frequency and reversibility of the effects	The Green Infrastructure & Biodiversity SPD is not expected to give rise to any significant environmental effects.
(b)	The cumulative nature of the effects	The Green Infrastructure & Biodiversity SPD is not considered to have any significant cumulative effects. As the document provides further guidance to adopted local plan policies, but does not set policies itself, it cannot contribute to cumulative impacts in combination with the Craven Local Plan.
(c)	The transboundary nature of the effects	The Green Infrastructure & Biodiversity SPD is not expected to give rise to any significant transboundary environmental effects. Any potential significant transboundary environmental effects have already been assessed as part of the local plan's sustainability appraisal, the Habitat Regulations Assessment and the plan's examination process.
(d)	The risks to human health or the environment (for example, due to accidents)	There are no anticipated effects of the Green Infrastructure & Biodiversity SPD on human health or the environment due to accidents or other related subjects.
(e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will be applied to all relevant planning applications in the plan area.
(f) - - -	The value and vulnerability of the area likely to be affected due to: Special nature characteristics or cultural heritage; Exceeded environmental quality standards or limit values Intensive land-use	The Green Infrastructure & Biodiversity SPD is not anticipated to adversely affect any special natural characteristics or cultural heritage in the Craven local plan area or beyond its borders. The Green Infrastructure & Biodiversity SPD is also not expected to lead to the exceedance of environmental standards or promote intensive land use. The SPD covers areas protected for their special natural characteristics and cultural heritage including the Forest of Bowland AONB, SACs, SPAs and Conservation Areas. However, it provides further guidance on the implementation of existing local plan policies, which have been subject to SEA, to provide further positive effects. The SPD does not introduce new policy, nor does it propose any new development over and above that assessed within the Craven Local Plan.

(g) The effects on areas or landscapes	As has been outlined in previous paragraphs of
which have a recognised national,	this document, the Green Infrastructure &
community or international protection	Biodiversity SPD is not expected to have any
status.	significant impacts on areas with international,
	national, or community protection. The SPD
	covers areas protected for their special natural
	characteristics and cultural heritage including
	the Forest of Bowland AONB, SACs, SPAs and
	Conservation Areas. However, it provides
	further guidance on the implementation of
	existing local plan policies, which have been
	subject to SEA, to provide further positive
	impacts. The SPD does not introduce new
	policy, nor does it propose any new
	development over and above that assessed
	within the Craven Local Plan.

Appendix III: Responses from Statutory Bodies

The three statutory bodies were consulted over a period of 04 April to 29 April 2022. The following responses from the Environment Agency, Historic England, and Natural England were received on 27 April, 28 April, and 29 April 2022 respectively. The text extracts related to the SEA Screening Report for this SPD are shown below.

Environment Agency:

"We have considered these draft SPDs (draft Green Infrastructure & Biodiversity SPD and Floor Risk & Water Management SPD) against those environmental characteristics that fall within our remit and area of interest. Having considered the guidance in the SPDs, we consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan. We have no further comments to make in this instance."

Historic England:

"In terms of our area of interest, given the nature of the SPD, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within a Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD. We would nevertheless like to point out that the potential impact of proposals on historic landscapes are also an important consideration in relation to the theme of cultural heritage. These considerations are however sufficiently covered under the provisions of Local Plan Policy ENV1 which has itself been subject to Sustainability Appraisal/SEA. The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made."

Natural England:

"We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan."

Appendix IV: Acronyms

CDC	Craven District Council
EIA	Environmental Impact Assessment
NPPF	National Planning Policy Framework
РР	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document

Appendix H

Habitat Regulations Assessment

Screening Report

Prepared in relation to the adoption of the

Green Infrastructure & Biodiversity Supplementary Planning Document

of Craven District Council

Presented to Craven Spatial Planning Sub Committee 6th July 2022

Prepared by David Feeney, B.E. (Environmental), MRUP, MSc Prepared for Craven District Council, and reviewed by RP Completion Date: May 2022

1

Contents

1.	Background and HRA Purpose	3
1.1	Purpose of the HRA Screening Report	3
1.2	Legislative Background	3
2.	Overview of the Green Infrastructure & Biodiversity SPD	3
2.1	Relationship with the Local Plan	3
2.2	The content of the Green Infrastructure & Biodiversity SPD	4
3.	The Screening Process and Conclusions	4
3. 3.1	The Screening Process and Conclusions Habitat Regulation Assessment Screening	4 4
3. 3.1 3.2	The Screening Process and Conclusions Habitat Regulation Assessment Screening The Craven Local Plan and the HRA	4 4 5
3. 1 3.2 3.3	The Screening Process and Conclusions Habitat Regulation Assessment Screening The Craven Local Plan and the HRA Determination of any significant effects related to the SPD	4 5 5
 3.1 3.2 3.3 3.4 	The Screening Process and Conclusions Habitat Regulation Assessment Screening The Craven Local Plan and the HRA Determination of any significant effects related to the SPD Screening outcome	4 5 5 6

