

DURHAM CITY NEIGHBOURHOOD PLAN

**STRATEGIC ENVIRONMENTAL
ASSESSMENT AND HABITAT
REGULATIONS ASSESSMENT
SCREENING REPORT**

Durham City Neighbourhood Planning Forum

April 2017

**Ratified by the City of Durham Parish Council
October 2018**

ADDENDUM

The Strategic Environment Assessment (SEA) Screening Report was produced by the Durham City Neighbourhood Planning Forum as a draft in December 2016 for consultations with Durham County Council and the three Statutory Consultees. The County Council, the Environment Agency and Natural England responded that an SEA would not be required.

However, Historic England responded on 26 January 2017 that the Neighbourhood Plan should be the subject of an SEA in accordance with the Strategic Environmental Assessment Directive. The reasons for their decision were:

- (i) the Neighbourhood Plan will come into effect before the County Durham Local Plan and therefore form the most up to date development plan document for the area;
- (ii) undeveloped sites and allocations must be subject to watertight policies following environmental assessment;
- (iii) housing sites D1.1, D1.5, D1.6, D1.7, D1.9 and employment site E1.1 raise concerns regarding their effects on heritage;
- (iv) there is insufficient information on how the impact of development would need mitigation measures; and
- (v) there is insufficient evidence that the potential impacts have been assessed in an area which has such a high number of designated heritage assets including sites of national and international significance.

The Forum decided that Historic England's conclusion, for the reasons given, should be accepted and accordingly that the next stage in the SA/SEA process, namely a Scoping Report, should be prepared. A Draft Scoping Report was completed by the Forum in June 2017, consulted upon with the County Council and the three Statutory Consultees, and completed in October 2017.

The City of Durham Parish Council elected in May 2018 is the successor body to the Forum, and at its meeting on 25 October 2018 resolved to ratify the work undertaken to date by the Forum. Accordingly, this Screening Report is now the City of Durham Parish Council's formally adopted Durham City Neighbourhood Plan Strategic Environmental Assessment Screening Report.

DURHAM CITY NEIGHBOURHOOD PLAN STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITAT REGULATIONS ASSESSMENT SCREENING REPORT

1. INTRODUCTION

Background

1.1 The Durham City Neighbourhood Plan area comprises the un-parished area of Durham City, excluding Newton Hall and Gilesgate, and is shown on Map 1. The historic core of the city contains the cathedral and castle built on the defensive site of the peninsular created by the river Wear. Its significance is recognised as a World Heritage Site with numerous listed buildings of Grade I and II*.

1.2 The built up area of the Neighbourhood Plan area is contained by the Durham City Green Belt as defined in the City of Durham Local Plan 2004. Within the built up area there are residential areas dating from the 18th and 19th century and more recent development, principally alongside the former Great North Road, now the A167. The population within the Neighbourhood Plan area in the 2011 Census was 20,616 of whom 9,700 were long-term (i.e. non-student) residents with a further 10,916 student residents. The main employment within the Neighbourhood Plan area is Durham University, County Hall and the city centre retail and other businesses.

1.3 The most significant landscape feature is the River Wear and the steeply sided banks around the peninsular. There are a number of other semi-natural areas of open space including Flass Vale and the Woodland Trust property. The Plan area contains 2 local nature reserves, ancient woodlands and a Durham County Geological Site.

1.4 The vision for the Durham City Neighbourhood Plan, as agreed through public consultation, is: Durham City's potential as a beautiful and historic city will be realised through policy and action to improve and protect its qualities and by creating a diverse and resilient economy with attractive and affordable places to live. It will be supported by modern infrastructure and enriched by community engagement in its future. It will be resistant to climate change.

Purpose of this Report

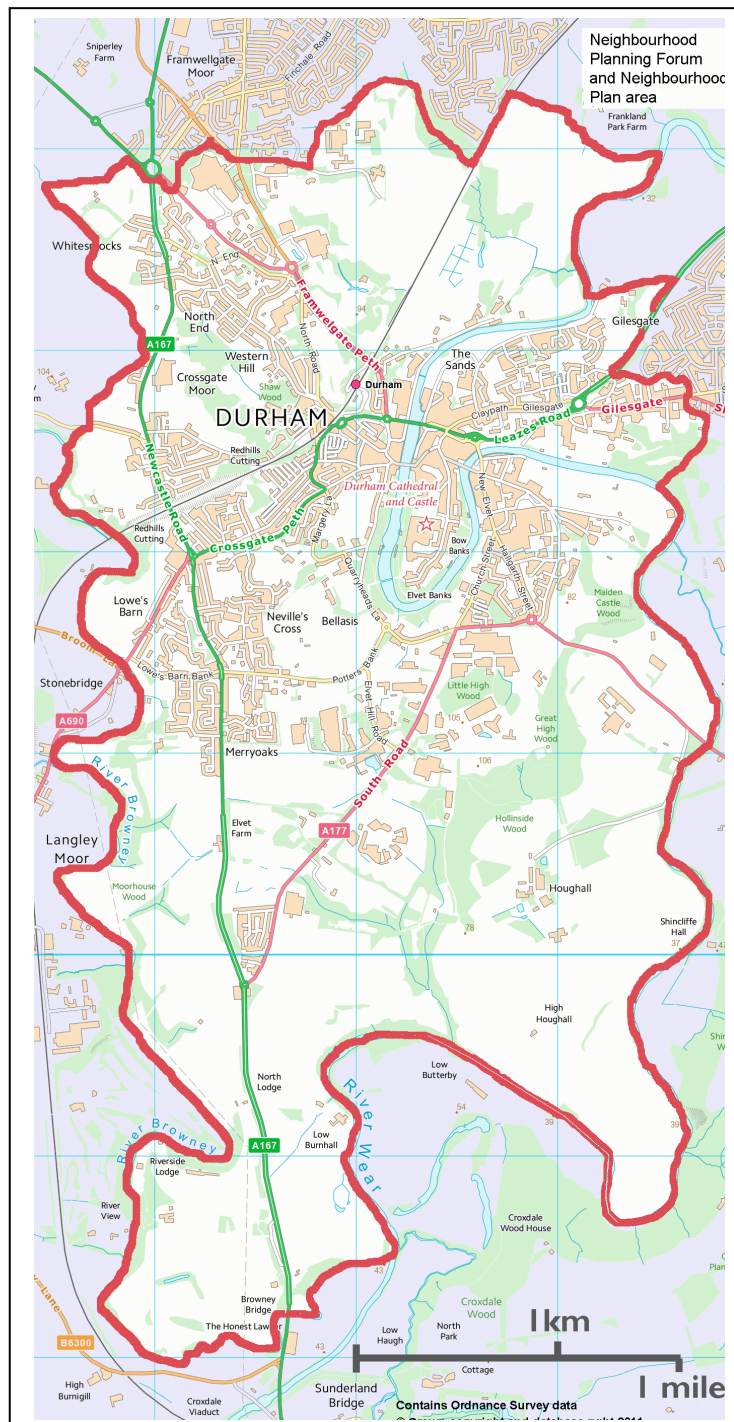
1.5 This screening report is designed to determine whether or not the contents of the draft Durham City Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.6 This report will also screen to determine whether or not the Plan requires an Appropriate Assessment in accordance with Article 6(3) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). An Appropriate Assessment is required when it is deemed that significant negative effects are

