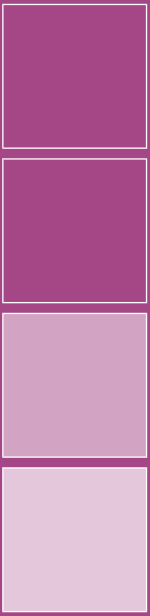


**Appendix 10 Response to SEA
Screening Consideration**



Environment Agency Response



From: [Pedder, Nick H](#)
To: James Langler
Subject: RE: Harrogate Town Centre Strategy and Masterplan screening consideration
Date: 02 October 2015 11:16:11

Dear James,

Thank you for sending through this consultation.

I can confirm that, in terms of the environmental matters for which we are under our remit, we have no reason to believe that an SEA will be required for this strategy.

If you have any further questions, please do not hesitate to contact me.

Regards,

Nick

Nick Pedder

Planning Adviser - Sustainable Places

0113 819 6435

nick.pedder@environment-agency.gov.uk

Historic England Response





Historic England

YORKSHIRE

Mr. James Langler,
Local Plan Consultations,
Harrogate Borough Council,
P.O. Box 787,
Harrogate,
HG1 9RW

Our ref: Y/HP/MP/NY/HGT/CTB

-

Your ref:

Telephone 01904 601 879

Mobile 07557 190 988

Email Craig.Broadwith@HistoricEngland.org.uk

20 October 2015

Dear Mr. Langler,

**Harrogate Town Centre Strategy & Masterplan Consultation Response
The Environmental Assessment of Plans & Programmes Regulations 2004
Regulation 9-Strategic Environmental Assessment Screening**

Thank you for seeking Historic England's screening advice in connection with the Harrogate Town Centre Strategy & Masterplan.

We refer to your e-mail of 30 September 2017 and the enclosed Screening Opinion for the above document. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it likely to have a significant effect on the environment?" in respect to our area of concern, cultural heritage. Our comments are based on the information supplied with the Screening Consideration.

The supporting information Screening Consideration supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets, although these are not specifically identified within the Masterplan. There are also other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic townscape.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England considers that that a Strategic Environmental Assessment will be required. We explain our reasoning below.



The Planning Practice Guide 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 been assessed during the preparation of the Local Plan.” (Historic England emphasis)

As there is not yet a Local Plan in place for Harrogate Borough Council, it follows that the necessary SEA accompanying the Local Plan has not been subject to Examination. Therefore, in the absence of such an Examination “exceptional circumstance” pertains and the Harrogate Town Centre Strategy & Masterplan will therefore require an SEA.

Additionally, in our view, the Masterplan can be considered as analogous to an Area Action Plan for Harrogate town centre; an AAP would always require an SEA, and we consider that this principle should also apply to the Harrogate Town Centre Strategy & Masterplan.

Furthermore, the PPG states that:

“A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.” (Historic England emphasis)

A “small area at local level” has been interpreted as referring to individual sites, where a single or small number of dwellings may be erected. As the Masterplan is intended to cover the majority of Harrogate’s town centre, and includes several specific development sites, it cannot be considered as being confined to “a small area at local level”.

Finally, for completeness we consider “significant environmental effects”. In evaluating whether or not what is being proposed is likely to have an environmental effect and, more importantly, whether those effects are likely to be “significant”, we have based our evaluation, in part, upon the judgement in the case of Case C-258/11, Sweetman v An Bord Pleanala [2013] 3 CMRL 16. Although this judgement was in respect of the Habitats Regulations Assessment, nevertheless, it is considered that the reasoning is transferable, in principle, to SEAs. In the judgement, it was considered that the term “likely” should be considered as “a possibility”, and that “significant” simply meant something more than “de minimis”. This conclusion was as reiterated in another case considering the Newick (East Sussex) NP, that “likely significant” is a low threshold.

As the Masterplan is intended to “inform development management decisions”, which by definition will only be required if the proposals exceed the “de minimis” threshold, it follows that there will be “significant environmental effects”, whether positive or negative.



Historic England

We trust the advice we have given above is clear, but if you have any queries or comments please do not hesitate to contact us.