Appendix I: Response from Statutory Body7	/
Appendix II: Acronyms	3

Note for readers:

The author as named has prepared this report for the use of Craven District Council. The report conclusions are based on the best available information, including information that is publicly available. This information is assumed to be accurate as published and no attempt has been made to verify these secondary data sources. The first iteration of this report was prepared in March 2022, with this version completed in May 2022. It is subject to and limited by the information available during this time. This report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the client. The author accepts no responsibility to third parties of any matters outside the scope of the report. Third parties to whom this report or any part thereof is made known rely upon the report at their own risk.

1. HRA Purpose and Legislative Background

1.1 Purpose of the HRA Screening Report

1.1.1 This screening report has been prepared to determine whether the Green Infrastructure & Biodiversity Supplementary Planning Document (SPD) prepared by Craven District Council should be subject to a Habitat Regulations Assessment (HRA) Appropriate Assessment or further assessment.

1.2 Legislative Background

1.2.1 A Habitat Regulation Assessment (HRA) refers to the several distinct stages of assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). These undertaken stages determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. Hence, these regulations are for all plans and projects which may have likely significant effects on a designated international site or sites, and are not directly connected with or necessary to the management of the designated site.

1.2.2 These designated international sites feature Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. The SAC is defined in the Habitats Directive (92/43/EEC) and it is designated to protect habitats and species listed in Annex I and Annex II of the directive, which are considered to be of European and national importance. The SPA focuses on safeguarding the habitats of migratory birds and particularly certain threatened birds. A Ramsar site is a wetland site designated to be of international importance under the Ramsar convention. As a matter of Government policy, the HRA is also required for candidate SACs, potential SPAs, and proposed Ramsar sites for the purposes of considering plans or programmes which may affect them.

1.2.3 In the Planning Practice Guidance (PPG), paragraphs 65-001 to 65-010 give guidance on the use of Habitat Regulations Assessment. In paragraph 65-002, it states: *"if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken"* and *"a significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives."*

2. Overview of the Green Infrastructure & Biodiversity SPD

2.1 Relationship with the Local Plan

2.1.1 Under the Planning & Compulsory Purchase Act 2004, policy guidance can be provided in Supplementary Planning Documents (SPDs). In line with the National Planning Policy Framework (NPPF), this SPD provides further guidance on green infrastructure and biodiversity for proposed development in the Craven Local Plan area, and provides further detail to help explain the objectives relating to the following policies of the Craven Local Plan (2012 – 2032), which was adopted in November 2019:

- Policy ENV4: Biodiversity
- Policy ENV5: Green Infrastructure
- Policy SD1: Presumption in favour of sustainable development
- Policy SD2: Meeting the challenge of climate change

The SPD hence supports the local plan and is produced in accordance with the procedures introduced by the 2004 Act.

2.1.2 Unlike the local plan itself, the SPD is not examined by an inspector, but it is subject to a public consultation process before being formerly adopted by elected Council Members in a Council resolution. The SPD will be a material consideration in planning decisions.

2.2 The content of the Green Infrastructure & Biodiversity SPD

2.2.1 Policies ENV4 and ENV5 of the Craven Local Plan are the focus of the SPD. The aim of these policies is to ensure that development in Craven is accompanied by positive change in biodiversity and green infrastructure, which in turn improves quality of life, including health and well-being. These policies are set out in full within Appendix A of the SPD (on page 29).

2.2.2 Policy ENV4: Biodiversity describes how growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Policy ENV5: Green Infrastructure shows how growth in housing, business and other land uses will be accompanied by an improved and expanded green infrastructure network.