likely to occur to protected European wildlife sites known as Special Areas of Conservation (SAC), Special Protection Areas (SPAs) and Ramsar sites as a result of the implementation of a plan or project. The term Habitat Regulations Assessment, HRA for brevity, has come into use for describing the overall assessment process including screening and the specific Appropriate Assessment stage.

1.7 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3, provides a screening assessment of both the likely significant environmental effects of the Durham City Neighbourhood Plan and the need for SEA. Section 4 provides the HRA screening assessment of the likely significant effects of the implementation of the Plan and the need for an Appropriate Assessment.

Map 1 The Durham City Neighbourhood Plan Area



2. LEGISLATIVE BACKGROUND

Strategic Environmental Assessment (SEA)

2.1 The basis for Strategic Environmental Assessment and Sustainable Appraisal legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirements of the EU Directive on SEA. It is considered best practice to incorporate the requirements of the SEA Directive into an SEA. This is also discussed within the National Planning Policy Framework (NPPF) para.165.

2.3 However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPDs) but did not remove the requirement to produce a Strategic Environmental Assessment. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.

2.4 The purpose of SEA is to:

'Provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment'.
(2001/42/EC)

Habitat Regulations Assessment (HRA)

2.5 HRA is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). HRA requires that an Appropriate Assessment is undertaken of plans and projects where the potential for significant effects upon European Sites are deemed likely. If following Appropriate Assessment, adverse effects upon the integrity of a European site cannot be objectively ruled out or mitigated, the plan should not be consented unless further legal tests including imperative Reasons for Overriding Interest can be demonstrated. Regulation 61 states that:

"A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which:
A) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
B) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives".

3. SEA SCREENING

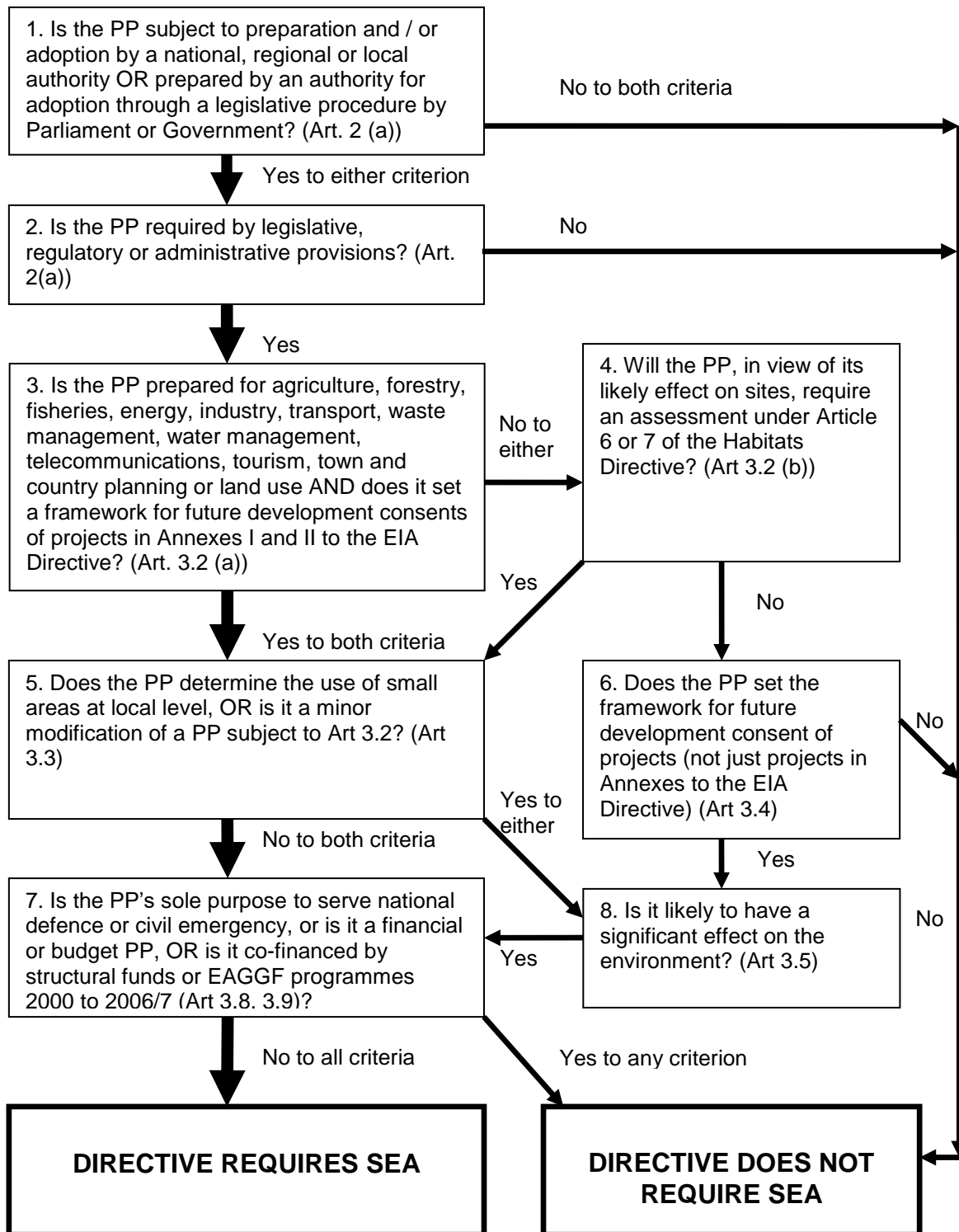
3.1 It is Durham County Council's responsibility to assess whether the policies and proposals in the Durham City Neighbourhood Plan are likely to have 'significant environmental effects'. The Plan does not have to be at a final stage to be assessed.