We would be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Yours sincerely,

Craig Broadwith

Historic Places Adviser

E-mail: Craig.Broadwith@HistoricEngland.org.uk

HBC Reply



Craig Broadwith
Historic Places Advisor
Historic England
37 Tanner Row
York
YO1 6WP

Our ref:
Your ref: Y/HP/MP/NY/HGT/CTB
Date: 9 December 2015

Dear Mr Broadwith,

**Harrogate Town Centre Strategy and Masterplan –
Strategic Environmental Assessment (SEA) Screening Consideration**

I write in response to your letter dated 20 October 2015 and our recent telephone conversation regarding the above topic.

The purpose of the Harrogate Town Centre Strategy and Masterplans is to communicate the Council's vision for the centre, based on an analysis of its current strengths and weaknesses, and to set out a series of potential projects that, if delivered, could help to realise the vision. The document does not contain planning policies, nor does it allocate land for development, but does include policy recommendation and identifies potential development opportunities. Where appropriate, these policy recommendations and development opportunities will be taken forward in the emerging Local Plan and therefore tested through the Sustainability Appraisal process.

The draft strategy and masterplan will primarily be used as a visioning document and marketing tool for the town centre, encouraging inward investment into the town and confidence in its continued good health for existing residents and businesses. As a Supplementary Planning Document (SPD) it will also be able to influence planning decisions as a material consideration. However, the weight that could be attached to the SPD would be fairly limited due to the status of the document and the level of detail contained within it.

The handful of development opportunities identified in the document are only done so at a high level, providing a description of the potential project and in some instances including a number of specific considerations that would need to be taken into account when developing the project further. In all cases, the detailed design would need to be developed in consultation with the Council, statutory consultees and the public through the pre-application and planning application process. As referred to above, a number of projects are to be brought forward through the Local Plan process and/or more detailed development briefs, namely the transport hub, Dragon Road (should an alternative site be found for the Harrogate International Centre (HIC) vehicle holding area) and proposals relating to the HIC.

Proposals included in the strategy and masterplan to improve the public realm within Harrogate town centre will also be incorporated into the emerging Local Plan alongside other key proposals, similar to existing Core Strategy Policy JB4: Retail and Town Centre Development to which the emerging SPD relates. In most areas, public realm improvements will simply involve a freshening up of already public and pedestrianised areas, but could potentially introduce new materials, and will involve the redesign of spaces to ensure that they are attractive, legible, permeable and manageable. In James Street, the proposal is to fully pedestrianise the street. Obviously how the design of these areas relates to the historic fabric of the town centre will be of utmost importance and will be guided by the Council's own conservation team and consultation with statutory consultees, including Historic England.

On the basis of the above, I would ask that you reconsider your recommendation that the Harrogate Town Centre Strategy and Masterplan needs to be accompanied by a SEA. If you have any questions do not hesitate to contact me using the details below. I look forward to hearing from you.

Yours sincerely,

James Langler

Principal Planner

E-mail: PlanningPolicy@harrogate.gov.uk

Tel: 01423 500600 (Extn. 56642)

If you are replying to this communication by post, please ensure that you use the address at the bottom of the letter.

Historic England Revised Response





Historic England

YORKSHIRE

Mr. James Langler,
Local Plan Consultations,
Planning and Development,
Harrogate Borough Council,
P.O. Box 787,
Harrogate,
HG1 9RW

Our ref: Y/HP/MP/NY/HGT/CTB
-
Your ref:
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Mobile 07557 190 988
Email Craig.Broadwith@HistoricEngland.org.uk

09 December 2015

Dear Mr. Langler,
**Harrogate Town Centre Strategy & Masterplan
Strategic Environmental Assessment (SEA) Screening Consideration**

Thank you for your letter of 9 December 2015, in relation to the Harrogate Town Centre Strategy & Masterplan Strategic Environmental Assessment (SEA) Screening Consideration.

Having carefully considered your letter, and on the basis of the information you have provided, Historic England now considers that an SEA will not be required, principally because the Strategy and Masterplan is not "required by legislative, regulatory or administrative provisions" under article 2.(a) of the Regulations. We also recognise that in identifying potential development sites, without specifying the nature or form of any development. As such, it will not be possible to assess the environmental effect of the development of such sites until the nature and form of this development is understood.

In summary, therefore Historic England does not now consider that an SEA will be required for the Harrogate Town Centre Strategy & Masterplan.

If you have any queries with regards to the above, please do not hesitate to contact me.

Yours faithfully,

Craig Broadwith
Historic Places Adviser
E-mail: Craig.Broadwith@HistoricEngland.org.uk

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