3. The Screening Process and Conclusions

3.1 Habitat Regulations Assessment Stages

3.1.1 The Habitats Directive sets out various stages of the HRA process, and the relevant plan or programme must be analysed under the relevant stage(s) as deemed suitable based on the likelihood and severity of significant effects. These stages are listed and explained as follows:

- **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 circumstances (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

3.2 The Craven Local Plan and the HRA

3.2.1 A HRA Appropriate Assessment has been produced for the Craven Local Plan. It is available to view under the 'Sustainability and habitats' page of the Craven District Council website, under: <u>https://www.cravendc.gov.uk/media/8742/final-hra-appropriate-assessment-report-november-</u> <u>2019.pdf</u>. During the early stages of the local plan's preparation, a Screening Assessment Report was prepared in 2016 to determine the requirement for an Appropriate Assessment. As the draft plan process evolved, the emerging spatial strategy, allocated sites, housing growth options and policies were subject to change in content, and at the time of completion, the screening assessment could not rule out potential significant effects on relevant internationally designated sites. An Appropriate Assessment report was hence deemed suitable to analyse all of the plan's updated elements, as part of the continued interaction of the Habitats Regulations Assessment process with the evolving local plan.

3.2.2 Under this process, a number of iterations of the Appropriate Assessment were prepared to support each key stage of the local plan's progression to adoption. The final Appropriate Assessment iteration was published to coincide with the adoption of the local plan in November 2019 (using the link in paragraph 3.2.1). It was the conclusion of the HRA that the chosen spatial strategy, housing growth option, policies and allocated sites chosen by the adopted Craven Local Plan would not have any adverse impacts on the designated European sites in terms of their ecological integrity.

3.3 Determination of any significant effects relating to the SPD

3.3.1 The aforementioned HRA process for the adopted Craven local plan assessed whether the plan was likely to have significant effects on international sites that are partially inside the local plan boundary, adjacent to the boundary, or thought important through being potentially affected (e.g. downstream of a water body). A full determination cannot be made until the statutory consultation body has been consulted; this body is Natural England (see Appendix I). The international sites which are relevant for the Craven Local Plan and any associated SPDs include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites, and are listed in alphabetical order as follows:

- Bowland Fells SPA
- Craven Limestone Complex SAC
- Ingleborough Complex SAC
- Leighton Moss SPA and Ramsar site
- Malham Tarn Ramsar site
- Morecambe Bay Pavements SAC and Morecambe Bay SPA
- North Pennine Dales Meadows SAC
- North Pennine Moors SAC and North Pennine Moors SPA
- South Pennine Moors SAC and South Pennine Moors (Phase 2) SPA

3.3.2 The HRA for the local plan took into account both the extent of the housing and economic growth for the plan area. It concluded that the growth planned could be accommodated without causing significant affects either alone or in combination on any of the aforementioned internationally

designated sites. The inspector at the local plan's examination (October 2018) concluded that the plan also would not cause any adverse effects on the integrity of these designated sites. Paragraph 194 of the Craven local plan's <u>Inspector's Report</u> in 09 October 2019 concluded that the policies and allocations in the local plan will not have a significant adverse impact on the integrity of these designated sites. Hence, the criteria of Policy ENV4: Biodiversity and Policy ENV5: Green Infrastructure and other policies relevant to this SPD have already been considered in the appropriate assessment of the local plan.

3.3.3 All adopted Craven Local Plan policies, including those policies listed at section 2.1 above were analysed in the Sustainability Appraisal (SA) and HRA of the local plan and in the plan's examination, where they were judged to be a sound and suitably evidenced based policy fit for its purpose. The policies listed at paragraph 2.1.1, in terms of the type and amount of development they seek and promote, are not deemed to cause any significant effects on these internationally designated sites.

3.4 Screening outcome

3.4.1 This screening report has assessed the potential effects of the proposed Craven District Council Green Infrastructure & Biodiversity SPD, with a view to determining whether an Appropriate Assessment (Stage 2) or further stage in the HRA process is required under the Habitats Directive. The Green Infrastructure & Biodiversity SPD provides further guidance to relevant policies in the Craven Local Plan, therefore it is closely related. Proposals in the SPD, including requirements for development, refer to policies set out in the district's local plan, but do not propose policies themselves. The Green Infrastructure & Biodiversity SPD does not create new policies, but instead it provides further guidance to relevant adopted Craven Local Plan policies. Hence, in line with the HRA of the local plan, the Green Infrastructure & Biodiversity SPD is not likely to cause any likely significant effects alone or in combination on the designated international sites, in terms of their integrity. Hence, it is not necessary to move to the Stage 2 Appropriate Assessment or beyond.

3.5 Consultation with Statutory Body

3.5.1 This HRA screening report is subject to consultation with the statutory consultee of Natural England. The response from the statutory body is presented in Appendix I.

6

Appendix I: Response from Statutory Body

The following response from Natural England was received on 29/04/2022. The text related to the HRA Screening Report for this SPD is shown below:

"We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and are in agreement with the conclusions. It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan."

Appendix II: Acronyms

CDC	Craven District Council
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
NPPF	National Planning Policy Framework
РР	Policy or Programme
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document