3.2 The screening opinion assessment is undertaken in two parts: the first part will assess whether the Plan requires SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the Plan is likely to have a significant effect on the environment, using the criteria drawn from Schedule 1 of the EU SEA Directive and the UK Environmental Assessment of Plans and Programmes Regulations 2004.

3.3 The three statutory consultation bodies (Historic England, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusions of this screening opinion, in establishing whether the Durham City Neighbourhood Plan may have a 'significant environmental effect.' Should it be concluded that SEA is required the Neighbourhood Plan working group will need to undertake a SEA with a SEA Scoping Report exercise as the first stage.

3.4 The government guidance, 'A practical guide to the Strategic Environmental Assessment Directive' sets out the following approach to be taken in determining whether SEA is required:

Figure 1 Application of the SEA Directive to plans and programmes



3.5 The process in Figure 1 has been undertaken and the findings can be viewed in Table 5. Table 5 shows the assessment of whether the Durham City Neighbourhood Plan will require

SEA. The questions in Table 5 are drawn from the diagram above which sets out how the SEA Directive should be applied. Table 6 provides specific detail on question 8 in relation to the criteria for determining likely significant effects referred to in Article 3(5).

Table 5 Assessment 1: Establishing the need for SEA

Stage	Answer	Reason
1. Is the Plan/Programme (PP) 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? (Art 2 (a))	Y	Durham City Neighbourhood Plan is not a Development Plan Document, however, if the document receives 50% or more 'yes' votes through a referendum it will be adopted by Durham County Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art 2 (a))	N	Communities have the right to be able to produce a Neighbourhood Plan, however, communities are not required by legislation, regulatory or administrative provisions to produce a Neighbourhood Plan. This plan, however, is subject to 'provisions' that require it to be prepared in a formal way and if adopted would form part of the statutory development plan. Therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP required for agriculture, forestry, fisheries, energy, industry, transport, waste 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 Directive? (Art 3.2 (a))	N	The Plan is prepared for town and country planning or land use, however, it does not set the framework for EIA development. Whilst the Neighbourhood Plan intends to allocate land for housing, the sites under consideration do not meet EIA screening thresholds i.e. not more than 150 dwellings and not more than 5ha.
4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art 3.2 9b))	N	Please see the Habitats Regulations Assessment Screening opinion within this document

Stage	Answer	Reason
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	N/A	-
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4)	Y	The Plan allocates housing and employment sites and considers acceptable re-uses of existing development.
7. Is the PP's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	-
8. Is it likely to have a significant effect on the environment? (Art 3.5)	N	Please see Table 6.

Table 6 Assessment 2: Likely Significant Effects on the Environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment commentary
The characteristics of the Neighbourhood Plan, having regard to:	
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Durham City Neighbourhood Plan would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future consent of projects, albeit these will be localised in nature. Policies in the Plan will also set out the detail in relation to the nature, size and other requirements of development.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Durham City Neighbourhood Plan will need to be in general conformity with the relevant Development Plan. If the Plan is made in advance of the Durham Local Plan being adopted, it may influence the latter's housing, transport, employment, retail and conservation strategies. Thereby influencing a Development Plan Document at a higher level within the hierarchy of documents.

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment commentary
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>It is a condition of Neighbourhood Planning that Neighbourhood Plans are to demonstrably contribute towards the achievement of sustainable development. Therefore, the Neighbourhood Plan is highly relevant to this criterion. The Durham City neighbourhood Plan aims to promote sustainable development through:</p> <ul style="list-style-type: none"> • Acknowledging the statutory protection given to the World Heritage Site and conservation areas within the Plan area and seeking to promote and enhance the experience of residents and visitors, improving the local economy and facilities. • Protection and enhancement of existing green spaces and networks which currently contribute towards social cohesiveness, health and wellbeing, and biodiversity. • Extending protection to non-designated heritage and green assets which will contribute towards the protection of local interest and existing character and distinctiveness. • Meeting existing and projected housing needs which will contribute towards meeting the needs of families, young people, an ageing population as well as students. • Supporting sustainable development requirements of all development sites and new building and not allowing development within the river Wear floodplain. • Encouraging high quality design of new buildings and the renovation or re-use of existing buildings which will contribute towards reducing resource use, emissions, ensure good levels of thermal comfort and may contribute positively towards townscape character. • Encouraging use of and improving sustainable modes of travel which can reduce associated vehicle emissions and contribute towards active lifestyles. • Encouraging economic development through supporting sites for business (including start-ups), retail development in appropriate locations, enhancing tourism and leisure experience and improving broadband connections which can contribute towards business and skills development and secure the vitality and competitiveness of Durham City. • Promoting a hub for community, art and information and protecting existing facilities which will enhance social well-being for all. • Ensuring the needs of an ageing population and the special needs of disabled people are catered for in terms of access to health, social provision, employment, transport and housing.

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment commentary
<p>Environmental problems relevant to the plan or programme</p>	<ul style="list-style-type: none"> • Vehicular traffic on A690 causing air quality issues and undesirable conditions for pedestrians and cyclists. To the extent that an AQMA within the centre of Durham City that incorporates Highgate, Milburngate and the Gilesgate areas of the city was declared on 9th May 2011 due to excess levels of nitrogen dioxide (NO₂) above national air quality limit values. The declared AQMA was extended in July 2014 to incorporate the western area of the city through the junctions at Crossgate Lights and Neville's Cross to the Stonebridge roundabout together with sections of Claypath and New Elvet. • Flooding from the River Wear. • Climate change affecting biodiversity. <p>The DCNP has a highly relevant role to play in contributing towards reducing and avoiding existing environmental problems.</p>
<p>The relevance of the Plan or Programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).</p>	<p>The Durham City Neighbourhood Plan is not directly connected to the implementation of European legislation.</p>
<p>Characteristics of the effects and of the area likely to be affected, having regard, in particular to:</p>	

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment commentary
<p>The probability, duration, frequency and reversibility of the effects</p>	<p>The allocation of sites for housing, employment and community uses within the Durham City Neighbourhood Plan area would generate permanent, irreversible and continuous effects. There is a recognised demand for development and therefore they are likely to take place within the Plan period.</p> <p>The protection and enhancement of heritage and green assets would have permanent and irreversible effects. The designation of World Heritage and Conservation Area status means that their protection and enhancement is statutorily recognised.</p> <p>The policies to reduce the use of private cars for short journeys and to promote the use of walking, cycling and use of public transport is likely to take some years to have effect on air pollution and health. However, these policies are in response to recognised sustainable transport strategies and are appropriate to the character and function of Durham City.</p> <p>The demand for high quality research and business uses in the Plan area will depend on the state of the local, regional and national economy over the Plan period. Similarly, the growth of Durham University will depend on factors outside the control of the University. Growth may therefore take longer than anticipated.</p>
<p>The cumulative nature of the effects</p>	<p>The attractiveness of Durham City as a place to live, work, visit and learn has been taken into account in preparing the vision and policies for the Neighbourhood Plan. This recognises that there are cumulative effects from growth in any one of these developments but the desire to encourage use of and improve sustainable modes of transport could contribute towards minimising these effects. In addition, the policy of balancing new housing development towards the needs of families and older people should result in a more vital and viable city centre for all. Establishing an arts/cultural/information hub and a green network in the city will enhance the experience of visitors, residents and students and contribute to a more cohesive, active and healthy community.</p>

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment commentary
The trans boundary nature of these effects	<p>Durham City has an important role in the local and regional economy and therefore attracts people to live and work here. This could have an effect on the ability of other parts of the County and region to succeed which is why the Durham City Neighbourhood Plan seeks to limit development to brownfield sites within the Green Belt and thereby encourage the regeneration of other areas of the County and region.</p> <p>The sustainable transport strategy outlined in the Neighbourhood Plan should have an effect on the modes of transport used by people outside the Plan area who travel to the city for work, leisure or learning.</p>
The risks to human health or the environment (e.g. due to accidents)	<p>Encouraging people to walk and cycle in the Neighbourhood Plan area whilst discouraging the use of motor vehicles should result in fewer accidents and an improvement in health and well-being.</p>
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<p>Land use changes will have an effect on the population of 20,600 in the Durham City Neighbourhood Plan area. Effects are likely to be less significant to the population outside Durham City.</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> - special natural characteristics or cultural heritage. - exceeded environmental quality standards or limit values - intensive land use 	<p>The Durham City Neighbourhood Plan area contains:</p> <p>Durham City World Heritage Site 2 Conservation Areas (Durham City and Burn Hall) 39 Grade 1 heritage listings 23 Grade 2* heritage listings over 300 Grade 2 heritage sites 1 battlefield site (Neville's Cross) 1 historic garden (Old Durham Gardens)</p> <p>2 Local Nature Reserves (Flass Vale and Pelaw Woods) 9 Local Wildlife Sites 4 Ancient and Semi-natural Woodlands 1 Durham County Geological Site</p> <p>In addition there are a number of open spaces such as the Peninsular Woodlands which are locally valued.</p> <p>The historic and cultural value of these sites is recognised in the Durham City Neighbourhood Plan. Some of the sites allocated for housing and employment use are adjacent or close to these protected sites and there are policies in place in the Plan to ensure that vulnerable sites are not adversely affected.</p>

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment commentary
	<p>Air quality is monitored in Durham City and exceeds standards. One of the aims of the Neighbourhood Plan is to reduce the need to travel by car and this should have a positive impact on air quality standards.</p> <p>Water quality is not known to be an issue.</p> <p>Proposals will be expected to make the most efficient use of land in conformity with the NPPF.</p>
The effects on areas of landscapes which have a recognised national, Community or international protection status.	Landscape is of local conservation value only.
Assessment 2 Conclusion	
<p>None of the sites identified in the Plan for development is of a size to meet EIA screening thresholds (not more than 150 dwellings or not more than 5 ha.).</p> <p>The proposed housing and employment allocations within the Plan have been subject to review by officers within Durham County Council's Landscape, Heritage and Ecology Teams. Comments on each proposed site are summarised in the <i>Durham City Neighbourhood Plan – Environmental Constraints of Proposed Sites</i> document. The sites and proposed scale of sites are unlikely to give rise to significant individual or cumulative adverse environmental effects. Measures to minimise the effects from proposed sites are also stipulated as requirements within the NP policies. It is considered that the development of these sites will result in less demand for greenfield sites elsewhere and their re-use will in many cases increase townscape value to the City. The significance of the World Heritage Site, the Conservation Areas and listed buildings as well as the areas of ecological value are emphasised in all sections of the Neighbourhood Plan. Policies in the Plan aim to protect and enhance the built and green environment, to improve opportunities for local economic development and to contribute to the health and well-being of all sections of the community who live, work or visit the City.</p>	

4. HRA SCREENING

Relevant European Protected Wildlife Sites

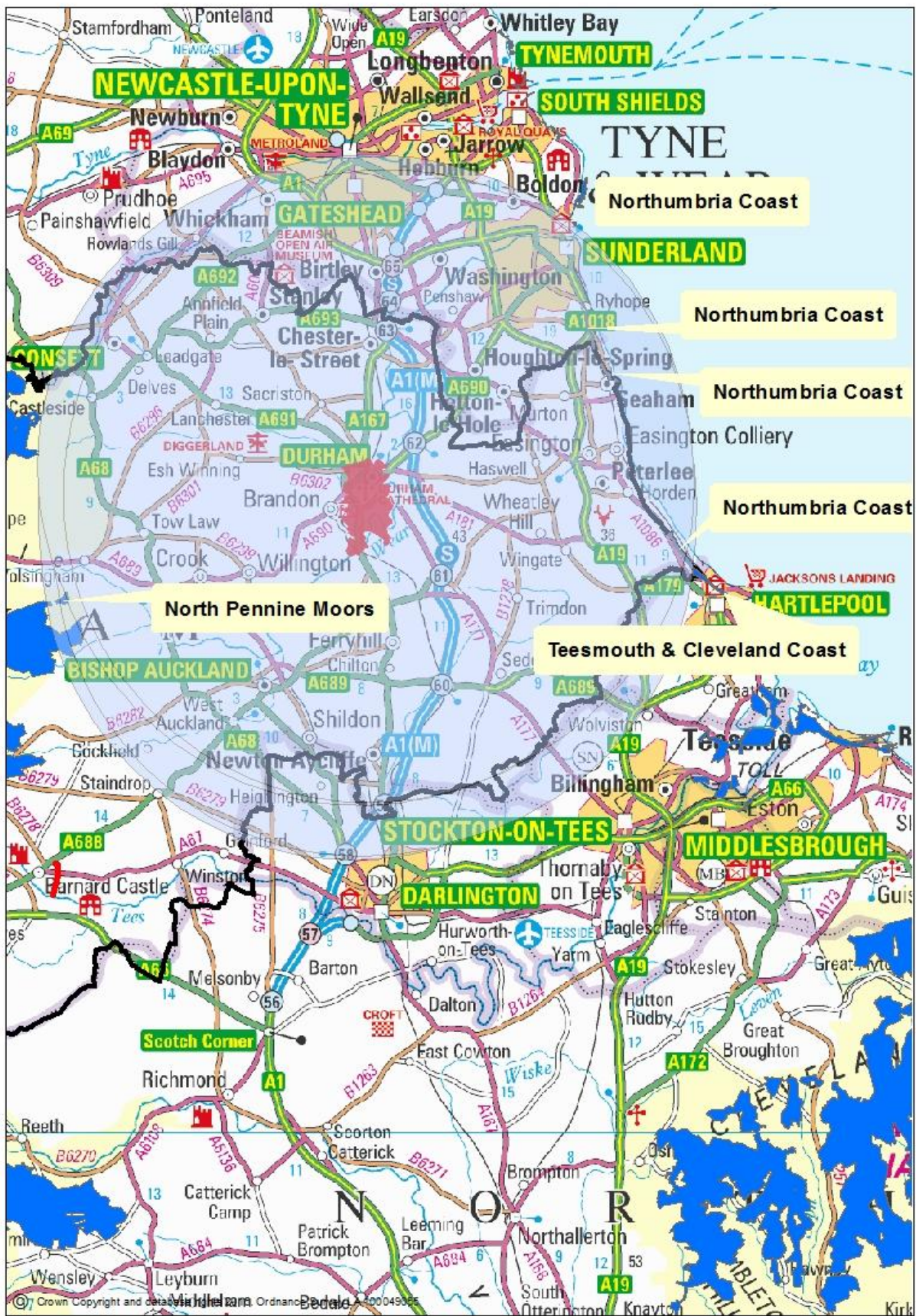
4.1 In line with the methodology of the HRA of the emerging County Durham Plan, all sites within 20km of the plan area (in this case the neighbourhood plan area) should be included within the HRA screening exercise, in addition to those outwith the 20km radius that are ecologically / hydrologically linked or are likely to be subject to increased recreational pressure as a result of the Plan. Maps 2 and 3 show that sites falling within the 20km radius include:

- Durham Coast SAC
- Castle Eden Dene SAC
- Thrislington SAC
- North Pennine Moors SAC
- North Pennine Moors SPA
- Northumbria Coast SPA and Ramsar
- Teesmouth and Cleveland Coast SPA and Ramsar

Map 2: SAC's within 20km of the Neighbourhood Plan Area



Map 3: SPA's within 20km of the Neighbourhood Plan Area



4.2 A description of the relevant European Protected Sites is provided in the following table:

Table 7: Description of Relevant European Protected Sites

Site	Overview	Qualifying Features	Vulnerability	Key Environmental Conditions
Durham Coast	<p>Durham Coast SAC was designated in April 2005 and covers an area of approximately 394 hectares. Durham Coast SAC is the only example of vegetated sea cliffs on Magnesian limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting photogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft Magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water.</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts</p>	<p>No vulnerabilities have been recorded for this site as such. The Natura 2000 Standard data Form for the site states:</p> <p>'Vegetated sea cliffs range from vertical cliffs in the north with scattered vegetated ledges, to the Magnesian limestone grassland slopes of the south. Parts of the site are managed as National Nature Reserve, and plans provide for the non-interventionist management of the vegetated cliffs. The majority of the site is in public ownership and an agreed management plan is being developed to protect nature conservation interests.'</p>	<ul style="list-style-type: none"> •Overall length and/or area of cliff habitat to be maintained taking into account natural variation •There should be no increase in area constrained by introduced structures or landforms •The range of physical conditions supporting the habitats, and the range of maritime grasslands and other communities should be maintained •There should be no further increase in species untypical of the communities that define the feature

Castle Eden Dene	Castle Eden Dene SAC was designated in April 2005 and covers an area of approximately 194 hectares. Castle Eden Dene SAC represents the most extensively northerly native occurrence of <i>Taxus baccata</i> ; Yew woods in the UK. Extensive yew groves are found in association with <i>Fraxinus-Ulmus</i> ; Ash-elm woodland and it is the only site selected for yew woodland on Magnesian limestone in north-east England.	<i>Taxus baccata</i> woods of the British Isles; Yew-dominated woodland	No vulnerabilities have been recorded for this site as such. The Natura 2000 Standard data Form for the site states: 'Yew woodlands are distributed throughout the site in a matrix of other woodland types. The site is managed as a National Nature Reserve and the Management Plan provides for regeneration of this special woodland type.' However, the site is sensitive to changes in air quality and is currently exceeding critical thresholds of acid and nitrogen deposition	<ul style="list-style-type: none"> ●No loss of ancient semi-natural stands ●At least current area of recent semi-natural stands maintained, although their location may alter. ●Woodland natural processes and structure / structural diversity maintained ●Natural regeneration to maintain canopy density over a 20 year period ●Limited loss of native woodland species to non-native or other external factors (e.g. Pollution, eutrophication form runoff, disease) ●Limited air pollution ●Maintain species, habitats and structures characteristic to the site
Thrislington	Thrislington SAC was designated in April 2005 and covers an area of approximately 23 hectares south of the village of West Cornforth. Thrislington SAC is a small site but nonetheless contains the largest of the few surviving stands of CG8 <i>Sesleria albicans</i> - <i>Scabiosa columbaria</i> grassland. This form of calcareous grassland is confined to the Magnesian Limestone of County Durham and Tyne and Wear. It now	Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>); Dry grasslands and scrublands on chalk or limestone	The conditions of these grasslands are dependent upon continuous management by seasonally-adjusted grazing and no fertiliser input. The site is a National Nature Reserve and management on these traditional lines is undertaken at the site.	<ul style="list-style-type: none"> ●No reduction in extent ●Continuous management by seasonally-adjusted grazing ●No fertiliser input ●Control of invasive species ●Control of over grazing ●Limited air pollution

	covers less than 200 hectares and is found mainly as small scattered stands.			
North Pennine Moors SAC	The North Pennine Moors (along with the North York Moors) hold much of the upland heathland of northern England. At higher altitudes and to the wetter west and north of the site complex, the heaths grade into extensive areas of blanket bogs. The site is considered as supporting the major area of blanket bog in England. A significant proportion remains active with accumulating peat, although these areas are often bounded by sizeable zones of currently non-active bog, albeit on deep peat.	<ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i>: Wet heathland with cross-leaved heath • European dry heaths • <i>Juniperus communis</i> formations on heaths or calcareous grasslands; Juniper on heaths or calcareous grasslands • Calaminarian grasslands of the <i>Violetalia calaminariae</i>; Grasslands on soils rich in heavy metals • Siliceous alpine and boreal grasslands; Montane acid grasslands • Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>); Dry grasslands and scrublands on chalk or limestone • Blanket bogs • Petrifying springs with tufa formation (<i>Cratoneurion</i>); Hard-water springs depositing lime • Alkaline fens; Calcium-rich springwater-fed 	All interest features have been affected by excessive livestock grazing levels across parts of the site. These have been, and are still, encouraged by headage payments, but agreements with graziers and moorland owners, including those in Wildlife Enhancement and Countryside Stewardship schemes, are starting to overcome the problems of overgrazing. In places, the difficulty of reaching agreements on commons, which cover much of the site, means that successes are limited at present, and continues to prevent restoration. Drainage of wet areas can also be a problem; drains have been cut across many areas of blanket bog, disrupting the hydrology and causing erosion, but in most parts these are being blocked and the habitat restored under agreements. Burning is a traditional management tool on these moorlands, which contributes to maintaining high populations of SPA breeding birds. However, over-intensive and inappropriate burning is damaging to heath and blanket bog and further agreements are needed with	<ul style="list-style-type: none"> • Control of grazing • Appropriate moorland management including management of scrub/tree/bracken encroachment • Limited air pollution • No drainage of wet areas - maintenance of wet areas • Maintenance of water quality - organics/silt form physical disturbance • Limited erosion by human impacts (e.g. Recreation) • Very little peat extraction (no mechanised extraction)

		<p>fens</p> <ul style="list-style-type: none"> •Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galepsietalia ladani</i>); Acidic scree •Calcareous rocky slopes with chasmophytic vegetation; Plants in crevices in base-rich rocks •Siliceous rocky slopes with chasmophytic vegetation; Plants in crevices on acid rocks •Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; Western acidic oak woodland •<i>Saxifraga hirculus</i>; Marsh saxifrage 	<p>the landowners to achieve sympathetic burning regimes. Restoration, to some degree, of a mosaic of more natural habitats across parts of the site is desirable. Acid and nitrogen deposition continue to have damaging effects on the site. Recreational activity may also be problematic.</p>	
North Pennine Moors SPA	<p>The habitat of North Pennine Moors SAC supports breeding pairs of Hen harrier, Merlin, Peregrine falcon, European Golden plover, Dunlin and Eurasian curlew.</p>	<ul style="list-style-type: none"> •<i>Circus cyaneus</i>; Hen harrier (Breeding) •<i>Falco columbarius</i>; Merlin (Breeding) •<i>Falco peregrinus</i>; Peregrine falcon (Breeding) •<i>Pluvialis apricaria</i>; European golden plover (Breeding) •<i>Calidris alpina alpina</i>; Dunlin (Breeding) •<i>Numenius arquata</i>; Eurasian curlew (Breeding) 	<p>As for North Pennine Moors SAC</p>	<ul style="list-style-type: none"> •No loss of area of habitat •Grazing to maintain suitable moorland •Control of erosion and peat extraction • Diversity, age and structure of vegetation •Food availability (birds, day flying moths, small mammals, soil and ground surface invertebrates) •Open landscape •Lack of disturbance and persecution (moor burning, vehicles, stock,

				dogs and walkers)
Northumbria Coast SPA and Ramsar	<p>Northumbria Coast SPA and Ramsar was designated in February 2000 and covers an area of approximately 1,108 hectares. The site comprises several discrete stretches of the coastline in North East England between Spittal in the north of Northumberland to Crimdon Dene in County Durham. The site consists of rocky shore with associated bolder and cobble beaches. These support a rich algal flora and associated fauna and form an important feeding area for wading birds. The areas of sandy beach within the site support a flora which includes <i>Ammophila arenaria</i>; marram and <i>Honkenya peploides</i>; sea sandwort . A diverse range of recreational activities takes place along the coast including walking, camping, sea angling, bird watching, water sports (water-skiing, sailing, windsurfing and canoeing) and general use of amenity beaches. As well as attracting a large number of day trippers, a sizable population of summer visitors stay in caravan sites and other accommodation along the coast. The site also includes parts of three artificial pier</p>	<ul style="list-style-type: none"> • <i>Calidris maritima</i>; Purple sandpiper (Non-breeding) • <i>Arenaria interpres</i>; Ruddy turnstone (Non breeding) • <i>Sterna albifrons</i>; Little tern (Breeding) 	<p>Little terns are vulnerable to disturbance by tourists in the summer causing reduced breeding success.</p>	<ul style="list-style-type: none"> • Freedom from disturbance • Extent and availability of habitat (no decrease) - breeding areas, feeding areas, roost sites • Food availability (marine fish, crustaceans, worms and molluscs; epibenthic invertebrates amongst rolling seaweed; surface and sub surface invertebrates) • Open landscape

	structures and a small section of sandy beach.			
Teesmouth and Cleveland Coast SPA and Ramsar	<p>Teesmouth and Cleveland Coast SPA and Ramsar was designated in August 1995 and covers an area of approximately 1,247 hectares. Teesmouth and Cleveland Coast comprises intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes. The Tees Estuary has been much-modified by such activities as land-claim, construction of breakwaters and training walls and deep dredging. The remaining intertidal areas within the estuary are composed of mud and sand, with some Enteromorpha beds in sheltered areas. Outside the estuary mouth, sandflats predominate, but with significant rocky foreshores and reefs at both Redcar and Hartlepool and anthropogenic boulder beds at South Gare. Moderately extensive sand dune systems flank the estuary mouth, while a smaller dune system lies north of Hartlepool. Surviving saltmarsh is very limited in extent. Behind the dunes and sea-defences a number of significant areas of grazing marsh are found. The site is also referred to as a European Marine Site (EMS) as it</p>	<ul style="list-style-type: none"> • <i>Calidris canutus</i>; Red knot • <i>Tringa tetanus</i>; Common redshank • <i>Sterna sandvicensis</i>; Sandwich tern • <i>Sterna albifrons</i>; Little tern • Waterbird assemblage 	<p>The Natura 2000 Standard Data form (December 2015) for the site outlines the following threats and pressures which are ranked as high:</p> <ul style="list-style-type: none"> • Outdoor sport and leisure activities, recreational activities; • Pollution to marine waters; • Human induced changes to hydraulic conditions; • Industrial or commercial areas; and • Fishing and harvesting aquatic resource 	<ul style="list-style-type: none"> • Food availability (small fish, crustaceans, worms and molluscs, seed bearing plants, surface and sub-surface invertebrates • Vegetation structure • Limited disturbance

	consists of areas continuously or intermittently covered by tidal waters or any part of the sea in or adjacent to Great Britain up to the limit of territorial waters.			
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Assessment of Effects

4.3 Following the identification of relevant European Protected sites and their vulnerabilities, it is possible to undertake an initial screening of the emerging plan for likely significant effects. Screening is fundamentally a risk assessment to determine whether the subsequent more detailed stage of assessment, known as ‘appropriate assessment’ is required. Prior to screening, a preliminary assessment has been undertaken to determine whether the draft policies within the Plan can be eliminated from the test for ‘likely significant effects’ on the basis that they fit the description of one or more of the following categories identified in Table 8..

Table 8: Preliminary Assessment Categories

Category	Sub Category	Description
1. No negative effect	A	Policy or measure will not lead to built development. For example it relates to green infrastructure, design or other qualitative criteria, or it is not a land-use planning policy
	B	Policy or measure may encourage new development but due to development type, distance from European Protected Sites and / or absence of connected impact pathways no negative effect is likely to occur.
	C	Policy or measure supports or may encourage new development that has the potential for adverse effects. However, additional wording can be added to the draft to safeguard against such and enable policy or measure to be screened out.
	D	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures may have a positive effect on a European Site.
	E	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
	F	Policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
	G	Policy is similar to existing Development Plan policy which has already been assessed as having no likely significant effects
2. No significant effect	-	No significant effect either alone or in combination with other plans or projects, because effects are trivial or minimal.
3. Likely significant effect alone	-	Policy could impact upon a European Site because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected. Alternatively, it may increase disturbance as a result of increased recreational pressure.
4. Likely significant effect in combination	-	The policy would have no significant effect alone but the cumulative effects when combined with those of other policies or projects are likely to be significant

4.4 A preliminary assessment of effects has been undertaken for all draft policies of the Durham City Neighbourhood Plan as shown in Table 9.

Table 9: Categorisation of Durham City Neighbourhood Plan policies

Draft Policy	Durham Coast SAC	Castle Eden Dene SAC	Thrislington SAC	North Pennine Moors SAC	North Pennine Moors SPA	Northumbria Coast SPA and Ramsar	Teesmouth and Cleveland Coast SPA and Ramsar
S1: Sustainable development requirements of all development sites	1A	1A	1A	1A	1A	1A	1A
S2: Sustainable development requirements of all new building developments including renovations and extensions	1A	1A	1A	1A	1A	1A	1A
H1: The World Heritage Site - protection	1E	1E	1E	1E	1E	1E	1E
H2: The Conservation Areas	1E	1E	1E	1E	1E	1E	1E
H3: The Peninsula Character Area	1E	1E	1E	1E	1E	1E	1E
H4: The Framwellgate Character Area	1E	1E	1E	1E	1E	1E	1E
H5: Crossgate Character Area and the Gilesgate Character Area	1E	1E	1E	1E	1E	1E	1E
H6: Elvet Character Area	1E	1E	1E	1E	1E	1E	1E
H7: Our neighbourhood outside the conservation areas	1E	1E	1E	1E	1E	1E	1E

H8: Buildings and sites of heritage value	1E	1E	1E	1E	1E	1E	1E
H9: Non designated heritage assets and buildings / structures of local interest	1E	1E	1E	1E	1E	1E	1E
H9.3: Locally listed buildings	1E	1E	1E	1E	1E	1E	1E
E1: Larger (employment) brownfield sites	1B (the closest proposed site is over 17km from the SAC as the crow flies)	1B (the closest proposed site is over 14km from the SAC as the crow flies)	1B (the closest proposed site is over 9km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SPA as the crow flies)	1B (the closest proposed site is over 14km from the SPA as the crow flies)	1B (the closest proposed site is over 20km from the SPA as the crow flies)
E2: Smaller (employment brownfield sites)	1B(the closest proposed site is over 17km from the SAC as the crow flies)	1B (the closest proposed site is over 13km from the SAC as the crow flies)	1B (the closest proposed site is over 10km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SAC as the crow flies)	1B (the closest proposed site is over 18km from the SPA as the crow flies)	1B (the closest proposed site is over 22km from the SPA as the crow flies)
E3: Reconsideration of site usage	1B(the closest proposed site is over 17km from the SAC as the crow flies)	1B (the closest proposed site is over 14km from the SAC as the crow flies)	1B (the closest proposed site is over 10km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SAC as the crow flies)	1B (the closest proposed site is over 20km from the SPA as the crow flies)	1B (the closest proposed site is over 22km from the SPA as the crow flies)
E4: Retail development	1A (Policy relates to the type of retail that would be acceptable within the City centre	1A (Policy relates to the type of retail that would be acceptable within the City centre	1A (Policy relates to the type of retail that would be acceptable within the City centre	1A (Policy relates to the type of retail that would be acceptable within the City centre	1A (Policy relates to the type of retail that would be acceptable within the City centre	1A (Policy relates to the type of retail that would be acceptable within the City centre	1A (Policy relates to the type of retail that would be acceptable within the City centre
E5: Class A2 and class A3 use	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)	1A (Relates to the re-development of the ground floor of A2 and A3 uses only)
E6: Improvements to the City centre	1A	1A	1A	1A	1A	1A	1A
E7: Visitors and	1B The policy is	1B New and	1B The policy is	1B: The policy is	1B:The policy is	1B The policy is	1B The policy is

tourists	principally concerned with the tourism development of Durham City and is therefore not considered likely to increase recreational pressure to coastal sites. New and improved facilities for visitors and tourists in Durham City will also be remote from the SAC	improved facilities for visitors and tourists in Durham City will be remote from Castle Eden Dene SAC	principally concerned with the tourism development of Durham City and is therefore not considered likely to increase recreational pressure to coastal sites. New and improved facilities for visitors and tourists in Durham City will also be remote from Thrislington SAC	principally concerned with the tourism development of Durham City and is therefore not considered likely to increase recreational pressure to western upland sites. New and improved facilities for visitors and tourists in Durham City will also be remote from the North Pennine Moors	principally concerned with the tourism development of Durham City and is therefore not considered likely to increase recreational pressure to western upland sites. New and improved facilities for visitors and tourists in Durham City will also be remote from the North Pennine Moors	principally concerned with the tourism development of Durham City and is therefore not considered likely to increase recreational pressure to coastal sites. New and improved facilities for visitors and tourists in Durham City will also be remote from the SPA	principally concerned with the tourism development of Durham City and is therefore not considered likely to increase recreational pressure to coastal sites. New and improved facilities for visitors and tourists in Durham City will also be remote from the SPA
D1: Land for residential development	1B (the closest proposed housing site is over 16km from the SAC as the crow flies and outwith the 6km recreational catchment defined though the HRA of the emerging County Durham Plan.)	1B (the closest proposed housing site is over 13km from the SAC as the crow flies)	1B (the closest proposed housing site is over 9km from the SAC as the crow flies)	1B (the closest proposed housing site is over 19km from the SAC as the crow flies)	B (the closest proposed housing site is over 19km from the SPA as the crow flies)	B (the closest proposed housing site is over 20km from the SPA as the crow flies and outwith the 6km recreational catchment defined though the HRA of the emerging County Durham Plan.)	B (the closest proposed housing site is over 21km from the SPA as the crow flies and outwith the 6km recreational catchment defined though the HRA of the emerging County Durham Plan.)
D2: Student accommodation in Houses in Multiple Occupation	1A sets out the circumstances by which student accommodation will be permitted	1A	1A	1A	1A	1A	1A
D3: Purpose built student accommodation	1A sets out the circumstances by which student accommodation	1A	1A	1A	1A	1A	1A

	will be permitted						
D4: Housing for older people and people with disabilities	1A policy is concerned with the proportions of older persons etc housing that should be delivered and standards	1A	1A	1A	1A	1A	1A
D5: Meeting other housing needs	1A	1A	1A	1A	1A	1A	1A
D6: Design of New and Renovated Housing to the Highest Standards	1A	1A	1A	1A	1A	1A	1A
T1: Accessibility of developments	1E	1E	1E	1E	1E	1E	1E
T2: Designing for sustainable transport	1E	1E	1E	1E	1E	1E	1E
T3: Residential car parking in the Controlled parking zone	1A	1A	1A	1A	1A	1A	1A
T4: Residential cycle parking	1A	1A	1A	1A	1A	1A	1A
C1: Community Arts Centre	1A sets out requirements regarding a community arts centre in the event that proposals are forthcoming	1A	1A	1A	1A	1A	1A
C2: Information Hub	1A sets out requirements regarding an information hub in	1A	1A	1A	1A	1A	1A

	the event that proposals are forthcoming						
C3: Provision of new community facilities	1A sets out requirements regarding new community facilities in the event that proposals are forthcoming	1A	1A	1A	1A	1A	1A
C4: Protection of an existing community facility	1A	1A	1A	1A	1A	1A	1A
C5: Protection of open spaces	1E	1E	1E	1E	1E	1E	1E
C6: Health Care and Social Facilities	1A sets out requirements regarding new health care and social facilities in the event that proposals are forthcoming	1A	1A	1A	1A	1A	1A

Conclusion

4.5 Following the preliminary assessment it can be concluded that the implementation of the Durham City Neighbourhood Plan will have no negative effects on any of the relevant European Protected Sites. Therefore, no further assessment is required.

5. RECOMMENDATIONS AND CONCLUSION

5.1 The above preliminary assessment concluded that the implementation of the Durham City Neighbourhood Plan will have no negative effects on any of the relevant European Protected Sites, and therefore that no further assessment is required.

5.2 The County Council agreed with that conclusion, and the Screening Opinion was then sent to the three statutory consultees in December 2016. The responses were as follows.

(a) Natural England formally responded on 19th January 2017 and confirmed that in their view the proposals/allocations contained in the Plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

(b) The Environment Agency considered the report and replied on 6th February 2017 that the need for an SEA would not be triggered, on two conditions:

(i) that there was a policy worded to steer any development away from Flood Zones, i.e., all development was located in Flood Zone 1; and

(ii) that site D1.6 is not allocated (for housing) as all of this is in Flood Zones 2 and 3.

(These conditions have subsequently been taken on board).

(c) Historic England in a letter dated 26th January 2017 concluded that the Neighbourhood Plan should be the subject of an SEA in accordance with the Strategic Environmental Assessment Directive. The reasons for their decision were:

(i) the Neighbourhood Plan will come into effect before the County Durham Local Plan and therefore form the most up to date development plan document for the area;

(ii) undeveloped sites and allocations must be subject to watertight policies following environmental assessment;

(iii) housing sites D1.1, D1.5, D1.6, D1.7, D1.9 and employment site E1.1 raise concerns regarding their effects on heritage;

(iv) there is insufficient information on how the impact of development would need mitigation measures; and

(v) there is insufficient evidence that the potential impacts have been assessed in an area which has such a high number of designated heritage assets including sites of national and international significance.

5.3 The Forum decided that Historic England's conclusion, for the reasons given, should be accepted and accordingly that the next stage in the SA/SEA process, namely a Scoping Report, should be prepared.

February 2017